Exhibit B

Mitigation Monitoring & Reporting Program

for the

TOWN OF FAIRFAX GENERAL PLAN HOUSING ELEMENT UPDATE

SCH No. 2022080624

Town of Fairfax

November 30, 2023

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Purpose

State of California Public Resources Code Section 21081.6(a)(1) requires a lead or responsible agency that approves or carries out a project subject to the California Environmental Quality Act (CEQA) to adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The Town of Fairfax (the "Town") is the lead agency for the Environmental Impact Report (EIR) prepared for the General Plan Housing Element Update (SCH No. 2022080624), hereafter referred to as "Proposed Project," and therefore is responsible for the adoption and implementation of the required mitigation monitoring and reporting program. An EIR has been prepared for the Proposed Project that addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts.

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Public Resources Code Section 21081.6(a)(1). It is the intent of this program to:

1. Verify satisfaction of the required mitigation measures of the EIR;
2. Provide a methodology to document implementation of the required mitigation;
3. Provide a record of the monitoring program;
4. Identify monitoring responsibility;
5. Establish administrative procedures for the clearance of mitigation measures;
6. Establish the frequency and duration of monitoring; and
7. Utilize existing review processes wherever feasible.

The MMRP describes the procedures that will be used to implement the mitigation measures adopted in connection with the approval of the Proposed Project and the methods of monitoring such actions. A monitoring program is necessary only for impacts which would be significant if not mitigated.

If, during the course of project implementation, any of the mitigation measures identified cannot be successfully implemented, the Town shall immediately inform any affected responsible agencies. The Town, in conjunction with any affected responsible agencies, will then determine if modification to the project is required, and/or whether alternative mitigation is appropriate.

The following consists of a monitoring program table noting the responsible entity for mitigation monitoring, the timing, and a list of all project-related mitigation measures.

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Mitigation Monitoring and Reporting Plan

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
3.2 Air Quality						
3.2-2 Implementation of the Proposed Project would not result in a cumulatively considerable net increase of criteria pollutants for which the Project region is nonattainment under an applicable federal or State ambient air quality standard. *Construction* Construction associated with buildout of the Proposed Project would result in the temporary generation of ozone precursors (ROG, NOx), CO, and particulate matter	**MM AQ-1: Implement BAAQMD Basic Construction Mitigation Measures.** The Town shall require new project development projects to implement the BAAQMD's Basic Control Mitigation Measures to address fugitive dust emissions that would occur during earthmoving activities associated with project construction. These measures include: a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered. c) All visible mud or dirt track-out onto adjacent public roads	Submittal of plans for building permit approval that note that all construction and demolition activities will comply with the BAAQMD Basic Construction Mitigation Measures. Visual inspection of the construction site to verify that construction activities	Once prior to approval of building permits. As needed during demolition and construction.	Planning & Building Department		

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
emissions that could result in short-term impacts on ambient air quality within the Planning Area and contribute to ozone formation and other air pollution in the SFBAAB. As such, construction emissions generated in the planning area by implementation of the Proposed Project would result in a potentially significant impact and mitigation would be required. To ensure projects achieve consistency with the BAAQMD's construction screening criteria or, if consistency with the construction screening criteria cannot be demonstrated, the Town is incorporating Mitigation Measure AQ-1 and AQ-2 into future project development projects to mitigate this potential impact to a	shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d) All vehicle speeds on unpaved roads shall be limited to 15 mph. e) 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. f) 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. g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's	comply with the measures.				

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
less-than-significant level.	specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. h) Post a publicly visible sign with the telephone number and person to contact at the Town 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.					
3.2-2 Implementation of the Proposed Project would not result in a cumulatively considerable net increase of criteria pollutants for which the Project region is nonattainment under an applicable federal or State ambient air quality standard. *Construction* Construction associated with buildout of the	**MM AQ-2: Prepare Project-level Construction Emissions Assessment.** The Town shall require new development projects to submit a quantitative project-level construction criteria air pollutant and toxic air contaminant emissions analysis prior to the start of construction activities that shows project construction activities would not exceed BAAQMD project-level thresholds of significance. The analysis may rely on BAAQMD construction screening criteria to demonstrate that a detailed assessment of criteria air pollutant and toxic air contaminant construction	Submittal a quantitative project-level construction criteria air pollutant and toxic air contaminant emissions analysis, including mitigation measures as needed for projects not meeting	Prior to project approval.	Planning & Building Department		

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Proposed Project would result in the temporary generation of ozone precursors (ROG, NOx), CO, and particulate matter emissions that could result in short-term impacts on ambient air quality within the Planning Area and contribute to ozone formation and other air pollution in the SFBAAB. As such, construction emissions generated in the planning area by implementation of the Proposed Project would result in a potentially significant impact and mitigation would be required. To ensure projects achieve consistency with the BAAQMD's construction screening criteria or, if consistency with the construction screening criteria cannot be demonstrated, the Town is incorporating Mitigation Measure AQ-1 and AQ-2 into future	emissions is not required for the project. If the project does not satisfy all BAAQMD construction screening criteria, the analysis shall estimate and compare construction criteria air pollutant and toxic air contaminant emissions against the project-level thresholds of significance maintained by BAAQMD and, if emissions are shown to be above BAAQMD thresholds, then the project must implement measures to reduce emissions below BAAQMD thresholds. Mitigation measures to reduce emissions could include, but are not limited to: a) Watering exposed surfaces at a frequency adequate to maintain a minimum soil moisture content of 12 percent, as verified by moisture probe or lab sampling; b) Suspending excavation, grading, and/or demolition activities when average wind speeds exceed 20 miles per hour; c) Selection of specific construction equipment (e.g., specialized pieces of equipment with smaller engines or equipment that will	screening criteria.				

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project development projects to mitigate this potential impact to a less-than-significant level.	be more efficient and reduce engine runtime); d) Installing wind breaks that have a maximum 50 percent air porosity; e) Restoring disturbed areas with vegetative ground cover as soon as possible; f) Limiting simultaneous ground-disturbing activities in the same area at any one time (e.g., excavation and grading); g) Scheduling/phasing activities to reduce the amount of disturbed surface area at any one time; h) Installing wheel washers to wash truck and equipment tires prior to leaving the site; i) Minimizing idling time of diesel-powered construction equipment to no more than two minutes or the shortest time interval permitted by manufacturer's specifications and specific working conditions; j) Requiring equipment to use alternative fuel sources (e.g., electric-powered and liquefied					

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	or compressed natural gas), meet cleaner emission standards (e.g., U.S. EPA Tier IV Final emissions standards for equipment greater than 50-horsepower), and/or utilizing added exhaust devices (e.g., Level 3 Diesel Particular Filter); k) Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM; l) Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines; and m) Applying coatings with a volatile organic compound (VOC) that exceeds the current regulatory requirements set forth in BAAQMD regulation 8, Rule 3 (Architectural Coatings).					
3.2-3 Implementation of the Proposed Project would not expose sensitive	**MM AQ-1: Implement BAAQMD Basic Construction Mitigation Measures.**	Submittal of construction documents that note that	Once prior to approval of building permits.	Planning & Building Department		

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
receptors to substantial pollutant concentrations. With the implementation of Mitigation Measures AQ-1 through AQ-3, TAC construction emissions associated with the Proposed Project would not result in significant adverse health risks at receptor locations.	The Town shall require new project development projects to implement the BAAQMD's Basic Control Mitigation Measures to address fugitive dust emissions that would occur during earthmoving activities associated with project construction. These measures include: i) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. j) All haul trucks transporting soil, sand, or other loose material off-site shall be covered. k) 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. l) All vehicle speeds on unpaved roads shall be limited to 15 mph. m) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible	all construction and demolition activities will comply with the BAAQMD Basic Construction Mitigation Measures. Visual inspection of the construction site to verify that construction activities comply with the measures.	As needed during demolition and construction.			

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	after grading unless seeding or soil binders are used. n) 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. o) 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. Post a publicly visible sign with the telephone number and person to contact at the Town 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.					

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
3.2-3 Implementation of the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations. With the implementation of Mitigation Measures AQ-1 through AQ-3, TAC construction emissions associated with the Proposed Project would not result in significant adverse health risks at receptor locations.	**MM AQ-2: Prepare Project-level Construction Emissions Assessment.** The Town shall require new development projects to submit a quantitative project-level construction criteria air pollutant and toxic air contaminant emissions analysis prior to the start of construction activities that shows project construction activities would not exceed BAAQMD project-level thresholds of significance. The analysis may rely on BAAQMD construction screening criteria to demonstrate that a detailed assessment of criteria air pollutant and toxic air contaminant construction emissions is not required for the project. If the project does not satisfy all BAAQMD construction screening criteria, the analysis shall estimate and compare construction criteria air pollutant and toxic air contaminant emissions against the project-level thresholds of significance maintained by BAAQMD and, if emissions are shown to be above BAAQMD thresholds, then the project must implement measures to reduce emissions below BAAQMD thresholds. Mitigation measures to reduce emissions could include, but are not limited to:	Submittal a quantitative project-level construction criteria air pollutant and toxic air contaminant emissions analysis, including mitigation measures as needed for projects not meeting screening criteria,	Prior to project approvals.	Planning & Building Department		

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
	n) Watering exposed surfaces at a frequency adequate to maintain a minimum soil moisture content of 12 percent, as verified by moisture probe or lab sampling; o) Suspending excavation, grading, and/or demolition activities when average wind speeds exceed 20 miles per hour; p) Selection of specific construction equipment (e.g., specialized pieces of equipment with smaller engines or equipment that will be more efficient and reduce engine runtime); q) Installing wind breaks that have a maximum 50 percent air porosity; r) Restoring disturbed areas with vegetative ground cover as soon as possible; s) Limiting simultaneous ground-disturbing activities in the same area at any one time (e.g., excavation and grading); t) Scheduling/phasing activities to reduce the amount of					

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	disturbed surface area at any one time; u) Installing wheel washers to wash truck and equipment tires prior to leaving the site; v) Minimizing idling time of diesel-powered construction equipment to no more than two minutes or the shortest time interval permitted by manufacturer's specifications and specific working conditions; w) Requiring equipment to use alternative fuel sources (e.g., electric-powered and liquefied or compressed natural gas), meet cleaner emission standards (e.g., U.S. EPA Tier IV Final emissions standards for equipment greater than 50-horsepower), and/or utilizing added exhaust devices (e.g., Level 3 Diesel Particular Filter); x) Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM;					

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	y) Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines; and Applying coatings with a volatile organic compound (VOC) that exceeds the current regulatory requirements set forth in BAAQMD regulation 8, Rule 3 (Architectural Coatings).					
3.2-3 Implementation of the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations. With the implementation of Mitigation Measures AQ-1 through AQ-3, TAC construction emissions associated with the Proposed Project would not result in significant adverse health risks at receptor locations.	**MM AQ-3: Review Air Quality Risks to New Housing Sites.** The Town shall require new residential development projects to review and identify, using the BAAQMD's publicly available Stationary Source Screening Map or another standard methodology (e.g., BAAQMD public records request), permitted stationary sources within 1,000 feet of the project that may result in risks and hazards to new receptors. If screening-level information indicates potential stationary source risks and hazards would exceed the BAAQMD's thresholds, the project applicant shall: 1) incorporate site and building design measures into the project that reduce exposure to pollutants; or 2) conduct refined, site-specific modeling, using the latest information and guidance from the BAAQMD, demonstrating	Submittal of documentation of existing permitted stationary sources and mitigation of potential hazards, including mitigation measures as needed for projects that exceed BAAQMD thresholds.	Prior to project approval.	Planning & Building Department		

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	sources risks and hazards would not exceed BAAQMD thresholds for new receptors. Site and building design measures that may reduce potential exposure to pollutants would include, but are not limited to, buffering/increasing the distance between sources and receptors, designing the site to limit exposure to the highest pollutant concentrations, and incorporating enhanced filter systems into heating, ventilation, and air conditioning equipment.					
3.3 Biological Resources						
3.3.1 Implementation of the Proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, but impacts would be reduced with implementation of	**MM BIO-1: Conduct Preconstruction Surveys for Special Status Species.** Prior to ground-disturbing activities and during the appropriate identification periods for special-status plants and wildlife listed in Tables 3.3-1 and 3.3-2, project applicants proposing development on sites with the potential for special-status species to occur shall engage a qualified biologist with adequate prior experience (ex: at least 2 years for pallid bat) conducting surveys and using relevant survey equipment for subject species in Marin County to conduct field surveys within work areas and the immediately adjacent areas to determine the presence of habitat for special-status	Submittal of a survey prepared by a qualified biologist.	Prior to initiation of construction activities.	Planning & Building Department and CDFW		

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Mitigation Measures BIO-1 through BIO-6. Given the extent of biological resources throughout the community, housing sites identified in the Proposed Project do occur along riparian areas near Bothin, San Anselmo, and Fairfax Creeks; the construction of which could potentially adversely affect several special-status species.	plant and wildlife species. Surveys for northern spotted owl habitat shall identify the type and quality of potential habitat as described in the U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls. The field surveys are to be conducted when special-status species that could occur in the area are evident and identifiable, generally during the blooming or breeding period. Roosting Bat habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities. One or more surveys shall be conducted as needed to account for different special-status species identification periods. The results of field surveys shall be summarized in an accompanying report documenting all proposed work areas and the presence or absence of any sensitive resources that could be affected by development. Additionally, the report shall outline where species and/or habitat-specific mitigation measures (as required under Mitigation Measures BIO-2 through BIO-6) are required. This report shall be submitted to CDFW for review and will provide the basis for any applicable permit applications and consultations with					

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	regulatory agencies where incidental take may occur. Project applicants shall obtain CDFW's written approval of the assessment prior to commencement of Project activities.					
3.3.1 Implementation of the Proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, but impacts would be reduced with implementation of Mitigation Measures BIO-1 through BIO-6. Given the extent of biological resources throughout the community, housing sites identified in the Proposed Project do occur along	**MM BIO-2: Worker Environmental Awareness Training Program.** If it is established pursuant to Mitigation Measure BIO-1 that special status species occur on the site, prior to the issuance of grading or building permits, and for the duration of construction activities, the project proponent shall demonstrate that it has in place a Construction Worker Environmental Awareness Training Program for all construction workers at the project site. All construction workers shall attend the Program prior to participating in construction activities. The Program shall be developed and conducted by a qualified biologist with experience in Marin County. The training may be presented in video form. The Program shall include: • Information on the life history of wildlife and plant species that may be encountered during construction activities	Submittal of documentation, including training materials and sign-in sheets indicating worker attendance.	Prior to initiation of construction activities.	Planning & Building Department		

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riparian areas near Bothin, San Anselmo, and Fairfax Creeks; the construction of which could potentially adversely affect several special-status species.	and legal protection status of each species; • The definition of "take" under the Federal Endangered Species Act and the California Endangered Species Act; • Measures the project proponent/operator is implementing to protect the species; and • Specific measures that each worker shall employ to avoid take of wildlife species, and penalties for violation of the Federal Endangered Species Act or California Endangered Species Act.					
3.3.1 Implementation of the Proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of	**MM BIO-3: Install Temporary Flagging or Barrier Fencing to Protect Sensitive Biological Resources Adjacent to the Work Area.** If required pursuant to Mitigation Measure BIO-1, a qualified biologist with prior experience for subject species in Marin County shall identify and flag or fence sensitive biological habitat onsite to ensure it is avoided during construction and pre-construction activities. Flagging or fencing shall be installed prior to the	On-site inspection .	Prior to initiation of construction activities.	Planning & Building Department and CDFW		

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Fish and Wildlife or U.S. Fish and Wildlife Service, but impacts would be reduced with implementation of Mitigation Measures BIO-1 through BIO-6. Given the extent of biological resources throughout the community, housing sites identified in the Proposed Project do occur along riparian areas near Bothin, San Anselmo, and Fairfax Creeks; the construction of which could potentially adversely affect several special-status species.	site of site preparation activities remain in place for the duration of construction activities. *Additional requirements for northern spotted owl*: No Project activities within 0.25 miles of potential northern spotted owl nesting habitat shall occur between February 1 and July 31 unless a qualified biologist approved in writing by CDFW conducts northern spotted owl surveys following the USFWS survey protocol listed in MM BIO-1 for disturbance-only projects. If breeding northern spotted owl are detected during surveys, a 0.25 mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and July 31 each year. If nesting or foraging habitat for northern spotted owls is identified on-site and will be removed, compensatory mitigation for loss of habitat approved in writing by CDFW shall be completed prior to Project					

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	activities. Habitat compensation shall not be less than 1:1 for low quality habitat and shall be at least 3:1 for moderate to high quality habitat, unless otherwise required or approved by CDFW in writing. If nesting habitat will be removed by the Project between February 1 and July 31, two years of protocol surveys shall be conducted by a qualified biologist approved in writing by CDFW pursuant to the above USFWS survey protocol for habitat removal projects prior to Project activities, unless otherwise approved in writing by CDFW. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW. If take of northern spotted owl cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA. *Additional requirements for roosting bats*: If roosting bats are detected, a					

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	bat avoidance and exclusion plan shall be implemented. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted. Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed					

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	by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.					
3.3.1 Implementation of the Proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, but impacts would be reduced with implementation of Mitigation Measures BIO-1 through BIO-6. Given the extent of biological resources throughout the community, housing sites identified in the Proposed Project do occur along	**MM BIO-4: Avoid and Minimize Disturbance to Special-Status Plant Species.** If necessary pursuant to the results of surveys conducted under Mitigation Measure BIO-1, the work area shall be modified to the extent feasible to avoid indirect or direct impacts on special-status plants. If complete avoidance of special-status plants is not feasible, at a minimum the special-status plant species shall be relocated on-site, at least 20 feet away from construction directly relating to the project. All site preparation, seed/cutting/root collection, grow-out, and plant installation shall be conducted by a landscape company approved by the Town of Fairfax with experience working on restoration projects and within the habitats present on-site. Following the relocation, the plantings/seedings shall be monitored annually for five years or longer by a botanist paid for and hired by the Project proponent to determine the success of the relocation. For	Submittal of a survey prepared by a qualified biologist.	Prior to initiation of construction activities.	Planning & Building Department		

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
riparian areas near Bothin, San Anselmo, and Fairfax Creeks; the construction of which could potentially adversely affect several special-status species.	individual plants, success criteria is the establishment of new viable occurrences equal to or greater in number than the number of plants impacted, for at least three years without supplemental care such as watering. On-site maintenance of the relocated plants shall be contracted to a landscaping company which will also be paid for and hired by the Project proponent. An annual report by a botanist detailing the success of the relocation shall be drafted and submitted to all responsible agencies (e.g., CDFW, USFWS) for their review. If success criteria are not met, management of the relocated plants will be modified as needed, but management and reporting shall continue until success criteria are met.					
3.3.1 Implementation of the Proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies,	**MM BIO-5: Disturbance to Obscure Bumble Bee.** If required pursuant to Mitigation Measure BIO-1, in order to minimize disturbance to the obscure bumble bee, a qualified entomologist paid for and hired by the applicant shall conduct a take avoidance survey for active bumblebee colony nesting sites in any previously undisturbed area no more than 14 days prior to each phase of construction, if the work will occur	Submittal of a survey prepared by a qualified biologist.	Prior to initiation of construction activities.	Planning & Building Department		

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or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, but impacts would be reduced with implementation of Mitigation Measures BIO-1 through BIO-6. Given the extent of biological resources throughout the community, housing sites identified in the Proposed Project do occur along riparian areas near Bothin, San Anselmo, and Fairfax Creeks; the construction of which could potentially adversely affect several special-status species.	during the flying season, generally between March 1 and September 1. The surveys shall occur when temperatures are above 60 degrees Fahrenheit (°F), on sunny days with wind speeds below 8 miles per hour, and at least 2 hours after sunrise and 3 hours before sunset. Surveyors shall conduct transect surveys focusing on detection of foraging bumble bees and underground nests using visual aids such as binoculars. If no obscure bumble bees or potential obscure bumble bees are detected, no further mitigation is required. If potential obscure bumble bees are seen but cannot be identified, the applicant shall obtain authorization from CDFW within 14 days prior to groundbreaking to use nonlethal netting methods to capture bumble bees to identify them to species. If protected bumble bee nests are found, they shall be protected in place until they are no longer active as determined by a qualified entomologist. Survey results, including negative findings, shall be submitted to CDFW and the Town prior to groundbreaking within 14 days of completing the take avoidance survey.					
3.3.1	**MM BIO-6: Disturbance to Foothill Yellow-Legged Frog (FYLF).**	Submittal of survey prepared	Prior to issuance of	Planning & Building Department		

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
Implementation of the Proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, but impacts would be reduced with implementation of Mitigation Measures BIO-1 through BIO-6. Given the extent of biological resources throughout the community, housing sites identified in the Proposed Project do occur along riparian areas near Bothin, San Anselmo, and Fairfax Creeks; the construction of which could potentially adversely affect several special-status species.	If required pursuant to Mitigation Measure BIO-1, in order to minimize disturbance to dispersing or foraging FYLF, all grading activity within 100 feet of aquatic habitat shall be conducted during the dry season, generally between May 1 and October 15, or before the onset of the rainy season, whichever occurs first, unless exclusion fencing is utilized. Construction that commences in the dry season may continue into the rainy season if exclusion fencing is placed between the construction site and Bothin Creek, Fairfax Creek, or San Anselmo Creek, and includes drainage features to keep the frog from entering the construction area. Additionally, the following measures shall be implemented to lessen impacts to FYLF: a) Prior to building permit issuance the applicant shall submit evidence to the building department to demonstrate that they have retained a qualified biologist with experience with FYLF to implement each of the following measures. b) No more than 14 days before the start of ground disturbance activities, pre-construction	qualified biologist.	a building permit.			

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
	surveys for FYLF shall be conducted by a qualified biologist and shall cover the project site, access areas, and aquatic features within 200 feet of the project site. Additionally, for construction activity within 100 feet of Bothin Creek, Fairfax Creek or San Anselmo Creek, a survey shall be conducted by a qualified biologist every morning before construction activities commence for the day to ensure that no FYLF are present in the construction area. If FYLF are observed in the construction area or access areas, all work in the vicinity of the FYLF shall be stopped and the USFWS shall be consulted immediately. The biologist shall submit a summary of their surveyed findings to the town planner by email within 14 days prior to groundbreaking. c) Exclusion fencing shall be installed around any work area within 100 feet of a drainage, wetland, or Bothin Creek, Fairfax Creek or San Anselmo Creek, unless construction					

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	activity will be completed in one day or less at that location. A qualified biologist shall be present to monitor the installation of the exclusion fence. d) Because dusk and dawn are often the times when FYLF are most actively foraging, all construction activities shall cease one half hour before sunset and shall not begin prior to one half hour before sunrise. Construction activities shall not occur during rain events, which are any occurrences of rain that result in an accumulation of 0.1 inches or more in 24 hours, unless a survey is conducted by a qualified biologist each day prior to the start of construction activities and one-half hour before sunset to ensure that no FYLF are observed in the construction area or access areas. e) Any open holes or trenches shall be covered using timber mats or an equally effective material at the end of each					

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	working day to prevent FYLF from becoming entrapped. f) A Spill Prevention and Control Plan shall be created and made part of the plans for the building permit application. The plan shall outline equipment and procedures to prevent and respond to a spill. Containers (tanks, drums, totes) are required to have sized secondary containment and overfill prevention. The plan and materials necessary to implement it shall be accessible on-site. Heavy equipment shall be checked daily for leaks. Equipment with leaks shall not be used until leaks are fixed. Refueling shall occur at designated sites outside of active stream channels or above the ordinary high water mark. g) Any disturbed ground shall receive erosion control treatment pursuant to Chapter 8.32 of the Town Code and native seed mix within seven days following completion of construction or within seven					

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
	days following a seasonal stoppage of construction. h) All workers shall ensure that food scraps, paper wrappers, food containers, cans, bottles, and other trash from the construction area are deposited in covered or closed trash containers. The trash containers shall not be left open and unattended overnight.					
3.4 Cultural and Tribal Cultural Resources						
3.4-1 Implementation of the Proposed Project at the program level could cause a substantial adverse change in the significance of a historical resource, as defined as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historic resource would be materially impaired, but this impact is reduced through the	**MM CUL-1: Evaluate Age-Eligible Properties That Have Not Previously Been Evaluated Prior to Development Projects to Identify Historic Resources.** As a condition of project approval for a development project proposed on a parcel within the Planning Area that includes a building, structure, or landscape more than 45 years old (typical age threshold applied by the California Office of Historic Preservation) and that has not previously been evaluated for potential historic significance, the Town shall require the project applicant shall retain a professional who meets the Secretary of the of the Interior's Professional Qualifications Standards for	Consultation with Town; and in the event of potential impacts to historic resources, submittal of an evaluation prepared by a qualified architectural historian.	Prior to project approval.	Planning & Building Department		

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
implementation of mitigation measures CUL-1 and CUL-2 (Guidelines Section 15064.5).	architectural history or history (as appropriate), to conduct an evaluation of historic significance and eligibility for listing on local, State, or national registers.					
Implementation of the Proposed Project at the program level could cause a substantial adverse change in the significance of a historical resource, as defined as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historic resource would be materially impaired, but this impact is reduced through the implementation of mitigation measures CUL-1 and CUL-2 (Guidelines Section 15064.5).	**MM CUL-2: Avoidance or Minimization of Effects on Identified Historic Resources.** The project applicant shall consult with Town staff to determine whether a project can be feasibly redesigned or revised to avoid significant adverse impacts on listed and identified eligible historic resource(s), including historic districts. If a local landmark or historic district is part of a proposed development, the project's Historic Application must be reviewed by the Town's Planning Commission. If avoidance of historic resource(s) is not feasible, where feasibility is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors," the project sponsor shall seek to reduce the effect on historic resource(s) to a less-than-significant level pursuant to CEQA Guidelines Section 15364. Projects that conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties are considered to	Consultation with Town and the Office of Historic Resources. Approval of an Historic Application with associated mitigation measures by the Town Planning Commission.	Prior to project approval.	Planning & Building Department, Town Planning Commission.		

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
	have a less-than-significant effect on historic architectural resources.					
3.4-2 Implementation of the Proposed Project at the project level could cause an adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5., but this impact is reduced through the implementation of Mitigation Measure CUL-2 (Guidelines Section 15064.5).	**MM CUL-3: Conduct Cultural Resources Awareness Training.** Prior to the start of any ground disturbance or construction activities, developers of projects within 50 feet of a creek or within 50 feet of recorded archaeological resources or tribal cultural resources in the Planning Area shall retain a qualified professional archaeologist to conduct cultural resource awareness training for construction personnel. This training shall include an overview of what cultural resources are and why they are important, archaeological terms (such as site, feature, deposit), project site history, types of cultural resources likely to be uncovered during excavation, laws that protect cultural resources, and the unanticipated discovery protocol per the PRC Section 21083.	Submittal of documentation, including training materials and sign in sheets indicating worker attendance.	Prior to construction activities.	Planning & Building Department		
3.4-3 Implementation of the Proposed Project could have the potential to disturb human remains, including those interred outside of formal cemeteries, but this	**MM CUL-3: Conduct Cultural Resources Awareness Training.** Prior to the start of any ground disturbance or construction activities, developers of projects within 50 feet of a creek or within 50 feet of recorded archaeological resources or tribal cultural resources in the Planning Area	Submittal of documentation, including training materials and sign in sheets indicating	Prior to construction activities.	Planning & Building Department		

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
impact is reduced through the implementation of Mitigation Measure CUL-3.	shall retain a qualified professional archaeologist to conduct cultural resource awareness training for construction personnel. This training shall include an overview of what cultural resources are and why they are important, archaeological terms (such as site, feature, deposit), project site history, types of cultural resources likely to be uncovered during excavation, laws that protect cultural resources, and the unanticipated discovery protocol per the PRC Section 21083.	worker attendance.				
3.4-4 Implementation of the Proposed Project could cause an adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native	**MM CUL-3: Conduct Cultural Resources Awareness Training.** Prior to the start of any ground disturbance or construction activities, developers of projects within 50 feet of a creek or within 50 feet of recorded archaeological resources or tribal cultural resources in the Planning Area shall retain a qualified professional archaeologist to conduct cultural resource awareness training for construction personnel. This training shall include an overview of what cultural resources are and why they are important, archaeological terms (such as site, feature, deposit), project site history, types of cultural resources likely to be uncovered during excavation, laws that protect cultural	Submittal of documentation, including training materials and sign in sheets indicating worker attendance.	Prior to construction activities.	Planning & Building Department		

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
American Tribe, and that is: (a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or (b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead	resources, and the unanticipated discovery protocol per the PRC Section 21083.					

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
agency shall consider the significance of the resource to a California Native American tribe. However, this impact is reduced through the implementation of Mitigation Measure CUL-3.						
3.7 Greenhouse Gas Emissions						
3.7-1 Implementation of the Proposed Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. *Construction* Construction associated with buildout of the Proposed Project would require energy and generate temporary construction-related GHG emissions from mobile and stationary construction equipment.	**MM GHG-1: Require implementation of BAAQMD-recommended BMPS.** All applicants within the Planning Area shall require their contractors, as a condition of contract, to reduce construction-related GHG emissions by implementing BAAQMD's recommended best management practices, including (but not limited to) the following measures (based on BAAQMD's CEQA Guidelines): • Ensure alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment make up at least 15 percent of the fleet. • Use local building materials of at least 10 percent (sourced from within 100 miles of the Planning Area).	Project applicant to submit to Town construction contracts requiring the use of BAAQMD-recommended construction best management practices to reduce GHG emissions.	Prior to issuance of grading permits, and improvement plan approvals and building permits for each building.	Planning & Building Department		

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
However, this impact is reduced through the implementation of Mitigation Measure GHG-1.						
3.7-1 Implementation of the Proposed Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. *Operations* Operation of the land uses introduced by the Proposed Project would require energy consumption and generate long-term emissions of CO_2, CH_4, and N_2O. Future conditions under the Proposed Project would not meet the 100 percent GHG emissions reduction target for 2030 set by the Town Climate Action Plan. Even with	**MM GHG-2: Update the Fairfax Climate Action Plan 2030.** The Town will update its CAP to reach carbon neutrality by 2045, consistent with Executive Order B-55-18. The updated CAP shall include community emission forecasts that incorporate the changes in population and number of households anticipated under the Proposed Project.	Adoption of an updated Climate Action Plan by the Town Council.	Within 24 months of adoption of the Housing Element	Planning & Building Department		

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
Mitigation Measure GHG-2, the associated impact would remain significant and unavoidable and cumulatively considerable.						
3.7-2 Implementation of the Proposed Project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. *Construction* Construction associated with buildout of the Proposed Project would require energy and generate temporary construction-related GHG emissions from mobile and stationary construction equipment. However, this impact is reduced through the implementation of Mitigation Measure GHG-1.	**MM GHG-1: Require implementation of BAAQMD-recommended BMPS.** All applicants within the Planning Area shall require their contractors, as a condition of contract, to reduce construction-related GHG emissions by implementing BAAQMD's recommended best management practices, including (but not limited to) the following measures (based on BAAQMD's CEQA Guidelines): • Ensure alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment make up at least 15 percent of the fleet. • Use local building materials of at least 10 percent (sourced from within 100 miles of the Planning Area).	Project applicant to submit to Town construction contracts requiring the use of BAAQMD-recommended construction best management practices to reduce GHG emissions.	Prior to issuance of grading permits, and improvement plan approvals and building permits for each building.	Planning & Building Department		

Impact	*Mitigation Measure*	*Method of Verification*	*Timing of Verification*	*Responsibility for Verification*	*Verification Complete Date*	*Initial*
3.7-2 Implementation of the Proposed Project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. *Operations* Future conditions under the Proposed Project would not meet the 100 percent GHG emissions reduction target for 2030 set by the Town Climate Action Plan. Even with Mitigation Measure GHG-2, the associated impact would remain significant and unavoidable and cumulatively considerable. Further, the Proposed Project's mobile-source GHG emissions would conflict with SB 743.	**MM GHG-2: Update the Fairfax Climate Action Plan 2030** The Town will update its CAP to reach carbon neutrality by 2045, consistent with Executive Order B-55-18. The updated CAP shall include community emission forecasts that incorporate the changes in population and number of households anticipated under the Proposed Project.	Adoption of an updated Climate Action Plan by the Town Council.	Within 24 months of adoption of the Housing Element	Planning & Building Department		