
DATE: NOVEMBER 2, 2000

STAFF REPORT

AGENDA ITEM NO. 7.D & E

TO: FOSTER CITY PLANNING COMMISSION

PREPARED BY: ERICA FRASER, ASSISTANT PLANNER *ECF*

CASE NO.: EA-00-001/UP-00-020

APPLICANT: APPLIED BIOSYSTEMS

PROJECT LOCATION: BEHIND 384 FOSTER CITY BLVD

REQUESTED ACTION/PURPOSE

Applied Biosystems has requested approval of a Use Permit and Environmental Assessment to build a 327 stall off-site parking lot on a vacant lot located behind the existing building at 384 Foster City Blvd.

RECOMMENDATION

That the Planning Commission adopt the attached Resolution approving EA-00-001 and UP-00-020 subject to the conditions attached in Exhibit A.

GENERAL INFORMATION

GENERAL PLAN DESIGNATION: Research/Office Park

ZONING DISTRICT: CM/PD Commercial Mix/Planned Development

ZONING HISTORY: None

SURROUNDING LAND USE: North: Caltrans Maintenance Yard
West and South: Vintage Park Office/Light Industrial
East: Office/Light Industrial and Carwash

LOT SIZE: 2.62 Acres

KEY PLANNING OR DESIGN ISSUES

- Whether the proposed landscape plan is acceptable as designed

PURPOSE OF PLANNING COMMISSION REVIEW ON NOVEMBER 2, 2000

Although Applied Biosystems has proposed the off-site parking lot in order to allow expansions of buildings in the area, the term of the lease they have been able to obtain from Lincoln Property Company is quite short – 10 years plus one 5 year extension. Staff is concerned that long-term building

modifications or construction could occur, that are dependent on the use of the parking lot, that is subject to only a short-term lease. Staff has requested that Applied Biosystems submit additional information explaining their proposal for what would happen to the building expansions if the lease is terminated at the end of 10 or 15 years.

Therefore, staff requests that the Planning Commission review the design of the proposed parking lot at this time as a parking lot to serve the existing Applied Biosystems facilities, rather than to allow an expansion of buildings. After further review of the Off-site Parking Agreement and supplemental information to be provided by Applied Biosystems, staff will return the matter to the Planning Commission for review of whether the parking lot can be used to allow building expansions.

This will allow Applied Biosystems to have the option to begin construction of the parking lot as “extra” parking for their current facilities pending resolution of the legal issues that may allow its use as an off-site parking lot pursuant to Section 17.62.060.D.2 of the Foster City Municipal Code.

BACKGROUND

OFF-SITE PARKING

At the request of Applied Biosystems, staff prepared an amendment to Chapter 17.62 of the Foster City Municipal Code that would allow off-site parking facilities to be located more than three hundred feet from the principal entrance of a building if the off-site parking facility was served by a shuttle bus system.

On March 20, 2000 the City Council approved Ordinance No. 480 containing an amendment to Chapter 17.62 that changed the requirements for off-site parking. Prior to this change, off-site parking lots were not allowed to be more than 300’ from the principal entrance. Section 17.62.060.D.2.b states the parking lot is allowed if:

“The off site parking facility is within three hundred feet of the principal entrance(s) containing the use(s) for which the parking is required or the off-site parking facility containing the use(s) for which the parking is required is served by a shuttle bus system...”

OFF-SITE PARKING AGREEMENTS

Section 17.62.060.D.2.d of Chapter 17.62, Off-Site Parking Regulations sets forth the guidelines for creating an agreement between the City and the affected property owners. The guidelines also include the provision that the parking lot be available as long as the parking lot is needed to satisfy the parking needs of the use, pursuant to a written agreement:

“A written agreement between landowner(s) and the city satisfactory in form and content to the city attorney is approved by the city. This agreement concerning use and access to parking stalls shall be in a form capable of and subject to being recorded to constitute a covenant running with the land. The agreement shall include:

- i) A guarantee that there will be no substantial change in the uses that will create a greater demand for parking,
- ii) A guarantee among the landowners for access to and use of the shared parking facilities for the period of time that the off-site parking facilities are needed in order to serve the subject uses,
- iii) A provision that the city may require parking facilities in addition to those originally approved upon the making of a finding by the city council that

- adequate parking to serve the use(s) has not been provided or has not been maintained, and
- iv) A provision stating that the city may, with due cause, notice and hearing, unilaterally modify, amend or terminate the agreement at any time.”

OFF-STREET PARKING LANDSCAPING REQUIREMENTS

Section 17.62.050.A12 of Chapter 17.62, Off-Street Parking Regulations, sets forth the guidelines for landscaping of an off-street parking facility:

“A minimum of ten percent of the total off-street parking area shall be landscaped with at least one 15 gallon minimum, size tree per each three parking stalls (which may be clustered or grouped) and appropriate groundcover.”

ANALYSIS

The proposed project is subject to review under the California Environmental Quality Act (CEQA) and Titles 2, Administrative and Personnel, and 17, Zoning, of the Foster City Municipal Code. Actions and permits that must be made and approved by the Planning Commission include the following:

- Environmental Assessment – EA-00-001
- Use Permit – UP-00-020

The Planning Commission’s action regarding the Environmental Assessment and Use Permit is final, unless appealed to the City Council.

ENVIRONMENTAL ASSESMENT-CALIFORNIA ENVIRONMENTAL QUALITY ACT

The purpose of the California Environmental Quality Act, Section 21000-21177 of the Public Resources Code, is to maintain and provide a high quality of environment. CEQA meets these goals by requiring local governments to disclose the significant environmental effects of a project to the community as well as decision makers and to identify and implement any measures which will limit the environmental effects of a project.

Following the completion of an Initial Study of the project, a Draft Mitigated Negative Declaration was prepared by the Community Development Department. The California Environmental Quality Act allows a lead agency to prepare a Mitigated Negative Declaration when the Initial Study identifies potentially significant environmental impacts that can be reduced to a “less than significant” level when revisions are made to the project that will avoid the impacts. The Initial Study includes a Traffic Study of the project prepared by TJKM, Traffic Consultants as described below.

Section 21092.3 of the California Environmental Quality Act states that the lead agency must provide public notice of the intent to adopt a Mitigated Negative Declaration no later than 20 days before the public hearing. Public notices were published and mailed on October 11, 2000 for a Planning Commission public hearing to approve or deny the Mitigated Negative Declaration on November 2, 2000. Notices were posted in the City’s established posting places and at the County Clerk’s office.

Contained below is a summary of the key issues analyzed in the Mitigated Negative Declaration.

Noise

The proposed parking lot could potentially increase noise levels above existing levels in the area. Staff, however feels that any noise impacts will be a less than significant impact because noise generated from a parking lot is minor and falls well within noise levels for a commercial/industrial area.

Staff Comments/Recommendations: Staff does not propose any mitigation measures to reduce noise levels because noise generated by this project will be minor.

Population and Housing

The construction of additional parking for Applied Biosystems could result in an increase in population or the demand for housing in the area. The completion of the parking lot would enable Applied Biosystems to construct up to 81,750 sq.ft. of office space.

Staff Comments/Recommendations: Staff has concluded that the proposed increase in parking and a potential increase in office space will not significantly increase a demand in housing in Foster City. The increase in office space is not large enough to create a major demand in housing or traffic. Therefore, staff does not propose any mitigation measures.

Transportation and Traffic

The construction of the parking lot will enable an increase in office space of 81,750 square feet. The use of the parking lot to meet future parking needs could result in an increase in trips to the area and a slight decrease in the Level of Service of the surrounding roads. The TJKM Traffic Study for Applied Biosystems Parking Lot at 384 Foster City Blvd., dated October 5, 2000, analyzed the potential impacts of an increase in traffic resulting from an increase in office space as well as analyzing the potential site-specific impacts of the parking lot on its immediate surroundings.

The TJKM Traffic Study concluded that there are some potential impacts on transportation and traffic due to the completion of the project. The Traffic Study has recommended that two mitigation measures be incorporated into the project in order to improve circulation and pedestrian safety. The mitigation measures are as follows:

1. The landscape island adjacent to the bus shelter shall be modified to allow for an adequate turning radius for the shuttle bus, as called for on page 14 of the TJKM Traffic Study dated October 5, 2000.
2. Employees shall be discouraged from crossing Foster City Boulevard in mid-block by signage and employee education. If mid-block crossings become a problem, as determined by the Community Development Director, the Director may mandate an increased frequency of shuttle service.

At the August 10, 2000 meeting of the City/County Association of Governments of San Mateo County (CCAG), the Board adopted revised guidelines for the land use component of the Congestion Management Program. The Guidelines provide that when a project generates 100 or more peak hour trips, the developer must reduce the demand for new peak hour trips by incorporating methods either suggested in the CCAG Guidelines or other proposed methods. Applied Biosystems has submitted a letter dated October 27, 2000 detailing their existing Transportation Management Program to reduce peak hour trips. Pursuant to the credits allowed under the CCAG Congestion Management Program, the Applied Biosystems Transportation Demand Management Program qualifies for a credit of 684.67 trips. Staff believes this is sufficient to meet the intent of the Congestion Management Program to include mitigation in the project that has the potential to reduce the peak hour tips by the 109 net new peak hour trips potentially generated by the parking lot. This list of measures is proposed to be included as a mitigation measure in the Mitigated Negative Declaration.

Staff Comments/Recommendations: The Project will not result in any significant impacts on traffic in the project area. However, mitigation measures should be enacted to ensure the safety of pedestrians and improve circulation in the parking lot. Staff recommends that the Planning Commission approve the Mitigated Negative Declaration with the inclusion of these mitigation measures

USE PERMIT

Location

Proposed: Applied Biosystems has proposed to build an off-site parking lot behind the building located at 384 Foster City Boulevard. The site is located more than 300' away from the primary entrances of some of the office buildings that are currently operated by Applied Biosystems.

Staff Comments/Recommendation: The location of the off-site parking lot behind 384 Foster City Blvd. will allow the use of the existing driveways and therefore will not generate any new curb cuts. Although the parking lot is located farther than 300' from the primary entrances of some of the Applied Biosystems, a shuttle bus will be in operation to drop off employees at their office or their car. Staff recommends approval of the location as proposed.

Landscaping

Proposed: Currently, the site is covered with native grasses and very few shrubs. No trees currently exist on the site. Applied Biosystems has proposed a variety of shrubs and groundcover in the landscaping plan. The landscaping plan also proposes 37 Flowering Plum trees throughout the site. A summary of the proposed planting material can be found below.

Table 1: Summary of Landscaping Materials

Common Name	Botanical Name	Height and Spread	General Characteristics
Flowering Plum	Prunus c. 'Krauter Vesuvius'	Tree- to 12' high 12' wide	Little to no fruit, light pink flowers with purple black leaves
Glossy Abellia	Abella g. 'Edward Goucher'	Shrub-3' to 5' high	Small lilac pink flowers
Dwarf Lily-of-the-Nile	Agapanthus 'Peter Pan'	Shrub- 8" to 12" high	Free blooming dwarf, clustered blue flowers top 1-1/2" stems
Blue Hibiscus	Alygoyne heugelli	Shrub- 5' to 8' high	Foliage is dark green with a rough texture. Flowers are 4"-5" across with glossy blue petals
Fortnight Lily	Dietes bicolor	Shrub- up to 2'	Light yellow flowers, about 2" wide
Tree Mallow	Lavatera t. 'Barnsley'	Shrub- 4' to 5' high	White flowers
Oleander	Nerium oleander 'Mrs Roedling'	Shrub- up to 6' high	Salmon pink flowers clustered at branch or twig ends
Photinia	Photinia fraseri	Shrub- 10' to 15' high	Dark green foliage, white flower clusters in early spring
Pittosporum	Pittosporum tenuifolium	Shrub- up to 40' high	Foliage is deep green and oval in shape
India Hawthorn	Rhaphiolepis 'Jack Evans'	Shrub- up to 4' tall	Wide spread, bright pink flowers
Wild Strawberry	Fragaria chiloensis	Groundcover- 6" to 12" high	Dark green leaves, white flowers in spring, red fruit in fall
Trailing Gazania	Gazania 'Mitsuwa Yellow'	Groundcover-	Foliage is green with yellow flowers
Hahn's Ivy	Hedra h. 'Hahnsii'	Groundcover- 3" to 4" high	Small, light green leaves and dense growth

Staff Comments/Recommendation: The landscaping for the site is well distributed throughout the site. A variety of shrubs and groundcovers are utilized. The proposed landscaping plan, however, fails to meet the requirement of one tree per three parking stalls. To meet this requirement, the proposed landscaping plan needs to include an additional 64 trees. The required number of trees are necessary on this site to break up the expanse of parking. The proposed landscaping plan includes the Flowering Plum tree as the primary tree on the site. Staff feels that a tree with a larger canopy, and perhaps an evergreen tree, should be used as the primary tree. The Flowering Plum would be better suited as an accent tree for this site. Staff recommends the approval of the Use Permit, with the inclusion of Condition No. 7.1 that the landscape plan shall be revised to include one tree per three stalls, including a larger canopy tree as the primary parking lot tree, subject to the approval of the Community Development Director.

Signage

Proposed: Applied Biosystems has proposed standard signage for Fire Lanes (see Sheet C2.1). They have also included two signs for towing, located near each of the two entrances to the parking lot.

Staff Comments/Recommendation: After the IDEC meeting on July 25, 2000, the Police Department suggested that the applicant provide signage to be used to notify users that security cameras are in place. This would make the usage of security cameras more noticeable. Staff recommends the approval of the Use Permit, with the inclusion of Condition No. 11.12, that Applied Biosystems use signage to show that security cameras are in use.

Legal Agreement

Proposed: Applied Biosystems and the Lincoln Property Company have agreed to a ten (10) year lease with one (1) five (5) year extension at the end of the term. The lease will enable Applied Biosystems to use the parking lot until the end of the ten and five year terms.

Staff Comments/Recommendations: Staff has reviewed the proposed lease agreement and feels that the lease term is not long enough to satisfy the requirements for off-site parking as contained in the Foster City Municipal Code. As indicated at the beginning of this report, staff is concerned that long-term building modifications or construction should occur that are dependent on the use of a parking lot that is subject to a short-term lease. Staff has asked Applied Biosystems to submit additional information explaining their proposal for what would happen to the building expansions if the lease is terminated in ten or fifteen years. Staff recommends that the Planning Commission approve the parking lot design, with Condition No. 1.30 that no buildings may be expanded in reliance on the new parking lot for off-site parking until a mutually acceptable agreement is returned to the Planning Commission for further review and approval.

SUMMARY

The following table outlines the unresolved project issues where the applicant and staff disagree and which require a decision by the Planning Commission.

Summary of Unresolved Issues

Planning Issue	Proposed By Applicant	Staff Recommendation
Landscaping	See Table 1 above One tree per nine parking stalls. Flowering Plum as Primary tree.	The final landscaping plan to include one tree per three parking stalls and a larger canopy tree as the primary tree, subject to approval by the Community Development Director.
Legal Agreement	Applied Biosystems and Lincoln Property Company have agreed to a ten year lease with one five year extension	The Planning Commission approves the <u>design</u> of the parking lot with the condition that no changes or expansions of Applied Biosystems buildings, that rely on this parking lot to meet parking requirements may be approved until an off-site parking agreement between the City and the property owners pursuant to Section 17.62.060.D.2.d has been approved by the Planning Commission and executed.

INDIVIDUALS, ORGANIZATIONS, AND DOCUMENTS CONSULTED

Ken Mantoani, Applied Biosystems

FINDINGS

Refer to attached Resolution.

CONDITIONS

Refer to Exhibit A attached to Resolution.

ATTACHMENTS

Resolutions (2)

Draft Mitigated Negative Declaration

TJKM, Traffic Study for Applied Biosystems Parking Lot at 384 Foster City Blvd, dated October 5, 2000*

CCAG Guidelines for Implementation of the Land Use Component of the 1999 Congestion Management Agreement Plan

Letter from Ken Mantoani, dated October 27, 2000

Vicinity Map

Plans*

* Planning Commission packets only; available for review in the Community Development Department

RESOLUTION NO. P- 76 -00

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY APPROVING A USE PERMIT TO CONSTRUCT AN OFF-SITE PARKING LOT BEHIND THE BUILDING LOCATED AT 384 FOSTER CITY BLVD. -- APPLIED BIOSYSTEMS -UP-00-020

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, Applied Biosystems has requested approval of plans to construct an off-site parking facility behind the building located at 384 Foster City Blvd; and

WHEREAS, a Notice of Public Hearing was duly posted, and mailed for consideration of the Use Permit request at the Planning Commission meeting of November 2, 2000, and on said date, was opened, held and closed; and

WHEREAS, on November 2, 2000, the Planning Commission approved a Mitigated Negative Declaration of Environmental Impact for the proposed project (EA-00-001); and

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 Use Permit, with the recommended Condition of Approval in Exhibit A, will meet the requirements of Chapter 17.62 (Off-Street Parking Regulations) of the Foster City Municipal Code because 1) the parking facility will be served by a shuttle bus system consistent with Section 17.62.060.D2, 2) the parking lot provides sufficient parking spaces consistent with Section 17.62.060.B1.
- B. The Use Permit, with the recommend Conditions of Approval in Exhibit A, 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 area, property values in the area, or the general welfare of the City because the proposed parking lot will provide additional parking for Applied Biosystems employees and the additional traffic will be minimized by the inclusion of transportation demand mitigation measures as proposed by the applicant.

BE IT FURTHER RESOLVED that the Planning Commission approves UP-00-020 subject to the conditions in Exhibit A attached hereto and incorporated herein.

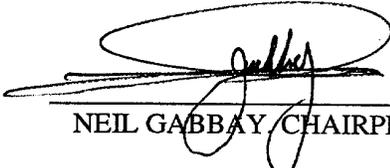
PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on November 2, 2000 by the following vote:

AYES, COMMISSIONERS: CHANG, WERDEN, LAURO, RAIN AND CHAIRMAN GABBAY

NOES, COMMISSIONERS: NONE

ABSTAIN, COMMISSIONERS: NONE

ABSENT, COMMISSIONERS: NONE


NEIL GABBAY, CHAIRPERSON

ATTEST:

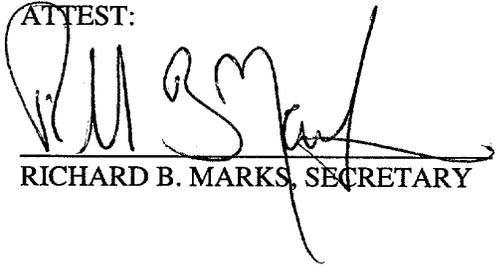

RICHARD B. MARKS, SECRETARY

EXHIBIT A

**Use Permits - Conditions of Approval for
Commercial Buildings**

(Conditions attached to approval of UP-00-020 by the
Planning Commission on November 2, 2000)

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; and PTO = prior to opening.
- 1.2 The project shall be built according to plans approved by the Planning Commission on November 2, 2000 labeled 384 Foster City Boulevard Parking Lot sheets A0.1,A1.1, C1.1, C2.1, C3.1, C4.1, C8.1, C8.2, and L1.1 prepared by DES Architects and Engineers, and dated August 28, 2000. Any modification to the project shall require Planning Commission or Community Development Director review and approval. The project approval shall expire on November 2, 2002. 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 judgement 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)
- 1.4 Prior to issuance of a building permit, an exterior lighting plan shall be submitted to the Building Inspection Division, including fixture and standard design, coverage and intensity, must be approved by the Community Development Department and the Police Department.
(CDD, POL, PBP)
- 1.5 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)

- 1.6 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)
- 1.7 Prior to issuance of a building permit, 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.
(BD, PBP)
- 1.8 All construction shall be completed and maintained in a professional manner and appearance.
(CDD)
- 1.9 Prior to installation, all on-site signage must be approved by the City. Details of address signs shall be provided, prior to final inspection, to the satisfaction of staff. All street addresses shall be clearly visible (i.e., internally illuminated) 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, PI, PFBI)
- 1.10 The applicant/property owners/tenants shall control accumulations of petroleum wastes and other pollutants in the streets and parking areas by frequent sweeping.
(CDD)
- 1.11 Prior to issuance of a building permit, a complete set of 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)
- 1.12 Prior to issuance of a building permit, a plan for phasing of construction, if any, shall be approved by the Planning Commission.
(PC, PBP)
- 1.13 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)
- 1.14 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 Specifications and Standard Drawings to be prepared in a format to be approved by the Engineering Division.
(E/PW, PBP)

- 1.15 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)
- 1.16 Prior to issuance of a building permit, the applicant shall submit four (4) sets of all site and civil drawings to the Building Inspection Division with all supporting data, including hydraulic calculations. The plan shall be prepared by a registered civil engineer and be approved by the City Engineer.
(BD, E/PW, PBP)
- 1.17 Subsequent to issuance of a grading permit by the Building Inspection Division and prior to commencement of any work pertaining to on-site drainage facilities, grading, or paving, or any work in the City's right-of-way, the applicant shall notify the Engineering Division at least twenty-four (24) hours in advance.
(E/PW, PCW)
- 1.18 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.
(E/PW)
- 1.19 Prior to issuance of a building permit, plans and specifications for grease traps or similar runoff control equipment shall be submitted to the City Engineer for approval. 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)
- 1.20 Prior to issuance of a building permit, six (6) sets of construction plans shall be submitted to the Building Inspection Division for plan check.
(BD, PBP)
- 1.21 The building shall comply with all building codes in effect at the time of issuance of the building permits.
(BD)
- 1.22 Prior to issuance of a building permit, three (3) sets of a soils report satisfactory to the Chief Building Official shall be submitted to the Building Inspection Division containing design recommendations for footings, retaining walls, and provisions for anticipated differential settlement.
(BD, E/PW, PBP)
- 1.23 Due to the probable 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, PBP)

- 1.24 The site plan submitted as part of the building permit plans shall include a certification by the author that the site plan accurately indicates the location of any existing buildings, property lines, and frontage improvements, that the site plan is consistent with the Planning Commission approval of the project, and that the remaining sheets comprising the building permit plans are consistent with the site plan.
(BD, PBP)
- 1.25 Prior to issuance of a building permit, 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. Files may be in 3 1/2" floppy disk format, Colorado tape backup, CD, or other format specified by the City/EMID.
(E/PW, PBP)
- 1.26 Prior to issuance of a building permit, the location, size and screening of all building utility service connections, including water and gas & electric service, fire service and irrigation connections, shall be 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)
- *1.27 The 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 site neat and clean.
(CDD)
- 1.28 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)
- 1.29 All exterior kiosks or other landscape features, temporary or permanent, shall be approved by the City prior to installation.
(CDD)
- *1.30 No building expansions or changes may be approved for buildings that will require the use of this parking lot to satisfy parking requirements, until an Off-Site Parking Agreement between the City and the property owners pursuant to Section 17.62.060.D.2.d of Chapter 17.62, Off-Street Parking Regulations, has been approved by the Planning Commission and executed.
(CDD)
- *1.31 The landscape island adjacent to the bus shelter shall be modified to allow for an adequate turning radius for the shuttle bus, as called for on page 14 of the TJKM Traffic Study dated October 5, 2000.
(CDD)

*1.32 Employees shall be discouraged from crossing Foster City Boulevard in mid-block by signage and employee education. If mid-block crossings become a problem, as determined by the Community Development Director, the Director may mandate an increased frequency of shuttle service.
(CDD)

*1.33 The transportation demand-related mitigation measures proposed by Applied Biosystems in their letter dated October 27, 2000 shall be in effect for the life of the project and shall apply to any future successor or assign, and is contained in Exhibit B, attached hereto and incorporated herein.
(CDD)

2.0 STREET IMPROVEMENTS

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

3.0 SANITARY SEWER SYSTEM

N/A

4.0 STORM SEWER SYSTEM

4.1 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 plugged with sediment and cleaned out if necessary.
(E/PW, PBP)

5.0 WATER SYSTEM

N/A

6.0 OTHER UTILITIES

N/A

7.0 LANDSCAPING

- 7.1 Prior to issuance of a building permit, a final 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)
- 7.2 Prior to issuance of a building permit, the applicant shall agree to install 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)
- 7.3 Prior to building occupancy, 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 and that the applicant agrees to install to the satisfaction of the Parks and Recreation Department.
(P/R, PBO)
- 7.4 Backflow prevention devices for the irrigation system shall be located 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, PBP)
- 7.5 Prior to issuance of a building permit, the applicant shall submit 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, PBP)
- 7.6 Prior to issuance of a building permit, the applicant shall submit 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, PBP)
- 7.7 Prior to plant installation or prior to final building inspection, the applicant shall retain the services of an approved testing laboratory to confirm that the soil has been prepared to specifications. If the soils meet the specifications, planting may proceed. If the soils do not meet the specifications, the applicant shall continue to amend the soil until

approved by the testing laboratory. A copy of the written approval from the testing laboratory shall be submitted to the Parks and Recreation Department prior to plant installation or prior to final building inspection.
(P/R, Prior to Plant Installation, PFBI)

7.8 Prior to issuance of a building permit, applicant shall agree to the placement of landscape protection barriers. 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)

7.9 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)

*7.10 The landscape plan shall be revised to include a larger canopy tree as the primary parking lot tree and one tree per three parking stalls, subject to the approval of the Community Development Director.
(CDD)

8.0 BICYCLE TRAIL/PEDESTRIAN WALKWAYS

N/A

9.0 BUS SYSTEM ACCOMMODATION

N/A

10.0 EASEMENTS/DEDICATIONS

N/A

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 or prior to occupancy, whichever is applicable, the applicant shall submit a letter to the Community Development Department from the Foster City Fire Marshal that the proposed project meets all City fire safety and construction standards and requirements and meets all nationally recognized code standards and all additional safeguards or special systems suitable for the protection from any hazard as determined by the Foster City Fire Department.
(FIRE, PBP, PBO)
- 11.3 N/A
- 11.4 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 Uniform Fire Code).
(FIRE)
- 11.5 State safety regulations regarding the transport, handling and storage of hazardous materials should be strictly adhered to. Periodic inspection by State inspectors and city fire marshals is required.
(FIRE)
- 11.6 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)
- 11.7 Prior to building occupancy, all hydrants shall be identified by a blue dot placed in the street or driveway.
(FIRE, PBO)
- 11.8 N/A
- 11.9 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 NO PARKING" per Section 22500.1 CVC.
(POL, FIRE, PBO)
- 11.10 All new roadway surfaces or fire lanes shall be capable of providing continuous service for vehicles with a gross vehicle weight of at least 60,000 lbs.
(E/PW, FIRE, PBP)
- 11.11 N/A
- *11.12 Signs shall be installed in the parking lot advising the public that security cameras are in use, subject to the review and approval of the Community Development Director.
(CDD, PBO)

12.0 BONDING/FEES

Refer to Tentative Map conditions.

- 12.1 Prior to issuance of a building permit, all bonds and fees shall be received by the City/District.
(E/PW, 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 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. 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)

13.0 LAGOONS/WATER AREAS

N/A

14.0 CONSTRUCTION PRACTICES

- 14.1 Construction activities shall be limited to the hours of 8 a.m. to 5 p.m. on weekdays unless deviations from this schedule are approved in advance by the City. 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 is not protected due to noise levels emanating from the construction project.
(PC, BD, CDD)
- 14.2 In order to minimize construction noise impacts, all engine-driven construction vehicles, equipment and pneumatic tools shall be required to use effective intake and exhaust mufflers; equipment shall be properly adjusted and maintained; all construction equipment shall be equipped with mufflers in accordance with OSHA standards.
(BD)
- 14.3 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. Further, 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.
(CDD, E/PW)

- 14.4 The developer shall notify the City Engineer, in writing, at least 48 hours in advance of all differences between the proposed work and the design indicated on the plans and shall be subject to the approval of the City before altered work is started.
(BD, E/PW)
- 14.5 The General Contractor shall provide qualified supervision on the job site at all times during construction.
(BD)
- 14.6 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)
- 14.7 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)
- 14.8 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)
- 14.9 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)

- 14.10 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)
- 14.11 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.
- 14.12 Current Best Management Practices for new construction as outlined by the San Mateo County Stormwater Pollution Prevention Program shall be followed.
(E/PW)
- 14.13 Any development involving five 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)

Applied Biosystem
 Transportation Demand Management Measures

Resolution No. 75-11
 Exhibit B
 UP - 2

MEASURE		NUMBER OF TRIPS CREDITED	
1	Bike racks and lockers (14) new bike racks + (30) existing	44 total divided by 3	14.67
2	Showers/Changing Rooms (30) existing + 11 in the fitness center	30 + 11	41
3	Operation of a dedicated shuttle during peak hours to a rail station * 2 shuttles connect to BART (16 & 12) * 1 shuttle connect to CalTrain (32)	60 total riders for all (3) shuttles x 2 due to GRHP	120
4	Subsidized transit tickets * Company subsidizes by 50%	Number of tickets sold \$40 or more	75
5	Creation of preferential parking for vanpoolers	1 vanpool slots (7 credits per slot)	7
6	Implementation of a vanpool program * Currently (8) vanpools in program * Vanpool vehicles are alternate fuel vehicles	8 vanpools w/GRHP (10 x 8)	80
7	Operation of a staffed, on-site, commute assistance center * Transit brochure rack * Computer kiosk connected to Internet * Telephone with commute info numbers * Desk and chairs for trip planning * On-site transit ticket sales * Implementation of flex hours for commuters	Center staffed 8 hrs. 1 hr. 1 hr. 1 hr. 1 hr. 1 hr. 1 hr.	8 1 1 1 1 1 1
8	Installation of highband width connections to employees' homes to facilitate telecommuting	100 highband cable/DSL connection	100
9	Installation of video conferencing centers	11 video conference centers 20x11	220
10	Provision of on-site amenities that encourage employees to stay on-site during the workday * Banking * Fitness center * Cafeterias	3 features	3
11	Worked with the Alliance to develop a Transportation Action Plan * TDM Program has been in place for 10 yrs.	Worked with the Alliance	5
12	Combine any 10 elements for additional credit	Combination of any 10 elements	5
13	Coordinate TDM programs w/existing developments/employers * Established BRIDG Transportation Committee	Works closely w/local business	
TOTAL CREDITS:			684.67