

RESOLUTION NO. P- 08 -14

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY APPROVING A TENTATIVE PARCEL MAP FOR THE WAVERLY PHASE OF THE PILGRIM TRITON MASTER PLAN – IN NEIGHBORHOOD PT – AREOF VI TRITON, LLC – (APN 094-010-570) - RS-13-001

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 Parcel Map for The Waverly portion of the Pilgrim-Triton Master Plan Project; and

WHEREAS, the Tentative Parcel Map for The Waverly consists of dividing the 6.3 acre parcel into three parcels with associated easements and a lot line adjustment with the neighboring property owned by Northwestern Mutual Life Insurance Company; 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 Tentative Parcel Map 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:

- A. The proposed Waverly subdivision, together with the provisions for its design and improvement, would be consistent with the Foster City General Plan, Title 16 (Subdivisions), Title 17 (Zoning), and Chapter 2.28 (Planning) of Title 2 (Administration and Personnel) of the Foster City Municipal Code as described in IV of the Final Environmental Impact Report prepared for the Pilgrim Triton Master Plan (SCH #2007012023; EA-06-003).
- B. In reviewing the Tentative Parcel Map, the City has concluded, pursuant to Section 66474 (c) and (d) of the California Government Code, that the site of the proposed subdivision is physically suitable for the type and proposed density of development because the property was previously developed and has all necessary access and utilities provided; and
- C. In reviewing the Tentative Parcel Map, the City has concluded, pursuant to Section 66474 (e) and (f) of the California Government Code, that the design of the subdivision and its improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat or to cause serious public health problems because the site of the proposed subdivision was previously developed with the light industrial buildings and contains no significant wildlife habitat and any potential health hazards associated with demolition of the existing buildings will be mitigated pursuant to the mitigation measures included in the Pilgrim Triton Master Plan EIR, which are included in the project; and
- D. In reviewing the Tentative Parcel Map, the City has concluded, pursuant to Section 66474 (g) of the California Government Code, that the design of the subdivision and its improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because existing easements are being adjusted to accommodate the proposed building design; and
- E. In reviewing the Tentative Parcel Map, the City has concluded, pursuant to Section 66426 of the California Government Code, that the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision because the residential building will be constructed to standards equivalent to LEED Silver pursuant to list of "Sustainable Design Features" included by the Developer in the project; and

- F. In reviewing the Tentative Parcel Map, the City has concluded, pursuant to Section 66474.6 of the California Government Code, that the waste discharge from the proposed subdivision into the existing community sewer system will not result in violation of the existing requirements prescribed by the San Francisco Bay Regional Water Quality Control Board because the existing community sewer system has adequate capacity to handle the waste discharge, as described in Section J of the Final Environmental Impact Report prepared for the Pilgrim Triton Master Plan (SCH #2007012023; EA-06-003; and
- G. In reviewing the Tentative Parcel Map, the City has considered, pursuant to Section 66412.3 of the California Government Code, the effect of this action on the housing needs of the region and balanced these needs against the public service needs of its residents and available fiscal and environmental resources.
- H. Based on the above findings, the City has concluded that the proposed Tentative Parcel Map is in conformity with the provisions of law and Title 16, Subdivisions, of the Foster City Municipal Code.

BE IT FURTHER RESOLVED that the Planning Commission approves RS-13-001 subject to the conditions contained in Exhibit A attached hereto and incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on 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 Tentative Map Conditions of Approval**

(Conditions attached to approval of RS-13-001 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; PFM = prior to building permit issuance; PBO = prior to building occupancy; PI = prior to installation; PCW = prior to commencement of work; PFM = prior to approval of Final Map; PFBI = prior to final building inspection; and PTO = prior to opening.
- \*1.2 The project shall be built in substantial compliance with the Tentative Map approved by the Planning Commission on January 16, 2014 labeled Tentative Parcel Map No. XX-XXXX sheets TM-1 to TM-10, prepared by BKF Engineers, and dated 11/19/13. Any modification to the project shall require Planning Commission or Community Development Director or City Engineer review and approval. Once constructed or installed, all improvements shall be maintained in accordance with the approved plans. Any changes which affect the exterior character of the work shall be resubmitted for approval. The construction or placement of unapproved features or unapproved changes which were a part of approved plans can and will result in the issuance of a "Stop Work Order" by the City, the need to revise plans and obtain City approval for all changes prior to recommending work, and the possibility of penalty fees being assessed for unauthorized work.
- \*1.2.1 Pursuant to Section 4.4 of the Pilgrim Triton Master Development Agreement, the term of the Tentative Map shall be for a period of five (5) years from the date of approval. An additional two (2) year extension may be approved pursuant to Section 4.4 of the Pilgrim Triton Master Development Agreement.  
(CDD)
- 1.3 Upon approval of this Tentative Map, the conditions of approval herein listed shall be attached as the last sheet of the Tentative Map.  
(CDD)
- \*1.4 Prior to Final Map approval, the applicant shall submit for staff review and approval the Master Property Owners' Association Articles of Incorporation, Budget, Bylaws and the CC&Rs, pursuant to Section 3.12 of the Pilgrim Triton Master Development Agreement.  
(CDD, PFM)
- \*1.4.1 Prior to submittal of a Notice of Intention to the Department of Real Estate, the applicant shall obtain approval from the Community Development Director of the Homeowners' Association Articles of Incorporation, Budget, Bylaws and CC&Rs.

- 1.5 Prior to issuance of a building permit, the applicant shall prepare improvement plans for the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. Should the applicant propose the use of development and/or construction standards for any improvements and/or land uses which are different than those presently set forth in the City's Codes and Ordinances, Standard Specifications and Standard Plans, such standards must be presented to and approved by the City. The applicant shall cause Standard Drawings to be prepared in a format to be approved by the Engineering Division.  
(E/PW, PFM)
- 1.6 The applicant shall have a Final Map prepared by a registered engineer or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E, Pacific Telephone, Cable TV and any other affected public utilities and agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be as required by the Engineering Division.  
(E/PW)
- 1.7 Prior to Final Map approval, the applicant shall enter into a subdivision agreement with the City/District. To be included are the costs of all engineering, surveying and inspections at cost plus overhead.  
(E/PW, PFM)
- 1.8 Prior to Final Map approval, all former slough and dike areas shall be shown on the profiles and the gravity systems shall be designed accordingly.  
(E/PW, PFM)
- 1.9 Prior to Final Map approval, the applicant shall submit a Final Soils Report to the City. Design of the structures shall be accomplished in conformance to the final recommended Soils Report and to the satisfaction of the Building Inspection Division.  
(BD, PFM)
- 1.10 Prior to Final Map approval, a statement from the soils engineer shall be submitted with regard to the review of the site and statement of conformance of the design with the soils engineer recommendations. The soils engineer shall sign the grading plan.  
(BD, PFM)
- 1.11 Prior to Final Map approval, the applicant shall submit a list of street names for Planning/Code Enforcement Division staff approval.  
(CDD, PFM)
- 1.12 Prior to Final Map approval, all pertinent conditions of approval shall be completed to the satisfaction of the City and so reported on the sign-off sheet in the Tentative Map file.  
(CDD, PFM)

- 1.13 Prior to Final Map approval, the City shall be provided with AutoCAD (latest version) compatible files (DXF or DWG) for all computer generated mapping, construction plans and graphic information related to this project.  
(E/PW, PFM)
- 1.14 Prior to Final Map approval, the following shall be submitted to the Engineering Division:
- 1.14.1 Three (3) sets of a soils report satisfactory to the City Engineer, including one electronic or pdf version, shall be submitted containing design recommendations for grading, retaining walls, and provisions for anticipated differential settlement.  
(BD, E/PW, PFM)
- \*1.14.1.1 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 Engineer. 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 construction 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, PFM) Mitigation Measure
- \*1.14.1.2 In locations underlain by Bay Mud and/or non-engineered fill, the designers of proposed 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 shall be set forth in the site-specific design-level geotechnical report, and the City of Foster City standards shall be followed to reduce impacts associated with problematic soils to a less-than-significant level.  
(BD, PFM) Mitigation Measure
- \*1.14.1.3 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, PFM) Mitigation Measure

\*1.14.1.4 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, PFM) Mitigation Measure

\*1.14.1.5 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, PFM) Mitigation Measure

- 1.15 Not applicable.
- 1.16 Not applicable.
- 1.17 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)
- 1.18 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)
- \*1.19 Forty-eight (48) affordable units shall be included in the project, pursuant to Condition 1.30 of UP-13-003. If the units are changed from rental to ownership units, deed restrictions shall restrict the sales price and income levels of purchasers for the remainder of the 55-year term at the same income levels as required by Condition 1.30 of UP-13-003, subject to review and approval of the City Attorney.  
(CDD)

## 2.0 STREET IMPROVEMENTS

- 2.1 Prior to Final Map approval, the improvement plans shall include the design of all new public and private streets serving the project. The design and construction shall be undertaken to the lines and grades and in a manner satisfactory to the City Engineer. All street improvements shall be constructed to the City's standards to the satisfaction of the Engineering Division. The timing of the improvements will be determined by the City/District.  
(E/PW, PFM)
- 2.2 Prior to issuance of a Final Map approval, improvement plans shall include street lighting and underground utilities. The street lights shall be constructed to City standards and to the satisfaction of the Engineering Division.  
(E/PW)
- 2.3 In addition to the above items, the following street construction items shall be accomplished to the satisfaction of and as directed by the Engineering Division and the Parks and Recreation Department:
  - clearing and grubbing
  - driveways

- street signs - directional, information and traffic
- street monuments
- striping
- facilities for channeling, merging, stacking, turning and controlling traffic
- barricades and miscellaneous items
- modifications and/or relocation of existing facilities to accommodate the new construction
- landscaping, including sprinkler and irrigation facilities together with appurtenances to any or all of the above.

(E/PW, P/R)

- 2.4 All private streets necessary to provide access to all buildings within a phase or parcel shall be constructed with that phase or parcel including provisions for emergency vehicle access.

(E/PW)

### 3.0 SANITARY SEWER SYSTEM

- 3.1 Prior to Final Map approval, the applicant, at its sole expense, shall have a registered civil engineer prepare a complete sewer system capacity study of the on- and off-site sewer system which service the project (both upstream and downstream). The study shall meet the approval of the City Engineer. All needed improvements shall be installed by the applicant. No downstream overloading of existing sewer system will be permitted.

(E/PW, PFM)

- 3.2 Prior to Final Map approval, the improvement plans shall include the design of a sewerage collection system. All sanitary sewer improvements shall be constructed and maintained by the Owner to the satisfaction of the Engineering Division. Maintenance obligations of the Owner pursuant to this Condition 3.2 may be assigned to a Homeowners Association. *In the event maintenance is not adequate and a sewage spill occurs, the Owner or Homeowners' Association shall reimburse the City/District for any costs including any fees and/or penalties assessed to the City/District by the Regional Water Quality Control Board or any other regulatory agency.* These responsibilities shall be reflected in the Conditions, Covenants and Restrictions (CC&Rs). Information regarding all ownership and maintenance responsibilities of the Owner or Homeowners Association regarding sewers shall be shown on the Final Map. The Applicant shall have the right to transfer the rights and obligations described in this condition to the "Master Property Owners' Association" as defined in the Pilgrim Triton Master Development Agreement.

(E/PW, PFM)

- 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, as shown on the Tentative Map.
  - 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 including Lift Station No. 1 and its Generator.  
(E/PW, BD, PFM) 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, PFM) 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 STORM SEWER SYSTEM

- 4.1 Prior to Final Map approval, the improvement plans shall include the design for a storm sewer collection system generally as shown on the Tentative Map. All storm sewer improvements shall be constructed to the satisfaction of the Engineering

Division. Ownership and maintenance responsibilities shall remain with the Owner. Maintenance obligations of the Owner pursuant to this Condition 3.2 may be assigned to a Homeowners Association. *In the event maintenance is not adequate or discharges into the storm drainage system violate the Discharge Permit regulations the Owner or Homeowners' Associations shall reimburse the City/District for any costs incurred including any fees and/or penalties assessed to the City/District by the regulatory agencies.* These responsibilities shall be reflected in the Conditions, Covenants and Restrictions (CC&Rs). Information regarding all ownership and maintenance responsibilities of the Owner or Homeowners Association regarding the storm drainage system shall be shown on the Final Map. The Applicant shall have the right to transfer the rights and obligations described in this condition to the "Master Property Owners' Association" as defined in the Pilgrim Triton Master Development Agreement.  
(E/PW, PFM)

#### 4.2 Collection System

4.2.1 Prior to Final Map approval, 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, PFM)

4.3 Prior to Final Map approval, the plans shall demonstrate compliance with the San Mateo Countywide Water Pollution Prevention Program, (see [http://flowstobay.org/bs\\_new\\_development.php](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, PFM)

4.4 Prior to Final Map approval, the Construction Best Management Practices (BMPs) related to stormwater prevention shall be included as notes on the improvement plan drawings (see <http://www.fostercity.org/Services/permits/List-of-Forms.cfm>).  
(BD, PFM)

- 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 Final Map approval, the applicants shall submit to the City Engineer evidence of easements granted for offsite storm drainage facilities. Said easements shall provide the applicants the right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew all offsite storm drainage facilities, and appurtenant structures in, upon, over and across such easements.  
(E/PW, PFM)
- 4.6 Prior to Final Map approval, 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, PFM)
- 4.7 Prior to Final Map approval, 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, PFM)
- 4.8 Prior to Final Map approval, 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, PFM)
- 4.9 Prior to final inspection, the property owner shall submit a Maintenance Agreement for Stormwater Treatment Measures and Hydromodification Management Controls, including a Maintenance Plan pertinent to the type(s) of measures included in the project, pursuant to the San Mateo Countywide Water Pollution Prevention Program ([http://flowstobay.org/bs\\_new\\_development.php](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 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 inspection, 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 described in 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, PFM) Mitigation Measure



- 4.16 The project proponent will comply with all requirements of the Standard Conditions of Approval (COA) as provided by the City of Foster City. At a minimum, a 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, PFM) Mitigation Measure

## 5.0 WATER SYSTEM

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

- 5.2.4 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)
- 5.3 Prior to Final Map approval, fire mains shall be designed to Fire Department specifications. Fire mains shall be constructed according to those specifications. (FIRE, PFM)
- 5.4 Prior to Final Map approval, the 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.
  - All hydrants must be identified by reflective blue markers on street pavement. Placement shall conform with current E/PW standards. (FIRE, E/PW, PFM)
- 5.5 Prior to Final Map approval, should the City/District determine that additional water storage capacity is required, the applicant shall pay a share of any necessary improvement costs. The timing and amount of payment (developer's proportionate share may be based on City-wide usage) shall be determined by the City/District. (CC, PFM)
- 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; PFM)
- \*5.6.1 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, PFM) 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 meter 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, PFM)

- \*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, PFM) Mitigation Measure
- \*5.9 The Developer shall be responsible for a share of the cost of water line inspection ports, as determined by the City Engineer.  
(E/PW, PFM)
- \*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 Final Map approval, 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, PFM)
- 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, PFM)

- 6.3 Prior to commencement of work, as required by California Government Code 4216, Underground Service Alert shall be contacted by the contractor to provide information on the location of underground utilities prior to earth work activities at the site.  
(E/PW, PCW)

## 7.0 LANDSCAPING

- 7.1 Prior to Final Map approval, the landscape and irrigation plans shall include:
- 7.1.1 A planting plan neatly and accurately drawn to scale, indicating types, quantities, locations and sizes of all plant material including existing major vegetation designated to remain and street trees, method of protecting planting areas from vehicular traffic, and planting areas to be irrigated on separate valves shall be submitted for Planning staff review and approval.  
(CDD, PFM)
  - 7.1.2 The planting plans shall show that the applicant will install and maintain landscaping in the unpaved areas within the public right-of-way abutting the development to the satisfaction of the Planning/Code Enforcement Division.  
(CDD, PFM)
  - 7.1.3 The plans shall show that all trees planted closer than four (4) ft. from any public or private walkway, driveway or major structure shall be shielded with root barriers that are designed to the satisfaction of the Parks and Recreation Department.  
(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, PFM)
  - 7.1.5 Landscape plans shall show all planting areas shall be protected from common vehicular traffic by the provision of a 6-inch high concrete curb. Rolled curbs are not acceptable.  
(P/R, PFM)
  - 7.1.6 Landscape and irrigation plans shall comply with Chapter 8.8 of the EMID Code regarding Outdoor Water Conservation.  
(BD, PFM)
- 7.2 Prior to Final Map approval, the applicant shall submit:

- 7.2.1 Evidence that a licensed landscape architect registered with the State of California has prepared or reviewed and found acceptable the planting and irrigation plans, cost estimate, and documents describing the existing soil conditions, grading and soil preparation.  
(P/R, CDD, PFM)
- 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, PFM)
- 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, PFM)
- 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. 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. All landscape plant material and all hardscape and project amenities shall be maintained as originally approved by the City. Modification of plant material other than routine pruning or maintenance shall require approval of the City. The integrity of the original landscape plan shall at all times be kept intact.  
(CDD)
- 7.6 The applicant or its assigns shall maintain the landscaping in all of the public rights-of-way abutting the development in accordance with all approved Plans for the development and all applicable City of Foster City/Estero Municipal Improvement District ordinances. 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 Site and Landscape Master Guidelines. Any future modifications shall require review and approval of the Community Development Director.  
(CDD, PFM)

\*7.8 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)

7.8.1 Prior to recordation of the final map, 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 plaza site that are part of Phase C, subject to the review and approval of the City Attorney.  
(CDD, PBP)

7.8.2 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 Final Map approval, 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, PFM)

8.3 It shall be the responsibility of the property owner and/or future homeowners associations to maintain all sidewalks and bike paths as constructed. This shall be reflected in the Conditions, Covenants and Restrictions (CC&Rs).  
(E/PW, PFM)

9.0 BUS SYSTEM ACCOMMODATION

9.1 Not applicable.

9.2 Not applicable.

10.0 EASEMENTS/DEDICATIONS

- \*10.1 Prior to the agendizing of the Final Map, the applicant shall provide written evidence that all appropriate agencies/adjoining property owners have been satisfied with regard to all necessary easements/rights-of-way, including but not limited to abandonment of the existing easements, providing for additional width of existing easements/rights-of-way and providing for new easements/rights-of-way to the satisfaction of the Engineering Division.  
(E/PW, PFM)
- 10.2 Prior to the agendizing of the Final Map, the applicant shall provide suitable guarantees of reciprocal easements and/or dedications as appropriate, among all parcels within the Pilgrim/Triton Development Plan for parking, drainage, egress/ingress and utilities, to the satisfaction of the Engineering Division.  
(E/PW, PFM)
- 10.3 Upon recordation of the Final Map, all dedications of easements, rights-of-way, and other parcels shall be made effective.  
(E/PW, PFM)
- 10.4 Prior to Final Map approval, emergency access easements when required for any building shall be granted to the City.  
(E/PW, PFM)
- 10.5 Prior to Final Map approval, the applicant shall cause dedication to the District of easements for access to all required on-site fire hydrants that are not within the public right-of-way.  
(E/PW, PFM)
- 10.6 Prior to Final Map approval, 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, PFM)
- \*10.7 Prior to Final Map approval or prior to issuance of a building permit, whichever occurs first, the applicant and Phase C Owner shall provide Plaza Easements in accordance with Section 3.3 of the Pilgrim Triton Master Development Agreement and Condition 7.8.2 above.

(E/PW, CDD, PFM/PBP)

11.0 PUBLIC SAFETY

Refer to Use Permit conditions (UP-13-003).

12.0 BONDING/FEES

- 12.1 Prior to agendizing the Final Map, all bonds and fees shall be received by the City/District.  
(E/PW, PFM)
- 12.2 Prior to Final Map approval, for all public improvements that are a part of the Final Map to be recorded, the applicant shall supply suitable securities acceptable to the City in the amount of 100% (performance), 100% (labor and material) and a 50% (warranty) one-year bond of all improvements related to public utilities and public streets. Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division.  
(E/PW, PFM)
- 12.3 Prior to Final Map approval, for all private site improvements, the applicant shall provide suitable security acceptable to the City in the amount of 100% (performance), 100% (labor and material) and 50% (one-year warranty) bond. The applicant shall provide two (2) copies of documents verifying the cost of the private improvements to the satisfaction of the Engineering Division.  
(E/PW, PFM)
- 12.4 Prior to final building inspection, the applicant shall either complete all landscaping or 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 copies of a document verifying the cost of both landscape installation and landscape maintenance for 12 months (one copy to the Engineering Division and one copy to the Parks and Recreation Department).  
(E/PW, PFM, BP, CDD, PFBI)
- 12.5 Prior to agendizing the Final Map, the applicant shall pay the City for the cost of all engineering review, planning review and inspection provided by City staff required. The City/District staff is a reviewing service and construction inspection service only. All other work shall be included in the design and construction contracts. Final Map fees and deposits to pay costs involved for inspection, testing and contract administration shall be received by the City/District.  
(CDD, E/PW, PFM)



12.6 Prior to agendizing the final map, 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, PFM)

12.7 Prior to agendizing the final map, 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, PFM)

### 13.0 LAGOONS/WATER AREAS

13.1 Not applicable.

13.2 Not applicable.

13.3 Not applicable.

13.4 Not applicable.

13.5 Not applicable.

\*13.6 Construction of lagoon retaining walls, slope protection and/or bulkheads shall meet the performance criteria of the Engineering Division.

### 14.0 CONSTRUCTION PRACTICES

14.1 Prior to Final Map approval, any development involving one or more acres of total land area must obtain a General Permit from the State Water Resources Control Board. This permit requires the owner/developer to do the following:

- 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 Final Map approval, the current Best Management Practices for new construction as outlined by the San Mateo County Stormwater Pollution Prevention Program shall be included on plan sheets.  
(E/PW)
- 14.3 Prior to Final Map approval, an erosion control plan, submitted in writing, which indicates the intent and guarantees that silt and run-off will remain on site, shall be prepared to the satisfaction of the Engineering Division  
(E/PW, PBP)
- 14.4 Prior to issuance of a building permit, the applicant shall develop an earth movement and management program under the supervision of a licensed soils engineer for review and approval by the Engineering Division. 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 Final Map approval, in order to assure public safety and minimize the unattractive short term aspects of construction on the neighborhood, plans shall include site control information which, at a minimum: 1) Provides that a 6 (six) foot tall chain-link fence (no portion of which contains barbed wire) with a dark green (or other color approved by the Community Development Director) vinyl or canvas interior liner placed on the exterior of the fence shall be placed around any yard or any portion of a yard which the Chief Building Official shall identify as requiring such.  
(BD, PBP)
- 14.6 Prior to Final Map approval 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, City Engineer and other departments the Community Development Director invites to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
  - 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 final inspection. The gate to the fence shall be locked at all times that the fenced area is left unattended by either the owner or resident, the contractor or subcontractors. All construction materials and equipment, including temporary or portable equipment, such as generators, storage containers or facilities, shall be stored within the interior of the fenced area when construction activities are not occurring. If placed anywhere on site, portable toilets shall be placed within the interior of the fenced area at all times.  
(BD, PCW)
- 14.9 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)
- 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) Mitigation Measure

\*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 redirected and the County Coroner and the Community Development Director immediately notified. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. The project applicant shall also be notified. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for

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

- \*14.23 If the presence of hazardous materials is found on site, site remediation may be required by the applicable state or local regulatory agencies. Specific remedies would depend on the extent and magnitude of contamination and requirements of the regulatory agency(ies). Under the direction of the regulatory agency(ies) and the City, a Site Remediation Plan shall be prepared, as required, by the applicant. The Plan shall: 1) specify measures to be taken to protect workers and the public from exposure to the potential hazards and, 2) certify that the proposed remediation would protect the public health in accordance with local, state, and federal requirements, considering the land use proposed. Excavation and earthworking activities associated with the proposed project shall not proceed until the Site Remediation Plan has been reviewed and approved by the regulatory oversight agency and is on file with the City.  
(E/PW, BD, PBP) Mitigation Measure
- \*14.24 Where any activity would be performed where hazardous materials are known or suspected, the contractor(s) shall prepare a project-specific Health and Safety Plan prior to any project site work. The Plan shall include required worker health and safety provisions for all workers potentially exposed to contaminated materials, identification of hazardous materials present, monitoring to be performed during site activities (as appropriate), required training for workers, identification of appropriate personal protective equipment, and designated personnel responsible for Plan implementation. The Health and Safety Plan shall be filed with the City and regulatory oversight agency (as required).  
(FIRE, PBP) Mitigation Measure
- \*14.25 If previously unknown contaminated soil and/or groundwater is encountered at any time during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums, or other hazardous materials or wastes are encountered), the contractor(s) shall ensure that all appropriate response measures are taken to protect human health and the environment. A contingency plan for sampling and analysis of previously unknown hazardous substances shall be prepared by the contractor(s), with the approval of the City, prior to grading and earthwork activities.

As part of this contingency plan, soil and/or groundwater samples shall be collected by a qualified environmental professional (e.g., Professional Geologist, Professional Engineer) prior to further work in the area, as appropriate. The samples shall be submitted for laboratory analysis by a state-certified laboratory under chain-of-



custody procedures. The analytical methods shall be selected by the environmental professional and shall be based on the suspected contamination and consideration of work completed under Condition 1.14.1.5 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 ESLs<sup>1</sup>). The engineered fill shall be characterized by representative sampling in accordance with U.S. EPA's SW-846 Test Methods, by a qualified environmental professional and demonstrated to meet the threshold criteria above. The results of the sampling and waste characterization shall be submitted by the contractor(s) to the City and SMCEHD prior to construction.  
(E/PW, BD, PBP) Mitigation Measure
- \*14.27 The contractor shall prepare a Waste Disposal and Hazardous Materials Transportation Plan prior to construction activities where hazardous materials or materials requiring off-site disposal would be generated. The Plan shall include a description of analytical methods for characterizing wastes, handling methods required to minimize the potential for exposure, and shall establish procedures for the safe storage of contaminated materials, stockpiling of soils, and storage of dewatered groundwater. The required disposal method for contaminated materials (including any lead-based paint, asbestos, or other hazardous building materials requiring disposal, see Mitigation Measure 3, below), the approved disposal site, and 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

## 15.0 PARKS AND RECREATION

Not applicable.