

RESOLUTION 17-09

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
APPROVING A MITIGATED NEGATIVE DECLARATION AND ADOPTING A MITIGATION
MONITORING PROGRAM FOR THE VICTORY VILLAGE SENIOR HOUSING PROJECT
(2626 SIR FRANCIS DRAKE BOULEVARD)**

WHEREAS, on April 25, 2016, Resources for Community Development (“Applicant”) submitted an application to the Town of Fairfax seeking approval to subdivide a 20-acre site located at 2626 Sir Francis Drake Boulevard (the “Site,” APN 174-070-010) and develop an affordable senior housing project on two of those acres (collectively, the “Project”). A portion of the site is currently occupied by an existing church and affiliated elementary school, as well as small storage buildings and a paved parking area; and

WHEREAS, the Project would subdivide the Site into three parcels, consisting of a single 2-acre parcel, and two 9-acre parcels. While the two 9-acre parcels are not proposed to be developed at this time, the Applicant seeks approval to redevelop the 2-acre parcel with a 54-unit affordable senior housing project (53 resident units plus one manager’s unit), in a roughly 50,755 square foot ‘E’-shaped building with two- and three-story wings wrapping around courtyards that terrace with grade changes. The housing project would be served by a paved parking area providing some 43 parking spaces, and new bicycle parking, sidewalks, and associated site and frontage improvements; and

WHEREAS, the Project requires a General Plan amendment, zoning text and map amendments (including the adoption of a Residential Multi-Family – Senior zoning ordinance), a parcel map, a density bonus, design review, an excavation permit, and a traffic impact permit; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs, Tit. 14 § 15000 et seq.), the Town of Fairfax (“Town”) is the lead agency for the proposed Project; and

WHEREAS, Town staff reviewed the Project and caused an Initial Study to be prepared pursuant to State CEQA Guidelines section 15063; and

WHEREAS, on the basis of the Initial Study, which concluded that the Project will not have significant impacts on the environment with implementation of mitigation, the Town determined that a Mitigated Negative Declaration (“MND”) should be prepared for the Project, and an MND was prepared pursuant to CEQA and the State CEQA Guidelines; and

WHEREAS, on October 5, 2016, pursuant to Public Resources Code § 21080.3.1(d), the Town provided formal notification to the designated contact of traditionally and culturally affiliated California Native American tribes that have requested notice of the Project, which is within a geographic area traditionally and culturally affiliated with such tribes; and

WHEREAS, the Town provided copies of the draft MND and Initial Study to the public and for an extended review and comment period beginning on November 30, 2016, and ending on January 4, 2017, pursuant to Public Resources Code section 21091(b); and

WHEREAS, subsequent to the January 4, 2017, closure of the comment period, the Applicant proposed changes to certain aspects of the proposed Project, and the Town thus

caused the draft MND and Initial Study to be modified to reflect and analyze those changes, per CEQA Guidelines section 15073.5; and

WHEREAS, the Town provided copies of the recirculated draft MND and Initial Study to the public for a twenty day review and comment period beginning on March 29, 2017, and ending on April 19, 2017, pursuant to Public Resources Code section 21091(b) and CEQA Guidelines section 15073.5;

WHEREAS, pursuant to State CEQA Guidelines section 15097, the Town has prepared a Mitigation Monitoring Program for the recirculated draft MND and Initial Study, which is attached hereto and incorporated herein as Exhibit 'A'; and

WHEREAS, as contained here, the Town has endeavored in good faith to set forth the basis for its decision on the proposed Project; and

WHEREAS, the Town has endeavored to take all steps and impose all conditions necessary to ensure that impacts to the environment would not be significant; and

WHEREAS, all of the findings and conclusions made by the Town pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

WHEREAS, the Planning Commission has reviewed the MND, Initial Study, and all other relevant information contained in the record regarding the Project; and

WHEREAS, on April 20, 2017, at a regularly-scheduled Planning Commission meeting, the public was afforded an opportunity to comment on the Project and the recirculated MND/Initial Study, and the Planning Commission discussed and considered the Project and the recirculated MND/Initial Study; and

WHEREAS, having held said public hearing, the Planning Commission recommended the Town Council approve the recirculated MND/Initial Study and adopt the Mitigation Monitoring Program for the recirculated MND/Initial Study, by adoption of Planning Commission Resolution No. 17-12; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fairfax as follows:

SECTION 1. Recitals. The recitals above are hereby incorporated by reference as a substantive component of this Resolution.

SECTION 2. Compliance with the California Environmental Quality Act. As the lead agency for the Town of Fairfax, the Town Council has independently reviewed and considered the information contained in the recirculated MND, Initial Study, and administrative record, on file with the Town and available for review at the Town offices located at 142 Bolinas Road, Fairfax, California 94930. The Town Council finds that the recirculated MND and Initial Study have been completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 3. Findings on Environmental Impacts. In its role as the lead agency under CEQA, the Town Council finds that the recirculated MND and Initial Study contain a complete and

accurate reporting of the environmental impacts associated with the Project. The Town Council further finds that the documents have been completed in compliance with CEQA and the State CEQA Guidelines. The Town Council further finds that all environmental impacts of the Project are either less than significant or can be mitigated to a less than significant levels pursuant to the mitigation measures outlined in the recirculated MND, Initial Study, and the Mitigation Monitoring Program. The Town Council further finds that there is no evidence in the record supporting a fair argument that the Project may result in significant environmental impacts, and that any comments received regarding the Project have been examined and determined to not modify the conclusions of the recirculated MND. The Town Council finds that the recirculated MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the Town Council .

SECTION 4. Approval and adoption of Recirculated Mitigated Negative Declaration. The Town Council hereby approves and adopts the recirculated MND prepared for the Project.

SECTION 5. Adoption of the Mitigation Monitoring Program. Pursuant to Public Resources Code section 21081.6, the Town Council hereby approves and adopts the Mitigation Monitoring Program prepared for the Project, attached hereto as Exhibit 'A'.

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the Town's offices, located at 142 Bolinas Road, Fairfax, California 94930. The Town Clerk is the custodian of the record of proceedings.

SECTION 7. Notice of Determination. The Town Council directs Staff to file a Notice of Determination with the County of Marin within five (5) working days of approval of the Project.

SECTION 8. Effective Date. This Resolution shall be effective immediately.

The forgoing Resolution was duly passed and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 3rd day of May, 2017, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

John Reed, Mayor

ATTEST:

Michele Gardner, Town Clerk

Exhibit:

A – Mitigation Monitoring Program

EXHIBIT "A"

MITIGATION MONITORING PROGRAM

Victory Village Senior Housing Project, 2626 Sir Francis Drake Boulevard, Fairfax, CA 94930
 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Signatures /Notes
III. AIR QUALITY					
<p>MM AIR-1: Include basic measures to control dust and exhaust during construction.</p> <p>During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:</p> <ol style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 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. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. 	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Department of Public Works</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of building permit</p>	

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<p>Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five 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.</p> <p>7. 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.</p> <p>8. A publicly visible sign shall be posted 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.</p>					
<p>MM AIR-2: Selection of equipment during construction to minimize emissions. Such equipment selection would include the following:</p> <ul style="list-style-type: none"> All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent and 	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate</p>	<p>Department of Public Works</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained</p>	<p>Deny issuance of building permit</p>	

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<ul style="list-style-type: none"> All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall be equipped with CARB-certified Level 3 Diesel Particulate Filters or filters that are considered to be more effective. 	agencies prior to issuance of building permits		prior to issuance of building permit		
<p>IV. BIOLOGICAL RESOURCES</p> <p>MM BIO-1a: Prior to submittal for demolition, grading, or building permit, the project sponsor shall hire a qualified botanist to conduct a late-season (mid-summer) survey during the applicable blooming period to confirm presence or absence of streamside daisy and pale-yellow hayfield tarplant, and California bottle-brush grass in accordance with standard protocol. Should streamside daisy and pale-yellow, hayfield tarplant, or California bottle-brush grass species be present on the subject property, the following measures shall be implemented:</p> <ol style="list-style-type: none"> Avoidance: If streamside daisy and pale-yellow, hayfield tarplant, or California bottle-brush grass are found to be present on the Property and within the development envelope, the project sponsor shall redesign or modify the buildings or site improvements, as may be appropriate to avoid direct and indirect impacts to the plants, if feasible. Further, any special status plant species occurrences present near the proposed project grading and development envelope shall be protected by environmentally sensitive area fencing (orange construction barrier fencing) installed around the special status species populations. The environmentally sensitive area fencing (orange construction barrier fencing) shall be installed at least 50 feet from the edge of the population where feasible. If that is infeasible, then the buffer shall be established in consultation with a 	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	Planning Division	<p>Incorporate as condition of project approval</p> <p>Planning Division verifies appropriate surveys conducted obtained prior to demolition, grading, or building permit.</p>	Deny issuance of demolition, grading, or building permit	

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<p>botanist to confirm that the buffer is wide enough to protect the plants from project grading activities.</p> <p>2. Transplantation and Relocation. If the species are identified on the subject property and avoidance of one or all species is infeasible, the project sponsor and botanist shall consult with CDFW to determine if transplantation of the particular species is feasible. If CDFW concurs that transplantation and relocation is a feasible mitigation measure, the botanist shall develop and implement a Rare Plant Relocation, Management, and Protection Plan (Rare Plant Plan) in coordination with CDFW. The Rare Plant Plan shall include:</p> <ul style="list-style-type: none"> • Identification of the proposed relocation methods to minimize the potential loss of plants from relocation, • A management plan identifying the applicable success criteria by which the transplanted plant populations can be measured for success, and regular monitoring to ensure that the plants are successfully transplanted. Success criteria shall require that at least 75% of the plants survive. • Specific, measurable triggers for adaptive management actions that are necessary to ensure survival. <p>The Rare Plant Plan shall specify annual monitoring of the site to which the plant populations are transplanted for at least five years after planting, and shall assess factors such as population size and density, recruitment, and individual plant health and vigor. Monitoring shall also assess whether the mitigation requires adaptive management actions, such as collection and sowing of additional seed, tillage/disturbance within existing populations to induce establishment, installation of container plants,</p>					

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<p>and control of exotic invasive vegetation (such as yellow star thistle) to ensure successful plant establishment and survival. The site at which the plants are transplanted shall be evaluated at the end of the 5-year monitoring period to determine whether the mitigation has met the success criteria identified in the Rare Plant Plan. If success criteria are not met at that time, then mitigation activities and monitoring shall continue until success criteria are met.</p> <p>As part of the Rare Plant Plan, the project sponsor, in conjunction with a qualified restoration ecologist and/or botanist shall identify a suitable on- or off-site location for mitigation, and appropriate methods for seed collection, propagation, relocation, maintenance, and monitoring. The site shall be located within the range of the affected plant and contain suitable habitat sites, and the process for collecting seed crop and salvage shall be verified based on the particular species necessitating transplantation. The individuals shall not be removed until seeds have been collected.</p> <p>3. Acquisition of Mitigation Credits. If transplantation and salvage of individual plant populations is not considered feasible, then the project sponsor shall purchase rare plant mitigations credits from a mitigation bank in the service territory at 1:1 ratio to compensate for the impacted population.</p> <p>4. If no plants are found, no further actions are required.</p> <p>MM BIO-1b: Prior to approval of a demolition, grading, or building permit, the project sponsor shall conduct hire a qualified biologist to conduct Pre-Construction Nesting Bird Surveys and submitted to the Planning Director.</p>					
	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny issuance of demolition, grading, or building permit	

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<p>1. Protocol Northern Spotted Owl surveys and pallid bat surveys shall be conducted to determine if the species is present within the California bay forest surrounding the subject property.</p> <p>2. If construction is planned during the nesting season, a nesting bird survey shall be conducted a maximum of three days prior to the removal of vegetation and/or initiation of construction to determine absence or presence of nesting bird species. If active nests are present, then an approved biological monitor shall remain on site to ensure that nesting birds are not impacted by construction. Seasonal restrictions limiting construction to occur outside the avian nesting season which typically extends from March through July.</p> <p>3. A no-disturbance buffer zone shall be established around any active nests. The biological monitor would consult with CDFW to determine the extent of the no-disturbance buffer. If construction is planned during the raptor nesting season — March through July — a nesting raptor survey shall be conducted a maximum of three days prior to the removal of vegetation and/or initiation of construction to determine absence or presence of nesting raptors. All trees surrounding the subject property will be surveyed.</p> <p>4. If active raptor nests are present within trees bordering the subject property, then an approved biological monitor will remain on site to ensure that nesting birds are not impacted by construction. A no-disturbance buffer zone of 250 feet will be established around any active raptor nests and the site protected</p>	<p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>		<p>Planning Division verifies appropriate surveys conducted obtained prior to demolition, grading, or building permit.</p>		

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<p>until fledging of the young is verified by the approved biological monitor.</p> <p>5. No action is necessary if active nests are not found or if construction will occur during the non-breeding season (generally September 1st through February 28th).</p>					
<p>MM BIO-2: Pursuant to the Arborist's Checklist in the October 2016 UFA Tree Protection Report, and prior to submittal of a demolition, grading or general building permit, the project sponsor shall submit a tree protection plan prepared by a licensed qualified arborist, including the following:</p> <ul style="list-style-type: none"> Tree Protection: The project sponsor shall establish a Tree Protection Zone (TPZ) prior to starting the demolition work. Four-foot high wire deer fencing will be erected by the contractor to limit access to the TPZ. Prior to the beginning of demolition, the project arborist shall meet with the contractor on site to direct installation of tree protection measures. Tree protection will consist of non-intrusion zone fencing to limit disturbance from construction activities. Debris barriers: There are four proposed debris barriers per Geotechnical recommendations (C-1.0 Tentative Map). Arborist oversight will be required during placement and installation of these barriers to ensure excavation (if required) will not impact trees to be protected during construction. Sudden oak death: Existing bay trees display foliar symptoms of sudden oak death (Phytophthora ramorum). Heavy mortality of coast live oak trees was observed and is further evidence supporting the conclusion that the pathogen is present on site. Any coast live oak trees with targets of value or of 	<p>Require as a condition of approval</p> <p>Project Sponsor submits tree protection plan</p>	<p>Planning Division</p>	<p>Incorporate as condition of project approval</p> <p>Planning Division verifies appropriate surveys conducted obtained prior to demolition, grading, or building permit.</p>	<p>Deny issuance of demolition, grading, or building permit</p>	

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<p>particular importance shall be prophylactically sprayed at least once yearly in November with Agrifos or Reliant fungicide and Pentrabark surfactant. This work shall be performed by a licensed pesticide company and shall comply with the Town pesticide ordinance, Town Code Chapter 8.52.</p> <p>The presence of the pathogen has implications for the landscaping plan as it is not advisable to plant susceptible species. Interior live oak (<i>Quercus wislizeni</i>) is a good alternative to coast live oak as it possesses virtually the same aesthetic attributes and has shown resistance to the pathogen.</p> <ul style="list-style-type: none"> Trimming leaf trees: Trees around the perimeter of the property will require pruning for risk mitigation to comply with Ross Valley Fire Department and Fairfax fire code. Trimming will be required of remaining bay trees lining the proposed main access road. Removals: Due to the lack of surveyed tree locations, the project arborist shall mark all trees to be removed prior to commencement of tree work. 					
<p>MM BIO-3: As required by Chapter 8.36.040 and 8.36.050 of the Town's Municipal Code, and prior to submittal of a demolition, grading or general building permit, the project sponsor shall comply with the Town of Fairfax Heritage Tree Ordinances, including submittal for a tree removal permit obtained from the Fairfax Tree Advisory Committee. The application shall include a description of the tree replacement program and identification of any conditions imposed by the Town. The tree replanting plan shall include primarily native trees to offset the loss of trees removed due to construction as determined by the</p>	<p>Require as a condition of approval</p> <p>Project Sponsor submits tree removal permit to the Fairfax Tree Advisory Committee</p>	<p>Planning Division</p>	<p>Incorporate as condition of project approval</p> <p>Planning Division verifies appropriate surveys conducted obtained prior to demolition, or building permit.</p>	<p>Deny issuance of demolition, grading, or building permit</p>	

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Tree Advisory Committee and the Director of Planning and Building Services.					
V. CULTURAL RESOURCES					
MM CULT-1a: There is a moderate potential of identifying Native American archaeological resources in the project area. Prior to submittal of a demolition, grading or construction permit, the project sponsor shall have a qualified archaeologist conduct further archival and field studies to identify potential cultural resources within the proposed footprint of disturbance. The field study may include, but is not limited to, pedestrian survey, hand auger sampling, shovel test units, or geo-archaeological analyses as well as other common methods used to identify the presence of archaeological resources. The qualified archaeologist shall be selected from the list of consultants who meet the Secretary of Interior's Standards at http://www.chrisinfo.org .	Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of demolition, grading, or building permits	Planning Division	Incorporate as condition of project approval Planning and Building Division requires proper contact and project coordinator protocols to issuance of demolition, grading, or building permits	Stop Project/ alert proper agency contact	
MM CULT-1b: Prior to scheduling the on-site filed survey, the project sponsor shall contact the local Native American tribe representative to coordinate a Tribe member's presence during the field survey.	Require as a condition of approval Project sponsor coordinates with appropriate local Native American Tribe representative	Planning Division	Incorporate as condition of project approval Planning Division requires proper contact and project coordinator protocols prior to issuance of demolition, grading, or building permits	Stop Project/ alert proper agency contact	

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<p>MM CULT-2: Prior to initiating ground disturbing activities within the Project area, construction personnel should be alerted to the possibility of encountering buried prehistoric or historic period cultural materials. If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and tribally-preferred archaeologist (qualified per the standards of the Secretary of the Interior), as well as a representative of the Federated Indians of Graton Rancheria, shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. Personnel should be advised that, upon discovery of buried archaeological deposits, work in the immediate vicinity of the find should cease and a qualified archaeologist should be contacted immediately. Once the find has been identified, plans for the treatment, evaluation, and mitigation of impacts to the find will need to be developed if it is found to be NRHP and/or CRHR eligible. Potential cultural materials include prehistoric and historic period artifacts that may consist of, but are not limited to:</p> <ul style="list-style-type: none"> • historic period artifacts, such as glass bottles and fragments, tin cans, nails, ceramic and pottery shards, and other metal objects; • historic period features such as privies, wells, cellars, foundations or other structural remains (bricks, concrete, or other building materials); • flaked-stone artifacts and debitage, consisting of obsidian, basalt, and/or chert; 	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of demolition, grading, or building permits</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Planning and Building Division requires proper contact and project coordinator protocols prior to issuance of demolition, grading, or building permits</p>	<p>Stop Project/ alert proper agency contact</p>	

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<ul style="list-style-type: none"> • groundstone artifacts, such as mortars, pestles, and grinding slabs; • dark, almost black, soil with a "greasy" texture that may be associated with charcoal, • ash, bone, shell, flaked stone, groundstone, and fire-affected rock; or, • human remains. <p>If any find is determined to be significant, representatives from the Town and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the Town shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations.</p> <p>If avoidance is infeasible, other appropriate measures (e.g. data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.</p>					

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<p>MM CULT-3: Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be halted immediately within 50 feet of the discovery. The Town of Corte Madera Planning Department shall be notified immediately, and a qualified paleontologist shall be retained to determine the significance of the discovery. Based on the significance of the discovery, the qualified paleontologist shall present options to the Town for protecting the resources. Appropriate action may include avoidance, preservation in place, excavation, documentation, and/or data recovery, and shall always include preparation of a written report documenting the find and describing steps taken to evaluate and protect significant resources. The Town will implement feasible and appropriate recommendations and mitigation measures of the qualified paleontologist for any unanticipated discoveries. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery or other appropriate measures.</p>	<p>Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of demolition, grading, or building permits</p>	<p>Planning Division Building Division</p>	<p>Incorporate as condition of project approval Planning and Building Division requires proper contact and project coordinator protocols prior to issuance of demolition, grading, or building permits</p>	<p>Stop Project/ alert proper agency contact</p>	
<p>MM CULT-4: If human remains are encountered during construction, work in that area must cease and the Marin County Coroner must be notified immediately. If the remains are determined to be Native American, the NAHC must be notified within 48 hours as required by Public Resources Code 5097. The NAHC will notify the designated Most Likely Descendant, who will in turn provide recommendations for the treatment of the remains within 24 hours.</p>	<p>Require as a condition of approval Project sponsor notifies Marin County Coroner or NAHC.</p>	<p>Planning Division Building Division</p>	<p>Incorporate as condition of project approval Planning and Building Division requires proper contact and project coordinator protocols prior to issuance of demolition,</p>	<p>Stop Project/ alert proper agency contact</p>	

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VI. GEOLOGY AND SOILS					
MM GEO -1: Prior to grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer. Design criteria of new structures and foundations shall be in accordance with the provisions of the 2013 California Building Code or subsequent codes in effect when final design occurs. Recommended seismic design coefficients and spectral accelerations shall be consistent with the findings presented in the Conclusions of the May 25, 2016 Herzog report.	Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of grading or building permits	Building Division	Incorporate as condition of project approval Building Division verifies appropriate approvals obtained prior to issuance of grading or building permit	Deny issuance of building permit	
MM GEO-2: Prior to grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer. Foundation design shall account for settlements due to possible liquefaction within the fill and colluvial/alluvial soils. Foundation support designs shall extend into competent materials below the liquefiable zone as recommended in the May 25, 2016 Herzog report. Foundation supports for sloping areas shall be designed to resist forces imposed by lateral spreading.	Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of grading or building permits	Building Division	Incorporate as condition of project approval Building Division verifies appropriate approvals obtained prior to issuance of grading or building permit	Deny issuance of building permit	
MM GEO-3: Prior to grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation including criteria for high-energy ring net barriers or buttress, catchment and/or diversion facilities based on recommendations included in the Herzog Preliminary Geotechnical Recommendations reports submitted with the project	Require as a condition of approval Project sponsor obtains	Department of Public Works Building Division	Incorporate as condition of project approval DPW and Building Division verifies	Deny issuance of building permit	

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<p>application. This report shall be prepared by a qualified and licensed geotechnical engineer. It will be necessary to provide debris catchment facilities upslope of improvements. The catchments may consist of earthen berms, structural walls, or high-energy ring net barriers (GeoBrugg®, or equivalent). The barriers should be supported on drilled, cast-in-place, reinforced concrete piers extending into approved competent soils or bedrock. Anchor cables for the barriers should be restrained with drilled tieback anchors extending into bedrock. The actual alignments and structural requirements for the barriers should be determined as part of design-level geotechnical investigation for the project, and the materials and installation for the fences should conform with project-specific shop drawings and specifications by the manufacturer which are prepared and submitted for review prior to commencing work. Runoff and debris from the swales may also be channeled to detention basins utilizing diversion walls or berms. It will be necessary to periodically remove accumulated material from behind the catchment facilities and detention basins to maintain adequate storage capacity. Alternatively, slide areas located on the subject property may be over-excavated and reconstructed as compacted and underdrained fill buttresses that are keyed into competent bedrock.</p>	<p>approvals from appropriate agencies prior to issuance of grading or building permits</p>		<p>appropriate approvals obtained prior to issuance of grading or building permit</p>		
<p>MM GEO-5: Prior to grading or building permit submittal, the project sponsor shall prepare a design-level drainage plan including criteria for a site drainage system to collect surface water and discharging it into an established storm drainage system. New retaining walls should be properly back-drained to prevent the buildup of hydrostatic pressure behind the walls, and foundation drains should be installed around the perimeter of new structures to reduce seepage beneath the improvements. A qualified and licensed</p>	<p>Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to</p>	<p>Department of Public Works Building Division</p>	<p>Incorporate as condition of project approval On site construction manager to provide construction</p>	<p>Stop project/ issue warning/fines</p>	

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civil engineer shall be responsible for designing the site drainage system and, an erosion control plan shall be developed prior to construction per the current guidelines of the California Stormwater Quality Association's Best Management Practice Handbook (2003).	issuance of grading or building permits		updates during site grading		
MM GEO-5: During site preparation and construction, the project sponsor shall ensure that soils should be moisture conditioned to above the optimum moisture content during site grading and maintained at this moisture content until imported aggregate base and/or surface flatwork is completed. Moisture conditioned soils shall be consistent with recommendations by a licensed geotechnical engineer	Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of grading or building permits	Department of Public Works Building Division	Incorporate as condition of project approval On site construction manager to provide construction updates during site grading	Stop project/ issue warning/fines	
VIII. HAZARDOUS MATERIALS					
MM HAZ-1: Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a hazardous building materials survey for all structures proposed for demolition or renovation as part of the project. All lead-based paint and asbestos-containing materials (ACM) shall be abated by a certified contractor in accordance with local, state, and federal requirements. All hazardous materials shall be removed from buildings prior to demolition in accordance with California Division of Occupational Safety and Health (DOSH) and California Department of Toxic Substances Control (DTSC) regulations. A completion of abatement activities report shall be prepared by a qualified professional and submitted to the Town prior to permit approval.	Require as a condition of approval Project sponsor submits report requiring approvals from appropriate agencies prior to issuance of demolition permits	Planning Division Building Division	Incorporate as condition of project approval Planning/Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of demolition permit	
IX. HYDROLOGY AND WATER QUALITY					

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<p>MM HYDRO-1: Pursuant to Fairfax Code Section 16.24.160(c) and prior to submittal for demolition, construction and grading permits for the project, the project sponsor shall provide construction detail level drainage and stormwater plans including a storm water system designed for the 10 to 100-year storm event. The drainage plan shall require Fairfax Town Engineer review and approval.</p> <p>The project sponsor shall also demonstrate compliance with the Construction General Permit and Town requirements, including the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to address stormwater runoff during project construction. The project sponsor shall also comply with all Town stormwater requirements in accordance with guidance provided by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), including preparation and implementation of a Stormwater Control Plan (SCP) containing BMP's measures to address retention and treatment of stormwater runoff, operations and maintenance of all stormwater treatment facilities, and prevention of hydro-modification during project operations.</p> <p>The SCP shall address all buildings and impervious surfaces created by the project, including impervious surfaces related to temporary buildings and construction parking and staging areas.</p>	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of grading or building permits</p>	<p>Planning Division</p> <p>Building and Engineering Division</p>	<p>Incorporate as condition of project approval</p> <p>Building and Engineering Division verifies appropriate approvals obtained prior to issuance of grading or building permit</p>	<p>Deny issuance of building permit</p>	
XII. NOISE					
<p>MM NOI-1a: Mechanical equipment shall be selected to reduce impacts on surrounding uses to meet the Town's noise level requirements. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to</p>	<p>Require as a condition of approval</p>	<p>Building Division</p>	<p>Incorporate as condition of project approval</p>	<p>Deny issuance of building permit</p>	

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<p>determine specific noise reduction measures necessary to reduce noise.</p> <p>Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line-of-sight between the noise source and the nearest receptors. Design planning should take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas. Other controls could include, but shall not be limited to, fan silencers, enclosures, and screen walls.</p> <p>The implementation of the reasonable and feasible controls outlined above would operational noise levels to 45 dBA L50 or less.</p> <p>MM NOISE-2: The project sponsor shall incorporate the following construction control measures:</p> <p>a) Limit construction to the hours of 8:00 a.m. to 5:00 p.m. on weekdays, and 9:00 a.m. to 4:00 p.m. on Saturdays, with no noise-generating construction on Sundays or holidays.</p> <p>b) Control noise from construction workers' radios to the point where they are not audible at existing residences that border the Project site.</p> <p>c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</p> <p>d) Utilize quiet models of air compressors and other stationary noise sources where technology exists.</p> <p>e) Locate stationary noise-generating equipment as far as possible from sensitive receptors</p>	<p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Building Division</p>	<p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Stop Project/ alert proper contact issue warnings/fines</p>	
	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of demolition, grading, or building permits</p>	<p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of demolition, grading, or building permit</p> <p>Provide neighbors with contact information</p>		

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<p>when sensitive receptors adjoin or are near a construction project area.</p> <p>f) Prohibit unnecessary idling of internal combustion engines.</p> <p>g) Notify residents adjacent to the Project site of the construction schedule in writing.</p> <p>h) Designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.</p>					
XVI. TRANSPORTATION/ TRAFFIC					
<p>MM TRAF-1: Prior to submittal of a demolition, grading, or building permit, the project sponsor shall design a two-way left-turn pocket on Sir Francis Drake Boulevard, prepared by a licensed professional civil engineer. The turn lane design shall also incorporate high resolution lane striping and/or warning signs alerting drivers to the presence of opposite direction traffic turning conflicts. The two-way left turn lane pocket shall be submitted to the Director of Public Works for review and approval.</p>	<p>Require as a condition of approval</p> <p>Project sponsor submits plan requiring approvals from appropriate HOA or agencies prior to issuance of demolition, grading, or building permits</p>	<p>Department of Public Works</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>DPW/Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of demolition, grading, or building permit</p>	