

EXHIBIT B

DRAFT MITIGATION MONITORING AND REPORTING PROGRAM

Draft Bahia River View Project Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires that when a lead agency adopts a Mitigated Negative Declaration (MND), it shall prepare a mitigation monitoring and reporting program (MMRP) for all required mitigation measures (CEQA Guidelines Section 15097). This MMRP identifies the monitoring program for mitigation measures identified by the IS/MND to reduce or avoid impacts associated with implementing the proposed Bahia River View Project. The MMRP shall be maintained by the City of Novato.

Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Mitigation Timing	Performance Evaluation Criteria
<i>Biological Resources</i>					
MM-BIO-1	If tree removal or construction activities begin during the nesting season (February 1 through August 31), a qualified biologist shall conduct pre-construction surveys for any raptor or other nesting migratory bird nests within or immediately adjacent to the project site no more than 30 days prior to the commencement of any construction activity or tree removal. The pre-construction surveys shall be conducted between February 1 and August 31 and shall follow accepted survey protocols for nesting birds. Trees within a 200-foot radius shall be included in the surveys. If active nests are located in the work area, the biologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall establish an appropriately sized buffer around the nest within which no work shall be allowed until the young have successfully fledged. Unless otherwise agreed upon in consultation with CDFW, a 50-foot buffer shall be placed around passerine nests and a 250-foot buffer shall be placed around raptor nests. If the qualified biologist determines that a smaller buffer zone is acceptable, the size of the	Project Contractor	City of Novato	Survey conducted within 15 days prior to commencement of ground clearing activities if commencement will occur between February 1 and August 31	Preconstruction surveys are conducted if necessary, based on timing No-disturbance buffer zones are maintained around active nests until the subject nests are no longer active

EXHIBIT B

DRAFT MITIGATION MONITORING AND REPORTING PROGRAM

Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Mitigation Timing	Performance Evaluation Criteria
	buffer zone may be reduced upon approval by CDFW.				
MM-BIO-2	<p>No more than 30 days prior to construction (including demolition work and tree trimming/removal activities), a qualified biologist will conduct a visual and acoustic preconstruction survey for roosting special-status bats and/or bat sign (i.e., guano) within 300 feet of suitable tree roosting habitat. A minimum of one day and one evening will be included in the visual preconstruction survey, which should concentrate on the period when roosting bats are most detectable (i.e., when leaving the roosts between one hour before sunset and two hours after sunset).</p> <p>If bats (individuals or colonies) are detected, the California Department of Fish and Wildlife (CDFW) shall be notified immediately. If a bat roosting or maternity colony cannot be completely avoided, a qualified biologist shall prepare a bat mitigation and monitoring plan for CDFW review and approval. Potential measures to be included in the plan are restrictions of timing of activities, placement of exclusion barriers when bats are foraging away from the roost, and replacement of roosting structures.</p>	Project Contractor	City of Novato	Survey conducted within 30 days prior to construction	<p>Pre-construction surveys are conducted</p> <p>Avoidance of impacts to active bat roosts</p> <p>If avoidance is infeasible, notification of CDFW, preparation and implementation of mitigation monitoring plan</p>
Cultural Resources					
MM-CUL-1	In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all construction work occurring within 100 feet of the find shall	Project Contractor	City of Novato	Throughout construction	Impacts avoided to unanticipated archaeological resources

EXHIBIT B

DRAFT MITIGATION MONITORING AND REPORTING PROGRAM

Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Mitigation Timing	Performance Evaluation Criteria
	<p>immediately stop until a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under CEQA (14 CCR 15064.5[f]; California Public Resources Code, Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted.</p>				
MM-CUL-2	<p>In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the Native American Heritage Commission in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the Native American Heritage Commission must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely</p>	Project Contractor	City of Novato	Throughout construction	<p>Compliance with California Health and Safety Code</p> <p>Impacts minimized or avoided to potential human remains</p>

EXHIBIT B

DRAFT MITIGATION MONITORING AND REPORTING PROGRAM

Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Mitigation Timing	Performance Evaluation Criteria
	descendant shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.				
Geology and Soils					
MM-GEO-1	Prior to the issuance of any construction or grading permits, design level geotechnical investigations for individual lots shall be reviewed by City of Novato Engineering and Services, Project Design and Construction Management section. In addition to a design level geotechnical investigation for individual lots, the proposed project shall be designed to comply with the recommendations provided in the Geologic and Geotechnical Feasibility Study by Miller Pacific Engineering Group, dated March 30, 2017 (Appendix D), as a condition of project approval.	Project Contractor	City of Novato Engineering	Prior to issuance of construction or grading permits	Submission of geotechnical reports for individual lots Compliance with Geotechnical Feasibility Study
MM-GEO-2	In the event that paleontological resources (e.g., fossils) are exposed during construction activities for the project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified paleontologist meeting the professional standards of the Society of Vertebrate Paleontology can evaluate the significance of the find and determine whether or not additional study is warranted. If the discovery is clearly not significant, the paleontologist may document the find and allow work to continue. If the discovery proves potentially significant under CEQA, additional work such as preparation of a paleontological treatment plan and monitoring in the area of the find	Project Contractor	City of Novato	Throughout construction	Impacts to paleontological resources avoided or minimized Preparation and implementation an Erosion and Sediment Control Plan for all construction activities

EXHIBIT B

DRAFT MITIGATION MONITORING AND REPORTING PROGRAM

Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Mitigation Timing	Performance Evaluation Criteria
	<p>may be warranted. In order to reduce runoff and erosion and minimize the potential of sedimentation as a result of project construction and operation, the developer for each lot shall, prepare and implement an Erosion and Sediment Control Plan for all construction activities.</p>				
Hazards and Hazardous Materials					
MM-HAZ-1	<p>The following measures shall be implemented prior to and during construction and shall be incorporated into project plans and specifications, including the Erosion and Sediment Control Plan and/or Storm Water Pollution Prevention Plan.</p> <ul style="list-style-type: none"> • All equipment shall be inspected by the contractor for leaks prior to the start of construction and regularly throughout project construction. Leaks from any equipment shall be contained and the leak remedied before the equipment is again used on the site. • Best management practices for spill prevention shall be incorporated into project plans and specifications and shall contain measures for secondary containment and safe handling procedures. • A spill kit shall be maintained on site throughout all construction activities and shall contain appropriate items to absorb, contain, neutralize, or remove hazardous materials stored or used in large quantities during construction. 	Project Contractor	City of Novato	Prior to and during construction	<p>Implement measures prior to and during construction</p> <p>Handle hazardous substances in accordance with Title 22 of the California Code of Regulations</p>

EXHIBIT B

DRAFT MITIGATION MONITORING AND REPORTING PROGRAM

Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Mitigation Timing	Performance Evaluation Criteria
	<ul style="list-style-type: none"> • Project plans and specifications shall identify construction staging areas and designated areas where equipment refueling, lubrication, and maintenance may occur. Areas designated for refueling, lubrication, and maintenance of equipment shall be approved by the City. • In the event of any spill or release of any chemical or wastewater during construction, the contractor shall immediately notify the City. <p>Hazardous substances shall be handled in accordance with Title 22 of the California Code of Regulations, which prescribes measures to appropriately manage hazardous substances, including requirements for storage, spill prevention, and response and reporting procedures.</p>				
Noise					
MM-NOI-1	<p>A pre-construction meeting shall be held between the City of Novato and the general contractor/on-site project manager to confirm that noise management practices are completed prior to commencement of construction (e.g., construction hours, neighborhood notification, posted signs).</p> <ul style="list-style-type: none"> • A notice regarding an on-site complaint and enforcement manager shall be posted. The manager shall respond to and track complaints. The manager shall be responsible for responding to any complaints regarding construction noise and for 	Project Contractor/ Manager and City of Novato	City of Novato	<p>Prior to commencement of construction</p> <p>Throughout construction</p>	<p>Attend pre-construction meeting</p> <p>Comply with required noise management practices</p>

EXHIBIT B

DRAFT MITIGATION MONITORING AND REPORTING PROGRAM

Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Mitigation Timing	Performance Evaluation Criteria
	<p>coordinating with adjacent land uses/owners. The manager shall determine the cause of any complaints and coordinate with the construction team to implement effective measures (considered technically and economically feasible) to correct the problem. The telephone number of the on-site complaint and enforcement manager and the number for the City Code Enforcement (415-899-8989) shall be posted at the construction site and provided to neighbors in a notification letter.</p> <ul style="list-style-type: none"> • Noise-generating construction activities shall be limited to between 7:00 a.m. and 6:00 p.m. on weekdays and between 10:00 a.m. and 5:00 p.m. on Saturdays. No construction shall occur on Sundays or official national holidays, except as otherwise authorized by the Director of Community Development. • Semi-stationary equipment (e.g., generators, compressors) shall be located as far from nearby residences as possible. • The quietest available equipment and electrically powered equipment shall be used, rather than internal combustion engines, where feasible. • Equipment and on-site trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, 				

EXHIBIT B

DRAFT MITIGATION MONITORING AND REPORTING PROGRAM

Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Mitigation Timing	Performance Evaluation Criteria
	<p>equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds). All construction equipment shall be inspected at periodic intervals to ensure proper maintenance and resulting lower noise levels.</p> <ul style="list-style-type: none"> • Impact tools (e.g., jack hammers, pavement breakers, rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. An exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to approximately 10 A-weighted decibels (dBA). External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. • All internal combustion construction equipment shall be equipped with mufflers in working order. • All stationary equipment shall be located as far as feasible from adjacent residences. 				