

## DRAFT

# Mitigation Monitoring and Reporting Program Rancho Providencia Neighborhood Protection Plan City of Burbank

## INTRODUCTION

Section 21081.6 of the Public Resources Code requires a Lead Agency 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 City of Burbank is the Lead Agency for this project.

A Mitigated Negative Declaration (MND) has been prepared to address the potential environmental impacts of the Project. The MND identified a potential significant impact associated with possible construction activities and included three mitigation measures that would reduce that impact to a less than significant level. This Mitigation Monitoring and Reporting Program (MMRP) is designed to ensure implementation of the mitigation measures identified within the MND.

## MITIGATION MEASURES

### BIO-1 Biological Resources

- Migratory Birds/MBTA Compliance – All construction activities shall comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513. Compliance with the MBTA shall be accomplished by completing the following:
  - a) If construction activities near tree canopy will take place inside the peak nesting season (between February 1 and August 31), The City shall engage a qualified biologist to (1) perform a pre-construction survey to identify any active nesting locations within 72 hours before construction activities begin and (2) to monitor construction activities if nests are discovered.
  - b) If the biologist does not find any active nests during the pre-construction survey, construction work may proceed, and no monitoring shall be required. The biologist conducting the survey shall document a negative survey (no nests observed) with a report indicating that no impacts to active avian nests will occur.
  - c) If the biologist finds an active nest within the pre-construction survey area, the biologist shall map its location on an aerial photograph and shall determine whether the nest may be impacted. If so, the biologist shall delineate an appropriate buffer zone around the nest on the map and in the field. The size of the buffer shall be determined by the biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species and are subject to CDFW discretion.
  - d) Only construction activities that have been approved by the monitoring biologist, if any, shall take place within the buffer zone until the nest is vacated. The monitoring biologist

shall supervise construction activities near active nests to ensure that no inadvertent impacts on these nests occur.

- e) Results of the pre-construction survey and any subsequent monitoring reports shall be provided to the City. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of young birds.

## **BIO-2: Biological Resources**

- Bat Nesting Compliance – Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Additionally, several bat species are considered Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Compliance with the preceding laws shall be accomplished by completing the following:
  - a) If construction activities near tree canopy will take place during maternity roost season (March 1 to September 30) the City shall engage a qualified bat specialist to (1) perform a pre-construction survey to identify any potential habitat that could provide daytime and/or nighttime roost sites, and any active nesting locations within 7 days before construction activities begin and (2) monitor construction activities if nests are discovered.
  - b) If the bat specialist does not find any active nests during the pre-construction survey, construction work may proceed, and no monitoring shall be required. The bat specialist conducting the survey shall document a negative survey (no nests observed) with a report indicating that no impacts to active avian nests will occur.
  - c) If the bat specialist finds an active nest within the pre-construction survey area, the bat specialist shall map its location on an aerial photograph and shall determine whether the nest may be impacted. If so, the bat specialist shall delineate an appropriate buffer zone around the nest on the map and in the field. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise until the end of the maternity season.
  - d) Results of the pre-construction survey and any subsequent monitoring reports shall be provided to the City. The monitoring report shall summarize the results of the roost monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing maternity roost activity.

## **NOI-1 Noise**

- Construction Noise Suppression – Construction bids and contracts shall specify that construction equipment shall be outfitted with noise-suppression mechanisms, subject to the approval of the City Building Official. Building inspectors shall periodically and randomly inspect equipment in the field and shall order work to stop if noise suppression equipment is not suitably used or is not functioning properly. Work may resume when noise suppression equipment is demonstrated to be functioning according to the manufacturer's specifications.

**NOI-2 Noise**

- Construction Hours – Construction implementing the RPNPP 2023 shall be limited to daylight hours between 7:00 a.m. and 7:00 p.m., Monday through Friday. No construction shall occur on weekends, federal, state, or local holidays. Construction bids and contracts shall acknowledge these work hours and account for them in project scheduling.

<b>Mitigation Measure</b>	<b>Environmental Agency</b>	<b>Monitoring Agency</b>	<b>Monitoring Phase</b>	<b>Monitoring Frequency</b>	<b>Action Indicating Compliance</b>
<b>BIO-1</b> Migratory Birds/MBTA Compliance	Burbank Department of Community Development, Transportation Division	Burbank Department of Public Works	Pre-construction	Once before issuance of construction permit	Negative pre-construction survey; monitoring report if field survey is positive
<b>BIO-2</b> Bat Nesting Compliance	Placeholder for finalized BIO-2 mitigation measure	Burbank Department of Public Works	Pre-construction	Once before issuance of construction permit	Negative pre-construction survey; monitoring report if field survey is positive
<b>NOI-1</b> Construction Noise Suppression	Burbank Department of Community Development, Transportation Division	Burbank Department of Public Works	Pre-construction; construction	Once before issuance of construction permit; once per week during construction	Satisfactory inspection from Public Works Inspector
<b>NOI-2</b> Construction Hours	Burbank Department of Community Development, Transportation Division	Burbank Department of Public Works	Pre-construction; construction	Once before issuance of construction permit; once per week during construction	Satisfactory inspection from Public Works Inspector