

RESOLUTION NO. P- 07 -14

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY TO ADOPT A USE PERMIT FOR THE WAVERLY PORTION OF THE PILGRIM-TRITON MASTER PLAN PROJECT ON APPROXIMATELY 5.3 ACRES INCLUDING THE CONSTRUCTION OF 240 MULTI-FAMILY RESIDENTIAL UNITS AND 5,000 SQUARE FEET OF GROUND FLOOR COMMERCIAL – IN NEIGHBORHOOD PT – AREA OF VI TRITON, LLC – (APN 094-010-570) - UP-13-003

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, on June 18, 2013, Thompson Dorfman LLC, on behalf of the property owner, AREOF VI Triton, LLC, applied for a Specific Development Plan/Use Permit and Tentative Map for The Waverly portion of the Pilgrim-Triton Master Plan Project; and

WHEREAS, The Waverly Project consists of approximately ±6.3 acres and includes as Phase 1 the construction on 5.3 acres of 220 multi-family residential units and 5,000 square feet of ground floor commercial and related parking structure in a multi-use building and construction of 20 townhouse style units with individual garages in five buildings with related surface parking (APN 094-010-570) in Foster City; 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, the Planning Commission, based on facts and analysis in the Staff Report, Initial Study, written and oral testimony, and other evidence in the record of proceedings, has determined that the EIR is, and remains, an adequate environmental document pursuant to CEQA and State CEQA Guidelines for the purpose of analysis and consideration of The Waverly Project (UP-13-003 and RS-13-001); 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 plan 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, the plans for the proposed development were reviewed at three Planning Commission Study Sessions on July 18, 2013, August 20, 2013 and October 15, 2013, all of which were open to the public and announced in local media; 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 January 16, 2014, and on said date the Public Hearing was opened, held and closed.

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:

1. That the proposal to construct The Waverly phase of the Pilgrim-Triton Master Plan, as conditioned in Exhibit A, is consistent with the Foster City General Plan, Chapter 17.28 (CM 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 as described in Section IV of the Final Environmental Impact Report prepared for the Pilgrim Triton Master Plan (SCH #2007012023; EA-06-003) dated March 2008; and
2. That the proposal is appropriate to the City and the neighborhood in which it is proposed because the proposed Waverly phase of the Pilgrim-Triton Master Plan, as conditioned: 1) the proposed contemporary style architecture will complement the existing residential architecture of the immediate area and the City, including the nearby post-modern Admiralty and the Triton Plaza development by using similar building forms, such as the rectilinear building elements that step in and out from the building facade, a mix of plaster, stone and other building materials and a warm beige/brown color palette with dark metal accents; 2) will minimize adverse building scale or shade and shadow impacts to the surrounding property owners and residents due to the lower heights proposed near East Hillsdale Blvd. and using building materials and colors common to Foster City residential neighborhoods; 4) will renovate an existing older industrial/office park that is becoming economically obsolete; 5) will include plazas/open space areas that will be available for on-site residents, workers, the adjacent neighborhood and the general public; 6) will add 5,000 square feet of job producing commercial/retail development into the neighborhood and the City that will be available for on-site residents, workers, the adjacent neighborhood and the general public; and, 7) will increase the assessed value of property within the Pilgrim-Triton Master Plan Project area in particular and the City in general.
3. That the proposal is compatible with its environment with respect to use, forms, materials, colors, setbacks, location, height, design, or similar qualities as specified in Section 17.58.010, Intent and Purpose, of Chapter 17.58, Architectural Control and Supervision, of the Foster City Municipal Code because the proposal as conditioned: 1) will use building materials and beige/brown colors common to Foster City residential neighborhoods and complementary to the Project's proposed architectural style; and 2) the rectilinear forms that step in and out from the building facade and tower element of the proposed mixed-use residential/commercial building will complement the residential architectural styles of buildings in the neighborhood, including the post-modern Admiralty and Triton Plaza which both use similar color palettes, rectilinear forms that step in and out from the building facade and, in the case of Triton Plaza, stone accents at the ground level.
4. That the proposal will 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 the proposal, as conditioned: 1) will not be located in an environmentally sensitive area; 2) will be compatible with the scale and uses of the surrounding buildings; and, 3) will comply with the intent and purpose of the

zone in which the property is located and with the Goals and Policies of the Land Use and Circulation Element and the Housing Element of City's General Plan and is 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.

BE IT FURTHER RESOLVED that the Planning Commission does hereby grant a waiver of the otherwise required minimum floor area per dwelling unit to allow unit sizes to be less than the minimum floor areas set forth in Chapter 17.56 of the Foster City Municipal Code.

BE IT FURTHER RESOLVED that the Planning Commission does hereby grant a waiver to the maximum building heights included in the Pilgrim Triton Master Plan Use Diagram approved as part of RZ-06-002 in order to provide architectural interest to the development.

BE IT FURTHER RESOLVED that the Planning Commission approves UP-13-003 subject to the Conditions 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 on January 16, 2014, by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:



DAN DYCKMAN, CHAIR

ATTEST


CURTIS BANKS, SECRETARY

EXHIBIT A
WAVERLY USE PERMIT CONDITIONS OF APPROVAL

(Conditions attached to approval of UP-13-003 by the
Planning Commission on January 16, 2014)

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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; PBP = 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; PTO = prior to opening; * = project specific condition.

- *1.2 The project shall be built according to plans approved by the Planning Commission on January 16, 2014 labeled The Waverly, sheets A0.01-A0.02; A1.01-A1.02; A2.01-A2.06; A3.01-A3.06; A4.01; A5.01-A5.02; A5.04-A5.08; A5.11-A5.12; A6.01-A6.06; A7.01; L1.01-L1.03; L2.01-L2.02; L3.01; L4.01; C1.0-C3.0, prepared by Steinberg Architects, and dated November 19, 2013. Any modification to the project shall require Planning Commission or Community Development Director review and approval, as determined by the Community Development Director. All materials and colors shall be as approved. 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 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.
(CDD)

- *1.2.1 Pursuant to Section 4.5 of the Pilgrim Triton Master Development Agreement, the project approval shall expire at the expiration of the term of the Pilgrim Triton Master Development Agreement on February 11, 2020. 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)

- 1.3 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 protect the public health, safety, morals, or general welfare or to eliminate or minimize unforeseen problems.
(PC)

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- 1.4 Prior to issuance of a building permit, six (6) complete sets of construction plans drawings shall be submitted to the Building Inspection Division, including:
 - 1.4.1 All Use Permit conditions of approval shall be included on plan sheet(s) in the drawing set.
(CDD, PBP)
 - 1.4.2 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, PBP)
 - 1.4.3 Site and civil drawings with all supporting data, including hydraulic calculations. The plans shall be prepared by a registered civil engineer and be approved by the City Engineer. See the following sections of these conditions for additional requirements:
 - 2.0 Street Improvements
 - 3.0 Sanitary Sewer System
 - 4.0 Stormwater System
 - 5.0 Water System
 - 6.0 Other Utilities
 - 8.0 Bicycle Trail/Pedestrian Walkways
 - 10.0 Easements and Dedications
 - 13.0 Lagoon Water Areas
(BD, E/PW, PBP)
 - 1.4.4 An exterior lighting plan including fixture and standard design, coverage and intensity, to be reviewed and approved by the Community Development Department and the Police Department.
(CDD, POL, PBP)
 - 1.4.4.1 Specific lighting proposals shall be submitted and reviewed as part of each building permit application and approved by the City prior to issuance of a building permit. This review shall ensure that any outdoor night lighting for the project is downward facing and shielded so as not to create additional nighttime glare and shall conform to the performance standards established by Section 17.68.080 of the Zoning Code.
(CDD, PBP)
 - 1.4.5 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, PBP)

- 1.4.6 Plans and specifications for grease interceptors or similar runoff control equipment, to be reviewed and approved by the City Engineer. The equipment shall be installed by property owners/tenants to the satisfaction of the City Engineer. The property owners/tenants are prohibited from discharging any commercial fertilizers, pesticides or herbicides into the lagoon or water features.
(E/PW, PBP)
- 1.4.7 Landscape and irrigation plans pursuant to Section 7.0 of these conditions.
(CDD, PBP)
- 1.4.8 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 required in Condition 1.5.6.
(BD, PBP)
- 1.4.9 Due to potential differential settlement, flexible connections shall be provided for gas, electric, sewer, water and other utilities. Hinged, reinforced slabs shall be provided at transitions from building to sidewalks, walkways and driveways.
(BD, E/PW, PBP)
- 1.4.10 The location, size and screening 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 Community Development Director. All changes to building utility connections shall be approved by the Community Development Director prior to construction. Building utility connections shall be located, sized and screened in such a manner that they have the least possible impact on the design of the building and site. The architect of record shall be directly involved in the design and placement of all site and building service connections and shall sign all plans submitted to the City which locate, size and/or screen building utility connections.
(CDD, PBP)
- 1.4.11 Details of any fencing, walls and gates and shall be indicated on the drawings, to be reviewed and approved by the Community Development Director and the Chief Building Official.
(CDD, BD, PBP)
- 1.4.12 Details of any trash/recycling enclosures shall be included, showing that the trash/recycling enclosures shall be covered.

(CDD, PBP)

- 1.4.13 Final development plans shall indicate that access to the buildings' roof area shall be granted to the City, if required, to install auxiliary transmitters and antennae per Condition 1.29.

(CDD, POL, PBP)

- *1.4.14 Each level of the parking garage shall be able to accommodate all types of accessible parking, except that van accessible parking may be grouped on one level.

(BD, PBP)

- 1.5 Prior to issuance of a building permit, the following shall be submitted to the Building Inspection Division:

- 1.5.1 Three (3) sets of a soils report satisfactory to the Chief Building Official, including one electronic or pdf version, shall be submitted containing design recommendations for grading, footings, retaining walls, and provisions for anticipated differential settlement.

(BD, E/PW, PBP)

- *1.5.1.1 Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation, in compliance with Foster City guidelines, shall be prepared and submitted to the City Building Inspection Division for review and confirmation that the proposed development fully complies with the California Building Code as amended by Foster City ordinance and Building Inspection Division guidance. The report shall determine the proposed project's surface geotechnical conditions and address potential seismic hazards such as liquefaction and subsidence. The report shall identify building techniques appropriate to minimize seismic damage. In addition, analysis presented in the geotechnical report shall conform with the California Division of Mines and Geology recommendations presented in the *Guidelines for Evaluating Seismic Hazards in California*, and all mitigation measures, design criteria, and specifications set forth in the geotechnical and soils reports shall be implemented as a condition of project approval.

(BD, PBP) Mitigation Measure

- *1.5.1.2 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.

(BD, PBP) Mitigation Measure

- *1.5.1.3 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 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.

(BD, PBP) Mitigation Measure

- *1.5.1.4 The design-level geotechnical investigation shall include an evaluation of the potential for corrosive soils on the site. If the results indicate corrosive soil conditions, appropriate measures to mitigate these conditions shall be incorporated into the design of project improvements that may come into contact with site soils. Wherever corrosive soils are found in sufficient concentrations, recommendations shall be made 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 onsite soils. In general, these recommendations are expected to include, but not be limited to, the following provisions:

- Protect buried iron, steel, cast iron, ductile iron, galvanized steel, and dielectric coated steel or iron (including all buried metallic pressure piping) against corrosion from soil.
- Protect buried metal and cement structures in contact with earth surfaces from chloride ion concentrations.
- Use sulfate-resistant concrete mix for all concrete in contact with the ground.
- Consult a corrosion expert during the project's detailed design phase to design the most effective corrosion protection.

(BD, PBP) Mitigation Measure

- *1.5.1.5 Prior to excavation or earthworking activities, the applicant shall use reasonable means to determine the presence of soil and/or groundwater contamination associated with fill materials present on-

site and potential for aerially-deposited lead in soil in proximity to SR 92. Those reasonable means may consist of soil and/or groundwater sampling, and/or conducting a Phase I ESA (for those areas for which a Phase I ESA has not been prepared) and, if necessary, a Phase II ESA in accordance with the most recent ASTM International Standard. A qualified environmental professional (e.g., Professional Geologist, Professional Engineer) shall complete these investigations with oversight from a regulatory agency (e.g., SMCEHD). Where the results of the studies indicate that soil and/or groundwater contamination is present, any necessary remediation shall be conducted. The findings of the investigation(s) shall be documented in a written report and shall be submitted to the regulatory oversight agency and the City.
(BD, PBP) Mitigation Measure

- 1.5.2 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 Administrative Code. The details of noise attenuation recommended in the report will be subject to the review and approval of the Chief Building Official.
(BD, PBP)
 - *1.5.2.1 All new residential and office buildings that would be located northwest of Triton Drive and within the 75 dBA Ldn roadway noise contour (within approximately 150 feet of SR 92) shall have window and wall assemblies constructed with a minimum STC-32 rating.
(BD, PBP) Mitigation Measure
 - *1.5.2.2 All new residential outdoor activity areas within the building courtyard or attached to the dwelling units within the 70 dBA Ldn roadway noise contours must include mitigation measures (such as sound walls or shielding by buildings) that would reduce exterior noise levels to 65 dBA Ldn or lower.
(BD, PBP) Mitigation Measure
- 1.5.3 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 for this project.
(E/PW, PBP)
- 1.5.4 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, PBP)
- 1.5.5 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; PBP)

1.5.6 The applicant shall provide an Indoor Water Use Efficiency Checklist pursuant to Chapter 8.70 of the EMID code.
(BD, PBP)

1.5.7 The applicant shall provide an Outdoor Water Use Efficiency Checklist pursuant to Chapter 8.80 of the EMID Code.
(BD, E/PW, PBP)

1.5.8 The applicant shall provide a Waste Management Plan 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.
(BD/PBP)

*1.5.9 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, conforming to the "Sustainable Design Features" list dated received 11/19/13, and listed below, for review and approval by the Community Development Director.

- Higher density in-fill site
- LEED Silver Equivalent
- Electric car plug-in station in garage
- Cool roof to reduce heat island effect
- Drought tolerant landscaping materials
- Proximity to transit (AC Transit, SamTrans)
- Pedestrian-oriented
- 20% affordable housing
- Low VOC-emitting building materials
- High efficiency HVAC equipment
- Solar water heating panels

(CDD, PBP)

1.6 Prior to issuance of a building permit, the following shall occur:

1.6.1 A plan for phasing of construction, if any, shall be approved by the Planning Commission.
(PC, PBP)

1.6.2 All City Departments must submit written verification to the Building Inspection Division that all pertinent Use Permit conditions of approval have been satisfied and have been so reported on the sign-off sheet in the Use Permit file.
(CDD, PBP)

- 1.6.3 The Final Map shall be recorded. Demolition and grading permits may be issued prior to recordation of the Final Map.
(BD, CDD, PBP)
- 1.6.4 Any modifications subsequent to the Planning Commission approval of the Use Permit of the approved unit sizes, elevations and bedroom mix shall be reviewed and approved by the Community Development Director or if the Community Development Director so determines, the Planning Commission.
(CDD, BD, PC)
- 1.6.5 All required fees shall be paid and any required bonds shall be submitted, including but not limited to those required by Conditions in Section 12.0.
(BD, CDD, E/PW, PBP)
- 1.6.6 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)
- *1.7 Except as otherwise specified in the Pilgrim Triton Master Development Agreement, the project shall comply with all City/EMID codes in effect at the time of issuance of the building permits.
(BD, CDD, PBP)

PRIOR TO COMMENCEMENT OF WORK:

- 1.8 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)
- 1.9 Before commencing any work in the City's right-of-way, the applicant shall obtain an encroachment permit, posting the required bonds and insurance.
(E/PW, PCW)
- 1.10 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 twenty-four (24) hours in advance.
(BD, E/PW, PCW)

DURING CONSTRUCTION:

- 1.11 Following the issuance of the necessary Building Permits, but prior to installation, the location(s) of all above-ground utility equipment (Post Indicating Valves (P.I.V.), Backflow/Cross-Connection Devices, Fire Department Connections (FDC), 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 installation, 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; PI)
- 1.12 Prior to opening, details of sales office and model homes, including special landscaping, signing, parking and lighting shall be approved by staff.
(CDD, PTO)
- *1.13 All on-site signage must be consistent with the Pilgrim Triton Master Signage Plan, as amended by the Foster City Planning Commission. Prior to installation, all on-site signage, including address signs, must be approved by the City.
(CDD, PI)
- 1.14 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 to any installation, meeting the guidelines for mailbox placement and the City's Mailbox Ordinance.
(CDD, PI)

PRIOR TO OCCUPANCY:

- 1.15 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, PBO)
- 1.16 No rooftop equipment of any kind 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, BBP)
- 1.17 The following identifiers shall be in place prior to occupancy.
 - 1.17.1 All street addresses shall be clearly visible from the adjacent street. Numerals shall be of a size satisfactory to the Fire and Police Departments. 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.
(CDD, FIRE, POL, PBO)

1.17.2 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 during the hours of darkness.
(CDD, FIRE, POL, PBO)

1.17.3 All residential street addresses shall be internally illuminated.
(CDD, FIRE, POL, PBO)

*1.18 Prior to occupancy, the applicant shall provide a letter from a third-party evaluator documenting the sustainable practices that are included in the project, conforming to the "Sustainable Design Features" list dated received 11/19/13, on file in the Community Development Department, for review and approval by the Community Development Director.
(CDD, PBP)

OPERATIONAL CONDITIONS:

1.19 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.
(CDD)

1.20 All construction shall be completed and maintained in a professional manner and appearance.
(CDD)

1.21 The property owners/tenants are prohibited from discharging any commercial fertilizers, pesticides or herbicides into the lagoon or water features.
(E/PW, PBP)

*1.22 The current and future owners shall be responsible for implementing the Transportation Demand Management (TDM) Program required by the City/County Association of Governments, on file with the Community Development Department and attached as Exhibit B. 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)

1.22.1 The owner or its successor in interest shall cooperate with the other Pilgrim Triton Developers to establish and operate a peak hour shuttle bus service,

or shall contribute funding to the operation of a peak-hour shuttle bus service to Caltrain and/or BART as approved by the City, consistent with the requirements of Section 3.7 of the Pilgrim Triton Master Development Agreement and the TDM Program for the Waverly, attached as Exhibit B.

- 1.22.2 It is currently anticipated that the applicant shall initially satisfy its obligations under Section 3.7 of the Master Development Agreement and Condition 1.22 by participating in the shuttle service program operated by the Peninsula Traffic Congestion Relief Alliance ("Alliance"). Prior to issuance of the first certificate of occupancy, applicant shall enter into an agreement with the Alliance to provide shuttle service for the project ("Alliance Agreement"). The Alliance shall determine shuttle schedules and programming, and applicant shall pay its share of program costs as determined by the Alliance and set forth in the Alliance Agreement; provided, however, that the City shall not require Developer to make payments under the Alliance Agreement for service to those portions of the project that have not yet been issued a certificate of occupancy.
- 1.22.3 As an alternative to the requirements set forth in Condition 1.22.2 above, pursuant to Section 3.7 of the Master Development Agreement, applicant may propose, and the City may approve or disapprove, alternative means of satisfying the project's TDM requirements. In seeking approval of alternative means of satisfying TDM requirements, the City shall only require mitigation measures that are consistent with TDM requirements set forth in the TDM Plan.
- 1.22.4 Alternative Shuttle Program. In the event that the Alliance shall announce its intention to cease providing shuttle service to the project, within ninety (90) days of the earlier of a) actual termination of shuttle service to the project, or b) receipt of notice of the anticipated termination of such service, applicant and the other Pilgrim-Triton developers shall prepare and submit for City review and approval a plan to provide, at developers' cost, shuttle service between the project and CalTrain or BART substantially equivalent to the level of service previously provided by the Alliance, as reflected in the TDM Plan ("Alternative Shuttle Program"). Following City approval of such plan, applicant and the other developers under the Master Development Agreement and their successors shall thereafter provide such shuttle service in accordance with the approved Alternative Shuttle Program.
- 1.22.5 Applicant shall have the right to transfer the rights and obligations described above and any Alliance Agreement to the "Master Property Owners' Association" as defined in the Master Development Agreement pursuant to an assignment and assumption agreement.
- 1.22.6 Recorded Agreement. Within two years of the approval of UP-13-003, applicant shall either (a) ensure that the Master Property Owners' Association records conditions, covenants and restrictions on title for the property setting forth the obligations described above in Condition No. 1.22; or (b) enter into and record a separate TDM Implementation Agreement in

form reasonably acceptable to City describing applicant's obligations as set forth above in Condition No. 1.22.

- 1.23 Trash removal shall occur as often as necessary in order to keep all trash containers free of overflowing trash and materials.
(CDD)
- 1.24 At all times the requirements of the City's Sign Control Ordinance shall be followed. Signs announcing temporary sales or events and all other public convenience signs shall receive all required permits.
(CDD)
- 1.25 The store service area and parking lots shall at all times be kept free of storage materials, pallets, boxes and other materials. These areas of the store and site shall be policed as often as necessary in order to keep the rear and service area of the store and site neat and clean.
(CDD)
- 1.26 All exterior kiosks or other landscape features, temporary or permanent, shall be approved by the City prior to installation.
(CDD)
- 1.27 All roll-up doors shall be kept in good repair and painted as frequently as necessary in order to keep them clean and to maintain their approved color.
(CDD)
- 1.28 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)
- 1.29 Upon determination by the City that the erection of structures within the development results in decreased performance of the City's existing public safety communications system, the building owner shall: 1) authorize the City to install at two (2) locations on the roof top of the subject building, at the election of the City, a base transmitter/repeater (10" deep X 21" wide X 24" tall), a base antenna (2" diameter X 24" tall), at the City's sole expense; 2) provide reasonably accessible rooftop standard 120 volt AC power supplies; and 3) provide reasonable maintenance access therefore during normal business hours. Decreases in the public safety communications system performance shall be deemed to include a loss of radio contact or other radio interference resulting in a significant reduction in the performance of the public safety communications system.
(CDD, POL)
- *1.30 Prior to occupancy, an Affordable Housing Covenant in a form acceptable to the City governing the provision of forty-eight (48) affordable units for a term of not less than fifty-five (55) years shall be recorded.

(CDD, PBO)

*1.30.1. The required income categories for the forty-eight (48) units included in an affordable housing program shall be as follows:

- 8 of the units shall be rented at "affordable rents" or sold at "affordable housing cost" to "very low-income households;"
- 31 of the units shall be rented at "affordable rents" or sold at "affordable housing cost" to "low-income households;"
- 9 of the units shall be rented at "affordable rents" or sold at "affordable housing cost" to "moderate-income households."

(CDD, PBO)

*1.30.2 The forty-eight (48) affordable units:

- May all be placed in the mixed use residential building;
- Shall be evenly disbursed throughout the building;
- Shall mirror the overall bedroom mix; and
- Shall have identical interior and exterior finishes as the market rate units.

(CDD, PBO)

1.31 If any solar panels will be located on the habitable building roofs, a 3 foot perimeter walkway and roof-top disconnect switches shall be required.

(BD)

*1.32 Retail uses allowed in the 5,000 sq. ft. of ground level retail space shall be limited to the uses listed in Exhibit C.

(CDD)

*1.33 Commercial uses in the live/work units as identified on Sheet A2.02 shall be limited to the uses listed in Exhibit C.

(CDD)

2.0 STREET IMPROVEMENTS

2.1 Prior to commencement of work, encroachment permit approval by the City Engineer shall be obtained for the trenching of completed streets. The City Engineer may require that trenchless methods be used for crossings and connections under streets.

(E/PW, PCW)

2.2 Prior to occupancy, the applicant shall repair and replace to City standards any streets, curbs, gutters, and sidewalks damaged during construction of the project.

(E/PW, PBO)

2.3 Not applicable.

3.0 SANITARY SEWER SYSTEM

- 3.1 Prior to issuance of a building permit, the applicants, at their expense, shall have a registered civil engineer prepare a complete sewer system capacity study of the on- and off-site sewer system which services the project (both upstream and downstream). The study shall meet the approval of the City Engineer. All needed construction improvements shall be installed by the applicants at applicants' sole cost. No on-site or downstream overloading of existing sewer system will be permitted.
(E/PW, PBP)
- *3.2 See Condition 3.2 of RS-13-001.
- 3.3 Collection system items of construction should include at least the following:
- 3.3.1 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.
- 3.3.2 Modification to and addition of permanent standby power to which the proposed system is contributing sewage, if required.
- 3.3.3 Sanitary sewer mains.
- 3.3.4 Manholes with manhole frames and covers.
- 3.3.5 Cleanouts.
- 3.3.6 Wye branches and laterals.
- 3.3.7 And together with appurtenances to any or all of the above.
(E/PW)
- 3.4 Each project building shall include sewer inspection cleanouts at accessible outside locations to allow for wastewater sampling.
(E/PW)
- *3.5 The applicant shall prepare a sewer flow projection study and a hydraulic capacity study, to be submitted to the Foster City Public Works Department for review, to verify that the existing sewer system is properly sized to meet the projected increase in wastewater generation on the project site. The studies shall 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.
(E/PW, BD, PBP) Mitigation Measure
- *3.6 The applicant shall prepare pre-construction and post-construction CCTV survey reports on the existing wastewater collection system and force mains, to be submitted to the Foster City Public Works Department for review.
(E/PW, PBP) Mitigation Measure

- *3.7 The applicant shall take measures to protect the existing water and sewer lines, including but not limited to those recommended in the report by Rockridge Geotechnical dated December 17, 2013, subject to the review and approval of the City Engineer.
(E/PW/PBP)
- *3.8 The applicant shall submit an emergency response plan for responding to a possible water or sewer line break, subject to the review and approval of the City Engineer.
(E/PW, PBP)

4.0 STORMWATER SYSTEM

- *4.1 See Condition 4.1 of RS-13-001.

4.2 Collection System

4.2.1 Prior to issuance of a building permit, the system shall be designed to be capable of handling a 25-year storm with the hydraulic grade line at least one foot below every grate, to the satisfaction of the Engineering Division.

4.2.2 Calculations and plans showing hydraulic gradelines shall be submitted as part of the improvement plans package.

4.2.3 Items of construction shall 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, PBP)

- 4.3 Prior to issuance of a building permit, the plans shall demonstrate compliance with the San Mateo Countywide Water Pollution Prevention Program, (see http://flowstobay.org/bs_new_development.php) including, but not limited to, submittal of checklists related to impervious surface and stormwater:

4.3.1 C.3 and C.6 Data Collection Form

4.3.2 Project Applicant Checklist for NPDES Permit Requirements

4.3.3 Stormwater Requirements Checklist

(CDD, BD, E/PW, PBP)

- 4.4 Prior to issuance of a building permit, the Construction Best Management Practices (BMPs) related to stormwater prevention shall be included as notes on the building permit drawings (see <http://www.fostercity.org/Services/permits/List-of-Forms.cfm>).
(BD, PBP)

- 4.5 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 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, PBP)

- 4.6 Prior to issuance of a building permit, a complete storm drainage study of the proposed development must be submitted showing the amount of runoff, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the Engineering Division. All needed construction improvements will be made by the applicants. No overloading of the existing system will be permitted.
(E/PW, PBP)
- 4.7 Prior to issuance of a building permit, existing storm drain pipe lines on the development site and downstream thereof shall be televised to verify they have not become filled with sediment and cleaned out if necessary.
(E/PW, PBP)
- 4.8 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, PBP)
- *4.9 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 (http://flowstobay.org/bs_new_development.php). 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. The Applicant shall have the right to transfer the rights and obligations described in the maintenance agreement to the "Master Property Owners' Association" as defined in the Pilgrim Triton Master Development Agreement.
BD, CDD, E/PW, PFBI)
- 4.10 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.
(CDD, PBO)
- *4.11 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, unless the Maintenance Agreement is assigned to the "Master

Property Owners' Association" as defined in the Pilgrim Triton Master Development Agreement.
(E/PW)

- 4.12 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. A statement to that effect shall be made a part of the Maintenance Agreement and/or CC&Rs for the property.
(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 a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction period of the project. It is not required that the SWPPP be submitted to the Regional Water Quality Control Board (Water Board), but must be maintained on-site and made available to Water Board staff upon request. The SWPPP shall include specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants. At minimum, BMPs shall include 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.

BMPs designed to reduce erosion of exposed soil 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.

To educate on-site personnel and maintain awareness of the 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.

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 Resolution No. 2001-046, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." The

developer shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City of Foster City Planning and Code Enforcement 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 applicant shall have the right to transfer the obligations under the SWPPP to the "Master Property Owners' Association as defined in the Pilgrim Triton Master Development Agreement.
(E/PW) Mitigation Measure

- *4.15 The applicant shall fully comply with the San Mateo Countywide Water Pollution Prevention Program which maintains compliance with the NPDES Stormwater Discharge Permit. 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 project 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 requirements of the San Mateo Countywide Water Pollution Prevention Program (previously called the San Mateo Water Pollution Prevention Program - Part C. 3, and as outlined in the San Mateo County Stormwater Handbook shall be incorporated into the final design to the maximum extent practicable as approved by the Public Works Department. The final design team for the development project shall also review and incorporate as many concepts as practicable from *Start at the Source, Design Guidance Manual for Stormwater Quality Protection*. Passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred in all areas. Higher-maintenance BMPs 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 of 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 (to be managed by a business and/or homeowners association or similar entity) that includes annual inspections of any stormwater detention devices (if any), 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 City of Foster City Public Works Department and/or Building Inspection Division for review.

The City of Foster City Public Works Department and/or Building Inspection Division shall ensure that the SWPPP and drainage plan are prepared and are adequate prior to approval of the grading plan.
(E/PW, BD, PBP) Mitigation Measure

- *4.16 An hydrology/hydraulic analysis shall be completed on the existing storm drain system to verify it is adequately sized to handle the runoff from the project. The

existing storm drains shall be cleaned as necessary. Pre-construction and post-construction survey reports shall be completed on the existing storm drain system. Any necessary repairs to restore the facilities shall be an element of the report.
(E/PW, BD, PBP) Mitigation Measure

5.0 WATER SYSTEM

5.1 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. 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/District.
(E/PW, PBP)

5.2 Distribution System

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 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

5.2.3 All City/District-owned water systems and on-site water mains shall be looped and meet the requirements of the State Department of Health Services, the City Public Works Department, and the City Fire Marshal.
(E/PW, FIRE)

5.3 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. The size and type of the backflow prevention devices are subject to approval by the City/District Engineer. In addition, the required double check valve assembly shall be located on the drawings and provisions included for screening. All backflow prevention assembly devices that tie into the domestic water supply must be "lead free" "LF" devices per the California Health and Safety Code (CA H&SC) and installed in accordance to USC specifications.

(BD, E/PW, FIRE, CDD, PBP)

- 5.4 Prior to the issuance of a building permit, fire mains shall be designed to Fire Department specifications. Fire mains shall be constructed according to those specifications.
(FIRE, PBP)

- 5.5 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 be City owned and 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 Foster City Fire Department requirements.
- All new fire hydrants or replacement of existing hydrants shall conform with current E/PW standards.
- Placement shall conform to current E/PW standards.
(FIRE, E/PW, PBP)

- 5.6 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 paid for by the project developer and prepared by a registered civil engineer retained by the City/District prior to approval of a building permit. The study shall meet the approval of the City/District Engineer and include a fire flow analysis, a system demand analysis, and a system capacity analysis specific to the proposed development.
(E/PW; PBP)

- *5.7.1 The applicant shall prepare a detailed water pipe hydraulic flow analysis, to be submitted to the Foster City Public Works Department, to determine whether the existing water distribution system is properly sized to meet the projected new water demands on the project site. The analysis shall take account of fire flows and peak hourly flows.
(E/PW, BD, PBP) Mitigation Measure

- 5.7 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 City/District Engineer. In addition, sub-meters shall be provided for each individual dwelling unit. The required water meters shall be installed prior to occupancy.
(BD, E/PW, PBP)

- *5.8 The applicant shall prepare pre-construction and post-construction survey reports on the existing water distribution system in the vicinity of the project site, to be submitted to the Foster City Public Works Department for review. Any necessary repairs to

existing water supply infrastructure shall be included in this report. The applicant would be responsible for constructing and financing any such repairs.
(E/PW, BD, PBP) Mitigation Measure

- *5.9 The developer shall be responsible for the cost of water line inspection ports, as determined by the City Engineer.
(E/PW, PBP)
- *5.10 Prior to the issuance of a building permit, in order to facilitate water meter installation for commercial spaces and the accommodation of “eateries”, the applicant shall provide plans and specifications for a looped water line so that it passes along the frontage of all commercial spaces. The utility plan shall indicate the location of the water line to ensure the water line is installed on the private property being developed and not within City/District right of way. The City/District charges a higher sewer rate based upon water usage for “eateries” and as commercial spaces are modified there needs to be a mechanism to separately track the differing water usage. Based on the development review, the City/District may consider other options from the applicant that can meet this requirement.
(E/PW, PBP)

6.0 OTHER UTILITIES

- 6.1 Prior to issuance of a building permit, the improvement plans shall include the design required to underground all electric, cable TV, gas and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the Engineering Division.
(E/PW, PBP)
- 6.2 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, PBP)
- 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)

7.0 LANDSCAPING

- 7.1 Prior to issuance of a building permit, 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, PBP)
- 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, PBP)
- 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.
(P/R, PBO)
- 7.1.4 The location of backflow prevention devices for the irrigation system in areas which are not noticeable from view and shall be adequately screened with planting material. Method of screening shall be approved by Planning staff prior to issuance of a building permit. Backflow prevention devices shall be consistent with the most recent list of approved devices maintained by the County Department of Health.
(P/R, CDD, BD, E/PW, PBP)
- 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.
(P/R, PBP)
- 7.1.6 Landscape and irrigation plans shall comply with Chapter 8.8 of the EMID Code regarding Outdoor Water Conservation.
(BD, PBP)
- 7.2 Prior to issuance of a building permit, 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.
(P/R, CDD, PBP)
 - 7.2.2 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.
(P/R, CDD, PBP)

- 7.2.2 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, PBP)
- 7.3 At initial planting, all trees shall be a minimum of 15 gallons or larger and shall not be planted until they are inspected for size by the City. 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 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, Prior to planting)
- 7.5 Upon occupancy of the project building(s) constructed as part of this Use Permit, 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 their 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. The Applicant shall have the right to transfer these landscaping obligations to the "Master Property Owners' Association" as defined in the Pilgrim Triton Master Development Agreement.
(CDD)
- *7.7 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)
- *7.8 Prior to issuance of a building permit, the developer shall submit a plan for the perpetual maintenance and operation of the applicable phase of the Park Plaza Site and improvements thereon, consistent with Section 3.3.1.2 of the Pilgrim Triton Master Development Agreement and the Pilgrim Triton Master Site and Landscape

Guidelines, subject to the review and approval of the Community Development Director. The Applicant shall have the right to transfer these landscaping obligations to the "Master Property Owners' Association" as defined in the Pilgrim Triton Master Development Agreement.
(CDD, PBP)

*7.9 Prior to issuance of a building permit, the developer shall submit a plan for the maintenance of the landscaped areas, consistent with the Pilgrim Triton Master Site and Landscape Guidelines, subject to the review and approval of the Community Development Director.
(CDD/PBP)

*7.10 The remaining portions of the Pilgrim Triton Park Plaza, including the portion on lands that are part of Phase C, shall be completed generally as shown on Sheet L1.01 by no later than forty-two (42) months after issuance of the building permit for the superstructure for The Waverly (not including permits for only pile driving or foundation). Adequate security shall be retained for completion of the plaza improvements pursuant to Section 12 of these conditions.
(CDD, P&R)

7.10.1 Prior to issuance of a building permit, the developer shall secure from the Phase C owner and provide proof to the City that it has the permissions necessary to complete the Pilgrim Triton Park Plaza on portions of the park site that are part of Phase C, subject to the review and approval of the City Attorney.
(CDD, PBP)

7.10.2 Prior to recordation of the Final Map, the City, Phase B Developer and Phase C Owner shall enter into a written agreement for the Phase C Owner to execute the Plaza Easement for its portion of the property on or before the date of the City's approval of the Final Map for Phase B.
(CDD, PFM)

8.0 BICYCLE TRAIL/PEDESTRIAN WALKWAYS

8.1 Not applicable.

8.2 Prior to issuance of a Building Permit, the applicant shall design a comprehensive pedestrian walkway system throughout the development to the satisfaction of the Engineering Division and in compliance with the General Plan. The pedestrian walkway system shall be constructed according to plan.
(E/PW, PBP)

8.3 Prior to issuance of a Building Permit, provisions shall be made to provide maintenance by the property owner/association of all sidewalks and bike paths constructed.
(E/PW, PBP)

9.0 BUS SYSTEM ACCOMMODATION

9.1 Not applicable.

9.2 Not applicable.

10.0 EASEMENTS/DEDICATIONS

10.1 Prior to issuance of a building permit, 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. Easements must be to the satisfaction of the City/District Engineer and the Fire Marshal.
(E/PW, FIRE, PBP)

*10.2 Prior to Final Map approval or prior to issuance of a building permit, whichever occurs first, the applicant and the Phase C owner shall provide Plaza Easements in accordance with Section 3.3 of the Pilgrim Triton Master Development Agreement and Condition 7.9.2 above
(E/PW, CDD, PFM/PBP)

*10.3 Prior to issuance of a building permit for Phase 1, the vacation of the Triton Drive cul-de-sac as shown on the Tentative Map shall be completed.
(E/PW, PBP)

11.0 PUBLIC SAFETY

11.1 Prior to issuance of a building permit or prior to occupancy, whichever is applicable, the applicant shall submit a letter from the Foster City Police Department to the Community Development Department that the proposed project complies with all applicable requirements of Chapter 15.28, Burglar Security Ordinance, of the Foster City Municipal Code.
(POL, PBP, PBO)

11.2 Prior to issuance of a building permit, plans shall indicate that all new roadway surfaces or fire lanes shall be capable of providing continuous service for vehicles with a gross vehicle weight of at least 68,000 lbs.
(E/PW, FIRE, PBP)

11.3 Prior to installation, 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 shall be submitted and approved by the Chief Building Official and Fire Marshal. Installation shall be completed and approved prior to building occupancy.

11.3.1 Fire sprinkler heads shall be included in all elevator pits.

- 11.3.2 A combination fire sprinkler and fire standpipe system (fire sprinkler risers shall also be fire standpipes) shall be provided for each building.
- 11.3.3 A fire pump shall be provided to meet the fire sprinkler and standpipe demand(s).
- 11.3.4 Electric fire pumps are only acceptable with generator backup.
- 11.3.5 All PIC, OS & Y, Zone valves, etc. must be tamper switched.
- 11.3.6 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.
- 11.3.7 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.
- 11.3.8 The required double check valve assembly shall be located on the drawings and provisions included for screening.
- 11.3.9 A generator shall be provided to power the gurney-sized elevator, with the size subject to the approval of the Fire Marshal.
- 11.3.10 Fire alarm system(s) shall be zoned by address, floor, area and type of device.
- 11.3.11 Residential complexes shall have fire sprinkler system complying with NFPA13. Townhomes and/or single family homes shall have fire sprinkler systems complying with NFPA 13D.
(CBO, FIRE, PI, PBO)
- 11.4 Prior to building occupancy, all hydrants shall be identified by a blue dot placed in the street or driveway.
(FIRE, PBO)
- 11.5 Prior to building occupancy, all loading zones, fire lanes and restricted parking zones shall be marked in accordance with the California Vehicle Code and the Foster City Municipal Code. All areas not designated as parking stalls shall be marked as a "FIRE LANE" per Section 22500.1 CVC.
(POL, PBO)
- 11.6 Prior to such storage or use, individual businesses that intend to store or use hazardous materials must obtain a permit from the Fire Department (in accordance with the adopted California Fire Code).
(FIRE)
- 11.7 State safety regulations regarding the transport, handling and storage of hazardous materials shall be strictly adhered to. Periodic inspection by State inspectors and city fire marshals is required.
(FIRE)
- 11.8 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.
(FIRE)

- 11.9 If cooking is anticipated in the commercial areas, automatic fire extinguishing system(s) shall be required for the protection of all hood, duct, plenum and cooking surfaces.
(FIRE, PBP, PBO)
- 11.10 Elevators shall be sized to meet the gurney requirements.
(FIRE, PBP)
- 11.11 Prior to building occupancy, Fire Department key boxes with access keys shall be provided at the main entrances and at the garage.
(FIRE, PBO)
- 11.12 Passive smoke control shall be provided for all the residential buildings. Stair shaft doors shall be self-closing with smoke seals. Cross corridor doors (these may be on hold open magnets) shall be provided with smoke seals. All these doors shall be fire rated assemblies.
(FIRE, PBO)
- 11.13 Roof access shall be provided from at least one stair in each building.
(BD, PBP)
- 11.14 Residential escape windows (code required) shall be accessed from ladder pads that are 4 feet wide and 8 feet long.
(FIRE, PBP)

12.0 BONDING/FEES

- 12.1 Prior to issuance of a building permit, all bonds and fees shall be received by the City/District.
(E/PW, FIRE,PBP)
- 12.2 Prior to issuance of a building permit, for all public improvements that are a part of the development, the applicant shall supply 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, PBP)
- 12.3 Prior to issuance of a building permit, for all private site improvements, the applicant shall provide 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, PBP)
- 12.4 Prior to issuance of a building permit, the applicant shall provide 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 (2) 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, PBP)

- 12.5 Prior to issuance of a building permit, the applicant shall pay the City for the cost of all engineering review, planning review and inspection provided by required City staff. 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. All City fees and deposits to pay costs involved for inspection, testing and contract administration shall be received by the City/District.
(CDD, E/PW, PBP)
- 12.6 Prior to issuance of a building permit, a deposit is required to cover incurred costs of all plan checking and administration for the proposed project by the Public Works Department. Prior to or at the time of submittal of design drawings for review, an itemized estimate of the cost of construction of all public improvements must be submitted for review and approval. The approved estimate will be used for determining the amount required for plan checking. The deposit amount required for plan checking is 3 percent of the estimated cost for the public improvements, or \$5,000, whichever is greater. The deposit must be renewed upon demand, to maintain a minimum balance of \$1,000. All costs of plan checking and administration by the Public Works Department will be charged against this deposit. At any time that the deposit is depleted below a balance of \$1,000, plan checking will stop until the balance has been renewed to above \$1,000. The unused balance of the deposit will be returned to the applicant upon completion of the work.
(E/PW, PBP)
- 12.7 Prior to issuance of a building permit, an additional deposit is required to cover incurred costs of inspection and administration by the Public Works Department. The deposit amount required is 3 percent of the approved estimated cost for construction of the public improvements, or \$5,000, whichever is greater. The deposit must be renewed upon demand, to maintain a minimum balance of \$1,000. All costs of construction inspection and administration by the Public Works Department will be charged against this deposit. At any time that the deposit is depleted below a balance of \$1,000, inspection will stop until the balance has been renewed to above \$1,000. The unused balance of the deposit will be returned to the applicant upon completion of the work.
(E/PW, PBP)
- *12.8 Prior to issuance of the first building permit (not including any permits for only pile driving), the Park In-Lieu Fee shall be paid to the City pursuant to the terms of the Pilgrim Triton Master Development Agreement, calculated as follows:

Population per household	1.95 persons/household
Number of units	240 units
Total active open space required	2.340 acres
Credit for Waverly portion of Triton Plaza	-0.185 acres
Net active open space required	2.155 acres
Credit of 50% for private open space provided	-1.077 acres
Remainder on which fee is due	1.077 acres
Land value per acre, pursuant to the most recent sales price	\$4,444,444 per acre
Gross amount of park in-lieu fee	\$4,788,613
Credit for cost of Triton Park Improvements, a fixed price mutually agreed upon with the budget to be determined prior to issuance of the first building permit (excluding permits for only pile driving)	-credit for cost of Triton Park Improvements
Park in-lieu fee due prior to issuance of first building permit	(Gross amount of park in-lieu fee) – (credit for cost of Triton Park Improvements)

(CDD, PBP)

13.0 LAGOON/WATER AREAS

13.1 Not applicable.

13.2 Not applicable.

13.3 Not applicable.

13.4 Not applicable.

*13.5 Construction of lagoon retaining walls, slope protection and/or bulkheads shall meet the performance criteria of the Engineering Division.
(E/PW, PBP)

14.0 CONSTRUCTION PRACTICES

14.1 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:

- a) Submit a Notice of Intent (NOI) to the State Water Resources Control Board prior to commencement of construction activity;
- b) Prepare and implement a Storm Water Pollution Prevention Plan (SWPPP);
- c) File a Notice of Termination at completion of construction.

- d) 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 issuance of a building permit, 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 issuance of a building permit, 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. At the completion of construction, any excess usable fill material not needed for an overall earthwork program within the project area shall be given to the City.
(E/PW, PBP)
- 14.5 Prior to issuance of a building permit, in order to assure public safety and minimize the unattractive short term aspects of construction on the neighborhood, building 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 issuance of a building permit or the commencement of any site 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;
- 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, CBO, PBP)
- 14.7 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 fence constructed of materials and located to the satisfaction of the Chief

Building Official has been constructed. 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.
(CBO, CDD, PCW)

- 14.8 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 the issuance of an Occupancy Permit. 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 NA

- 14.10 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)

- 14.11 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)

*14.11.1 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

*14.11.2 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

*14.11.3 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

*14.11.4 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

*14.12 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

- 14.13 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)
- 14.14 The General Contractor shall provide qualified supervision on the job site at all times during construction.
(BD)
- 14.15 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, E/PW)
- 14.16 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.
- 14.17 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 City Engineer.
(E/PW)
- 14.18 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. 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/PBO)
- 14.19 All excess fill shall be disposed of in accordance with City requirements. All building debris shall be disposed of outside the City of Foster City, pursuant to Chapter 15.44, Recycling and Salvaging of Construction and Demolition Debris.
(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 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)

- 14.22 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 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 Condition 1.5.1.5 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 ESLs¹). 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 Condition 14.28, 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. 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, and PCB wastes, 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 demolition activities, and any required worker health and safety procedures shall be incorporated into the contractor's specifications for the project. The disposition of hazardous building material wastes shall also be considered in the preparation of the Waste Management Plan required pursuant to the City's Ordinance 523. Documentation of the surveys and abatement activities shall be provided to the City prior to the demolition of structures located at the project site.
(E/PW, BD) Mitigation Measure
- *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)

- *14.31 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

EXHIBIT B
Waverly Transportation Demand Management Plan

Amenities and Programs provided:	Peak hour Trip Mitigation Credits
Secure bike parking	5
On-site exercise facility	5
Nature of development is in-fill	2
Coordination with other TDM Programs	5
High speed internet in building/leasing employee homes	2
Provide on-site amenities (i.e., neighborhood-serving retail)	5
On site roads designed to be bike/ped friendly	15
On site roads designed to encourage bikes/peds and discourage vehicles	15
Bike/pedestrian safety features	10
Provide at least 10 TDM measures	5
Implement a Transportation Action Plan	10
Rezone to reduce undesirable impacts	5
Participate in shuttle consortium	40
Potential Trip Credit Total:	124

EXHIBIT C
Permitted Retail Uses

See Attached "Pilgrim Triton Retail Uses"

PILGRIM TRITON RETAIL USES

a. General Description and Intent

The Pilgrim Triton mixed use neighborhood includes ground floor retail intended to provide a place for residents and visitors to gather and socialize as well as obtain food, goods and services. The development also includes an area with visibility to Foster City Boulevard that should be reserved for retail in order to strengthen the City's retail base given the limited availability of such sites in Foster City.

b. Use Zones

The Retail Component comprises four Use Zones, which are depicted in Figure 1 below:

- Foster City Boulevard Retail Zone
- Triton Park Retail Zone
- Interior Retail Zone
- Live/Work Zone

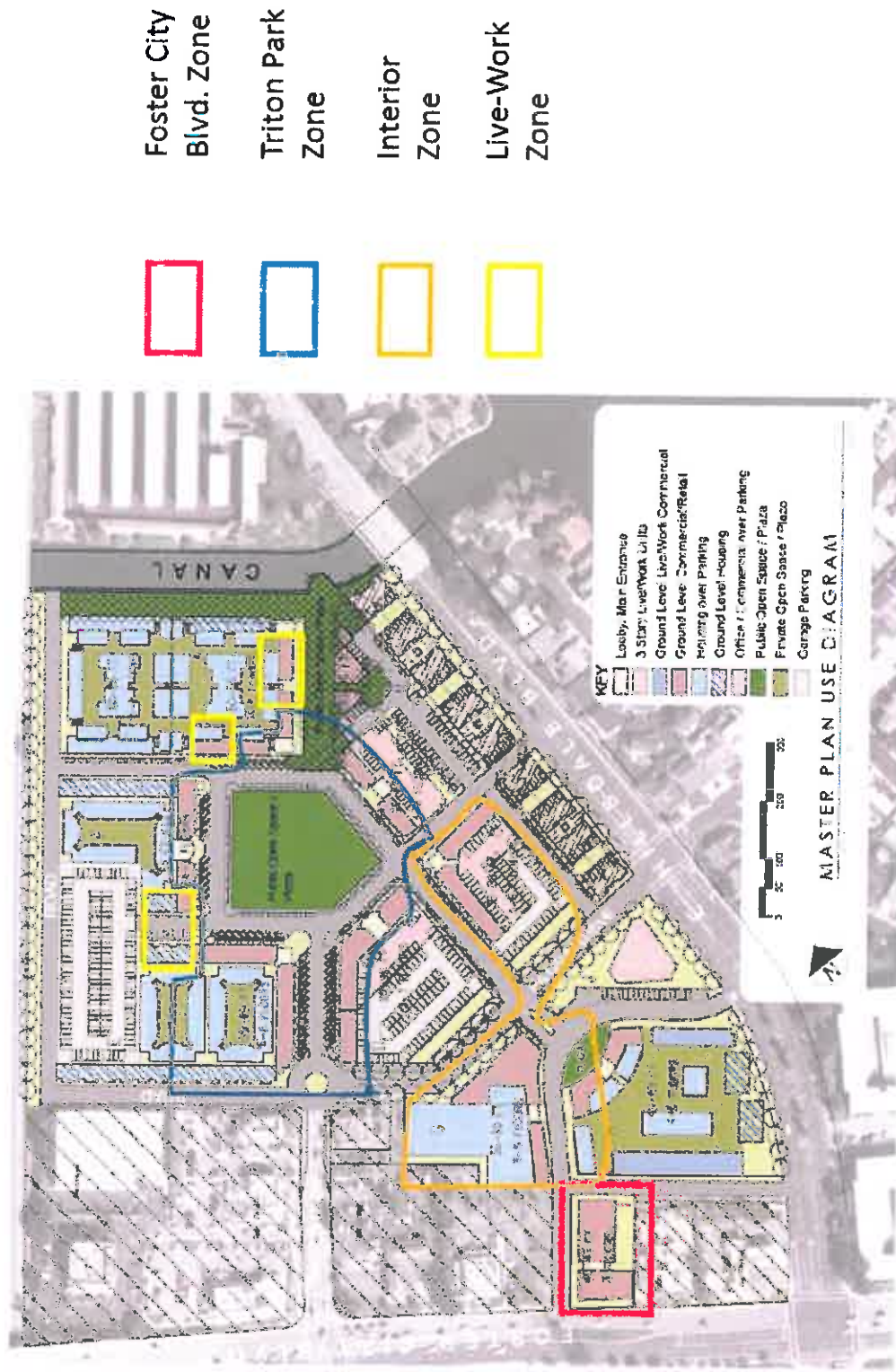
The **Foster City Boulevard Retail Zone** is adjacent to Foster City Boulevard and is intended to be used primarily for ground floor retail uses because this is a high visibility, high traffic volume area. As indicated in the "Commercial Market Analysis" prepared for the City in 2013, in order to capture more retail sales to improve sales tax revenue and provide more retail opportunities for Foster City residents, Foster City should concentrate retail at key intersections and along high volume thoroughfares. Some non-retail uses are allowed as conditional uses.

The **Triton Park Retail Zone** includes the ground floor retail areas that face Triton Park or are in buildings that face Triton Park. These areas don't have visibility to major boulevards and may be developed with either retail or service with the intent to provide a "lively," active retail area related to Triton Park. Food service uses that provide outdoor seating are encouraged to provide more activity and gathering places for residents and visitors.

The **Interior Retail Zone** includes all remaining ground floor retail areas. These areas have less visibility to major thoroughfares and may be developed with either retail or services with the intent to provide goods and services for the residents of the neighborhood as well as visitors.

In addition, the **Live/Work Zone** includes live/work units that combine a retail/service component into a ground floor dwelling unit.

Pilgrim Triton Retail Use Zones



PILGRIM TRITON RETAIL USES

P=Permitted; C=Conditionally Permitted; N=Not Permitted

USE	FOSTER CITY BOULEVARD RETAIL ZONE	TRITON PARK RETAIL ZONE	INTERIOR RETAIL ZONE	LIVE/WORK ZONE
24 hour convenience stores	C	N	N	N
Any use with drive-through order or pick-up	C	C	C	N
Classes/tutoring/after school programs with up to 6 students at one time	P	P	P	P
Classes/tutoring/after school programs with to 7 to 15 students at one time	C	P	P	N
Classes/tutoring/after school programs with 16 or more students at one time	C	C	C	N
Day car/preschool services for up to 6 children in conformance with State licensing requirements	P	P	P	P
Day car/preschool services for 7-15 children in conformance with State licensing requirements	N	P	P	N
Day car/preschool services for 16 or more children in conformance with State licensing requirements	N	C	C	N
Dog grooming/pet bath facility (but not more than one such use per building)	N	P	P	P
Financial Institution	N	P	P	N
Liquor sales other than beer or wine for on-site consumption	C	C	C	N
Live entertainment	C	C	N	N

USE	FOSTER CITY BOULEVARD RETAIL ZONE	TRITON PARK RETAIL ZONE	INTERIOR RETAIL ZONE	LIVE/WORK ZONE
Medical and dental offices not to exceed a single establishment of 2,000 square feet (but not more than one such use per building)	C	P	P	N
Medical and dental offices exceeding a single establishment of 2,000 square feet or more than one such use per building)	C	C	C	N
Personal services not exceeding 2,000 square feet	C	P	P	P
Personal services exceeding 2,000 square feet	C	C	C	N
Retail uses	P	P	P	P
Wine bar	P	P	P	N
Professional non-medical offices (including but not limited to: insurance, tax, accountancy, or other professional or semi-professional office uses) not to exceed 2,000 square feet (but not more than one such use per building)	C	P	P	P
Professional non-medical offices (including but not limited to: insurance, tax, accountancy, or other professional or semi-professional office uses) exceeding 2,000 square feet or more than one per building	C	C	P	P
Restaurant, which may include beer and wine sales for on- or off-site consumption, up to 2,000 square feet but not more than two per building	P	P	P	N

USE	FOSTER CITY BOULEVARD RETAIL ZONE	TRITON PARK RETAIL ZONE	INTERIOR RETAIL ZONE	LIVE/WORK ZONE
Restaurant, which may include beer and wine sales for on- or off-site consumption, more than 2,000 square feet or more than one per building	P	C	C	N
Residential uses	N	N	N	P
Arts and crafts work such as ceramics, painting, photography, sculpture, woodwork and similar cottage industries and related sales	C	P	P	P
Any use open later than 12:00 am	C	C	C	N
USES NOT PERMITTED IN ANY ZONE:				
Amusement center, bingo or game parlor	N	N	N	N
Automotive repair	N	N	N	N
Casino	N	N	N	N
Check cashing	N	N	N	N
Church	N	N	N	N
Dance or night club	N	N	N	N
Funeral parlor or mortuary	N	N	N	N
Kennels	N	N	N	N
Laboratories utilizing hazardous chemicals or materials	N	N	N	N
Manufacturing	N	N	N	N
Medical marijuana dispensaries	N	N	N	N
Nightclub	N	N	N	N
Off-track betting establishment	N	N	N	N
Private Club	N	N	N	N
Tattoo parlor	N	N	N	N
Taxidermy shop	N	N	N	N

USE	FOSTER CITY BOULEVARD RETAIL ZONE	TRITON PARK RETAIL ZONE	INTERIOR RETAIL ZONE	LIVE/WORK ZONE
Veterinary clinic	N	N	N	N
Welding or other uses of open fire of flame	N	N	N	N