

**MITIGATION MONITORING AND REPORTING PROGRAM  
and  
Conditions of Approval**

**222 E. 4<sup>th</sup> Avenue Mixed-Use Project  
PA-2021-071**

**CITY OF SAN MATEO**

**November 2022**

# P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Addendum for the *222 E. 4<sup>th</sup> Avenue Mixed-Use Project* concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document also includes the City's Conditions of Approval identified in the CEQA analysis as measures that would minimize potential adverse effects that could result from implementation of the project, and to ensure these conditions are implemented and monitored.

**MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS OF APPROVAL  
222 E. 4<sup>TH</sup> AVENUE MIXED-USE PROJECT (PA21-071)**

Mitigation/Condition of Approval	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<i>Mitigation Measures</i>			
<b>AIR QUALITY</b>			
<p><b>MM AIR-3.1:</b> Prior to issuance of a demolition permit, the applicant shall submit a construction management plan to the Building Division that demonstrates that all cranes, forklifts, generator sets, and welders used in project construction shall be equipped with Tier 4 diesel engines or better (e.g., natural gas generators or electric welders).</p> <p>Prior to issuance of a demolition permit, the applicant shall also submit an emissions reduction plan to the Planning Division that details the equipment to be used during construction and be signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth in this measure (i.e., Tier 4 or better).</p> <p>Alternatively, if use of Tier 4 equipment is not available, the applicant may propose use of equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices Alternatively, the project may also use electrical or non-diesel fueled equipment. All construction vehicles shall be properly maintained and equipped with exhaust mufflers that meet State standards.</p> <p>The construction management plan and emissions reduction plan are subject to review and approval of the Community Development Director, or his/her designee.</p>	Prior to issuance of any demolition or construction permits.	Project applicant/project contractors	Director of Community Development or the Director's designee

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<b>BIOLOGICAL RESOURCES</b>			
<p><b>MM BIO-1.1:</b> Prior to the issuance of the first building permit or site development permit for tree removal (whichever occurs first), the applicant shall submit a phasing plan to the City’s Planning Division with a schedule of both on-site and off-site demolition and construction activities to review the activities that may occur during the nesting season subject to the satisfaction of the Community Development Director, or his/her designee. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31 (inclusive).</p> <p><b>MM BIO-1.2:</b> If any demolition and construction are scheduled during the nesting season, between February 1 and August 31 (inclusive), the applicant shall engage a qualified ornithologist to complete a pre-construction survey for nesting birds to ensure that no nests are disturbed during demolition or construction. During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. This survey shall be completed no more than 14 days prior to the initiation of any construction or demolition activities during the early part of the breeding season (February 1 through April 30 inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31 inclusive).</p> <p>If an active nest is found sufficiently close to work areas to be disturbed by construction (typically 300 feet for raptors and 100 feet for other species), the ornithologist, in consultation with the California</p>	<p><b>MM BIO-1.1:</b> Prior to the issuance of the first building permit or site development permit for tree removal.</p> <p><b>MM BIO-1.2:</b> Prior to the issuance of any demolition- or construction-related permits.</p>	Project Applicant; Project Contractor	<p>Director of Community Development or the Director’s designee</p> <p>California Department of Fish and Wildlife</p>

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<p>Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest to ensure that bird nests shall not be disturbed during project construction.</p> <p>Prior to the issuance of the first building permit or site development permit for tree removal (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the City's Planning Division subject to the satisfaction of the Director of Community Development, or his/her designee should demolition and construction activities occur during the nesting season.</p>			
<b>CULTURAL RESOURCES</b>			
<p><b>MM CUL-2.1:</b> Prior to the issuance of any building permit involving excavation, shoring, foundation, or the superstructure, the project applicant shall hire a qualified Professional Archaeologist to develop a Worker's Environmental Awareness Program (WEAP) to train the construction crew on the legal requirements for the treatment of cultural resources as well as procedures to follow in the event of a cultural resources discovery. This training program shall be given to the crew before ground disturbing work commences and shall include handouts to be given to new workers.</p> <p><b>MM CUL-2.2:</b> The applicant shall note on all construction plans that require ground disturbing activities that there is a potential for exposing buried cultural resources including prehistoric Native American burials.</p>	<p>Prior to the issuance of any building permit involving excavation, shoring, foundation, or the superstructure</p>	<p>Project Applicant; Professional Archaeologist</p>	<p>Director of Community Development or the Director's designee</p>

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<p><b>MM CUL-2.3:</b> If any prehistoric or significant historic period cultural materials are exposed during construction grading and/or excavation whether on-site or off-site, the applicant shall halt all construction activities within 50 feet of the find, and the Professional Archaeologist shall provide identification, evaluation, and further recommendations consistent with CEQA and City of San Mateo requirements.</p> <p>If the Professional Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource under CEQA, the applicant shall notify the Community Development Director, or his/her designee, and provide avoidance, preservation in-place, recordation, additional archaeological testing and data recovery measures to reduce impacts to a less than significant level. The applicant shall also complete a formal Archaeological Monitoring Plan (AMP) and/or Archaeological Treatment Plan (ATP) that includes data recovery if significant archaeological deposits are exposed during ground disturbing construction. The applicant shall submit the AMP and/or ATP to the City's Planning Division subject to the satisfaction of the Community Development Director, or his/her designee. Development and implementation of the AMP and ATP and treatment of significant cultural resources will be determined by the applicant in consultation with the California Office of Historic Preservation and the City of San Mateo.</p>	<p><b>MM CUL-2.3:</b> During construction grading and/or excavation.</p>	<p>Project Applicant; Professional Archaeologist</p>	<p>Director of Community Development or the Director's designee</p>

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<p><b>MM CUL-3.1:</b> In the event that human remains are discovered during excavation and/or grading whether on-site or within the public right-of-way, the applicant shall halt all activity within a 50-foot radius of the find and notify the Community Development Director, or his/her designee. The applicant shall also immediately notify San Mateo County Coroner to have a determination made as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. Treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws (i.e., Native American burials, Chapter 1492, Section 7050.5 to the Health and Safety Code, Sections 5097.94, 5097.98 and 5097.99 of the Public Resources Code). If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5 of the CEQA Guidelines.</p>	During construction	Project Applicant; Project Contractor;	<p>Director of Community Development or the Director's designee</p> <p>San Mateo County Coroner</p> <p>Native American Heritage Commission</p>
<b>NOISE</b>			
<p><b>MM NOI-1.1:</b> The applicant and contractor shall place and operate construction equipment to minimize the impact of construction noise on existing sensitive receptors. Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, the applicant and contractor shall incorporate the following best management practices to reduce noise from construction activities on nearby sensitive land uses:</p>	Construction plan prior to the issuance of any demolition permits.	Project Applicant; Project Contractor	Director of Community Development or the Director's designee

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<p>(A) The applicant and/or contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. This construction plan shall be submitted to the Building Division subject to the review and satisfaction of the Community Development Director, or his/her designee prior to the issuance of a demolition permit.</p> <p>(B) The applicant and/or contractor shall designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise and vibrations. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that measures be implemented to reduce the noise impact. The applicant and/or contractor shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.</p> <p>(C) Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</p>	<p>Prior to issuance of a demolition permit</p> <p>During construction</p> <p>During construction</p>		



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<p>(D) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</p> <p>(E) Unnecessary idling of internal combustion engines shall be strictly prohibited.</p> <p>(F) Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors and property lines. If they must be located within 35 feet of receptors and property lines, adequate muffling (with barriers or enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors.</p> <p>(G) Construction contractors and subcontractors shall utilize “quiet” air compressors and other stationary noise sources where technology exists.</p> <p>(H) Control noise from construction workers’ radios to a point where they are not audible at existing residences surrounding the project site, the nearest of which are 90 feet to the southeast.</p>	<p>During construction</p> <p>During construction</p> <p>During construction</p> <p>During construction</p> <p>During construction</p>		

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<i>Conditions of Approval</i>			
<b>AIR QUALITY</b>			
<ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>• Construction grading activities shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems.</li> <li>• All haul trucks transporting soil, sand, or other loose material to and from the project site shall be covered in accordance with Section 23114 of the California Vehicle Code.</li> <li>• All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>• All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> <li>• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>• All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> </ul>	Prior to issuance of any demolition or construction permits.	Project applicant/project contractors	Director of Community Development or the Director's designee

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<ul style="list-style-type: none"> <li>Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>			
<b>BIOLOGICAL RESOURCES</b>			
<p>Prior to issuance to of building permits for demolition, shoring, foundation, or site development (whichever occurs first), the applicant shall obtain a Site Development Permit for tree removal from the Planning Division for removal of existing trees with a diameter of six inches or larger at 54" above grade. The Site Development Permit for tree removal shall authorize the applicant to replace on-site and street trees equivalent or greater than the Landscape Unit (LU) value of trees to be removed by planting on-site and street trees, pay a fee in lieu of planting trees at the rate established in the annual Comprehensive Fee Schedule upon permit issuance, or a combination of both.</p>	<p>Prior to issuance to of building permits for demolition, shoring, foundation, or site development (whichever occurs first)</p>	<p>Project Applicant; Project Contractor</p>	<p>Director of Community Development or the Director's designee</p>
<b>GEOLOGY AND SOILS</b>			
<p>For construction activities that will disturb one (1) acre or more, the project applicant shall obtain coverage under the General Construction Activity Storm Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB) for stormwater discharges associated with construction activity. To obtain coverage, the project applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board to obtain coverage under the State General Construction Activity NPDES Permit. Proof of permit must be provided to the Public Works Department along with a Storm Water Pollution Prevention Plan (SWPPP) prepared by a qualified SWPPP designer prior to issuance of the STOPPP Construction permit.</p> <p>The applicant must obtain a Stormwater Pollution Prevention (STOPPP) Construction permit, paying the required fees and posting the required cash deposit, for all work</p>	<p>Prior to the issuance of any building permit involving excavation, shoring, foundation, or the superstructure</p>	<p>Project Applicant</p>	<p>Director of Public Works or the Director's designee</p>

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associated with the stormwater pollution prevention program in accordance with San Mateo Municipal Code Chapter 7.39.170. The fee amount will be based upon the City Council resolution in effect at the time the building permit application is made.			
In the event of the discovery of paleontological resources (fossils) on the project site or in the public right-of-way, the applicant shall halt all construction activities within 50 feet of the discovery, notify the Planning Manager and/or Project Planner, and retain a qualified paleontologist to determine the significance of the discovery. The paleontologist shall evaluate the uniqueness of the find, prepare a written report documenting the find and recommending further courses of action, and submit a summary of findings to the Project Planner. Following City acceptance of the report and proposed recommendations, the applicant shall incorporate the recommendations of the paleontologist when continuing construction.	During construction grading and/or excavation.	Project Applicant	Director of Community Development or the Director's designee
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
<p>Prior to conducting earthwork activities at the project site, a Site Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared. The purpose of these documents will be to establish appropriate management practices for handling impacted soil, soil vapor and groundwater that may be encountered during construction activities. Based on the history of the project site, areas of impacted soil, soil vapor, and/or groundwater may be encountered during construction activities. The SMP shall be submitted to the County of San Mateo Health Service Agency (CSMHSA) for review, and CSMHSA approval shall be obtained prior to commencing earthwork activities at the project site. Proof of CSMHSA approval shall be provided to the City Community Development Department prior to issuance of an excavation permit.</p> <p>Prior to dewatering during project construction, a Discharge Plan shall be prepared and submitted to the Director of Public Works for approval. The Discharge Plan shall include</p>	Prior to the issuance of any building permit involving excavation, shoring, foundation, or the superstructure	Project Applicant	<p>Director of Community Development or the Director's designee</p> <p>County of San Mateo Health Service Agency</p> <p>Discharge Plan: Director of Public Works or</p>

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the carbon treatment of groundwater on-site to remediate the presence of TPHd prior to discharge to the storm or sanitary sewer drains.			the Director's designee;
<b>HYDROLOGY AND WATER QUALITY</b>			
<p>Construction best management practices (BMPs) shall be implemented for reducing the volume of runoff and pollution in runoff to the maximum extent practicable during site excavation, grading, and construction. In accordance with the City's standards, these BMPs will include, but will not be limited to:</p> <ul style="list-style-type: none"> <li>• Avoid or minimize excavation and grading activities during wet weather, unless the City approves a winter erosion control plan submitted by the applicant.</li> <li>• Use effective, site-specific erosion and sediment control methods during the construction periods. Provide temporary cover of all disturbed surfaces to help control erosion during construction.</li> <li>• Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed.</li> <li>• Protect existing storm drain inlets in the project area from sedimentation with filter fabric fences gravel bags block and gravel filters.</li> <li>• Cover and stabilize stockpiled soil and materials with tarps, geotextile fabric, hydroseeding and/or erosion control blankets</li> <li>• Install berms or silt fencing around stockpiled materials to prevent stormwater runoff from transporting sediment off-site</li> </ul> <p>The applicant shall comply with the Stormwater Pollution Prevention Program (STOPPP) Construction permit requirements and prepare a Stormwater Pollution Prevention Plan (SWPPP) (San Mateo Municipal Code Section 7.39).</p>	During project construction;	Project Applicant	Director of Public Works or the Director's designee

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<p>The design groundwater level on-site is assumed to be 18 feet bgs. The project would excavate to a depth of approximately 25 feet to accommodate the proposed below-grade parking garage. Therefore, it is likely that the project would require dewatering of subsurface groundwater during construction. In accordance with the City's Municipal Code (SMMC 7.38.150), the Director of Public Works may approve the discharge of ground waters to the sanitary sewer if the source is deemed unacceptable by State and Federal authorities for discharge to surface waters of the United States, whether pretreated or untreated, and for which no reasonable alternative method of disposal is available. As required by MM HAZ-2.2 to be implemented during dewatering, carbon treatment of groundwater shall be required to remediate the presence of TPHd prior to discharge to the storm or sanitary sewer drains. Following the verification of the applicable local, state and/or federal approvals, a Discharge Plan will be approved and monitored by the Public Works Department.</p>	<p>Discharge Plan approved prior to the issuance of any building permit involving excavation, shoring, foundation</p>	<p>Project Applicant</p>	<p>Director of Public Works or the Director's designee</p>
<p>The project applicant shall obtain coverage under the General Construction Activity Storm Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB) for stormwater discharges associated with construction activity. To obtain coverage, the project applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board to obtain coverage under the State General Construction Activity NPDES Permit. Proof of permit must be provided to the Public Works Department along with a Storm Water Pollution Prevention Plan (SWPPP) prepared by a qualified SWPPP designer prior to issuance of the STOPPP Construction permit.</p> <p>In accordance with the Director of Public Works Groundwater Discharge Policy, discharge of contaminated groundwater to the sanitary sewer is only allowed on a temporary basis and will not be permitted for a period greater than six months. Discharges for longer than six months must obtain an NPDES permit from the State Water Board to discharge to the storm drain system. No discharge to the storm drain is allowed without prior approval from the Public Works Department. All discharges to the</p>	<p>Proof of permit provided prior to the issuance of any building permit involving excavation, shoring, foundation</p>	<p>Project Applicant</p>	<p>Director of Public Works or the Director's designee</p>

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<p>sanitary sewer (contaminated and uncontaminated) require a Waste Discharge Permit and must comply with the City's discharge limits.</p> <p>The project shall implement site design and source control BMPs for minimizing the volume of runoff and pollution in runoff to the extent practicable, per the MRP. These BMPs may include the following:</p> <ul style="list-style-type: none"> <li>• Disconnected downspouts that are directed into landscape areas;</li> <li>• Minimization of impervious surfaces and increased use of permeable pavement where feasible;</li> <li>• Location of all storm drain inlets to be stenciled with, "No Dumping! Flows to Bay" to discourage illegal dumping;</li> <li>• Location and design of trash enclosures (all shall be covered) and materials handling areas;</li> <li>• Use of effective, site-specific erosion and sediment control methods during post-construction periods.</li> </ul>	BMPs to be implemented during project construction	Project Applicant	Director of Public Works or the Director's designee
<b>NOISE</b>			
<p>The applicant shall specify acoustical treatments in the building permit plans for the superstructure in compliance with State Building Codes, the City's Noise Ordinance, and General Plan. The applicant shall also submit an acoustical analysis prepared by a professional acoustical consultant to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA L<sub>dn</sub> or lower within the residential units and to 50 dBA L<sub>eq(1-hr)</sub> or lower within nonresidential interiors subject to the satisfaction of the Community Development Director, or his/her designee. The applicant shall conform with any special building construction techniques noted in the project's acoustical analysis, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking. The acoustical analysis and building permit plans shall specify the</p>	Prior to issuance of building permit	Project Applicant	Director of Community Development or the Director's designee

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<p>following noise insulation features to reduce interior noise levels to 45 dBA L<sub>dn</sub> or less at residential interiors:</p> <ul style="list-style-type: none"> <li>• Provide a suitable form of forced-air mechanical ventilation, subject to the satisfaction of the Community Development Director, or his/her designee, for all residential units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.</li> <li>• Preliminary calculations indicate that all residential units would require windows and doors with a minimum rating of 30 STC with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 dBA L<sub>dn</sub>.</li> </ul>			
<b>PUBLIC SERVICES</b>			
<p>The following Condition of Approval would be implemented by the project to ensure the project does not result in significant impacts to park facilities in the City:</p> <ul style="list-style-type: none"> <li>• The applicant shall pay a park impact fee (SMMC Section 13.05.070) or a fee in-lieu of dedication of lands for park and recreation purposes (park in-lieu fee) (SMMC Chapter 26.64). The final fee shall be determined upon approval of the final map for the park In-lieu fee or prior to the issuance of the building permit for the park impact fee. The park in-lieu fee shall be paid prior to the release of the final map for recordation and the park impact fee shall be paid prior to the issuance of the building permit. If a project with an approved tentative map is issued a building permit prior to the approval of the final map, the applicant shall be subject to the payment of the park impact fee only prior to the issuance of the first building superstructure permit.</li> </ul>	Prior to issuance of building permit	Project Applicant	Director of Community Development or the Director's designee



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<b>UTILITIES AND SERVICE SYSTEMS</b>			
<p>In order to meet the increased demands on the Wastewater Treatment Plant created by this project, the applicant shall contribute fees toward the Plant expansion based upon the average projected sanitary flow, as established by City Council Resolution No. 24 (2006). The fee shall be collected by the Public Works Department and paid prior to issuance of the first superstructure building permit. The fee shall be based on the fee schedule in effect on January 13, 2022.</p> <p>The applicant shall pay a charge proportional to the project's share of the increased amount of sewage generated by the project, as established by San Mateo Municipal Code Chapter 3.54.060. The charge will be based upon the City Council resolution in effect at the time of building permit issuance. The fee shall be collected by the Public Works Department and paid prior to issuance of the first superstructure building permit. The fee shall be based on the fee schedule in effect on January 13, 2022.</p>	Prior to issuance of building permit	Project Applicant	Director of Public Works or the Director's designee

**SOURCE:** City of San Mateo. *222 E. 4<sup>th</sup> Avenue Mixed-Use Addendum to the General Plan EIR and Downtown Area Specific Plan IS/MND*. November 2022.