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San Diego Unified Port District

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Chula Vista Bayfront

Development Policies

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CHULA VISTA BAYFRONT

Development Policies

PLANNING AND DEVELOPMENT POLICIES

The policies below form the Chula Vista Bayfront Master Plan Development Policies (Plan). These policies are taken from the adopted and approved plans, certified environmental documents, enforceable settlement agreements, required mitigation measures, and conditions included in the approval process. They are meant to bring together, in one document, the conditions and policies that will apply to and guide the development of the Bayfront. This document has been incorporated by reference into Planning District 7, Chula Vista Bayfront, of the Port Master Plan.

1. Environmental Management Policies

Policy 1.1: In recognition of the sensitivity of the natural resources and the importance of protection, restoration, management and enforcement in protecting those resources, the District and City will prepare a Natural Resources Management Plan (NRMP) for the Chula Vista Bayfront. The NRMP will be designed to achieve the Management Objectives (defined below) for the Wildlife Habitat Areas. The NRMP will be an adaptive management plan, reviewed and amended as necessary by the District and City in coordination with the Wildlife Advisory Group. The Wildlife Advisory Group shall be formed to advise the District and City in the creation of a NRMP, cooperative management agreements, Adaptive Management Review and any related wildlife management and restoration plans or prioritizations. Because it will be frequently revised and updated, the NRMP has not been incorporated into the Port Master Plan (PMP). If there are any conflicts between the NRMP and any portion of the PMP, the provisions of the PMP shall control and take precedence.

Policy 1.2: A NRMP will be created as a condition of this Plan and will meet the management objectives below.

Policy 1.3: Taking into consideration the potential changes in functionality of Wildlife Habitat Areas due to rising sea levels, the NRMP will promote, at a minimum, the following objectives ("Management Objectives") for the Wildlife Habitat Areas:

- a) Long term protection, conservation, monitoring, and enhancement of: 1) Wetland habitat, with regard to gross acreage as well as ecosystem structure, function, and value; 2) Coastal sage and coastal strand vegetation; and 3) Upland natural resources for their inherent ecological values, as well as their roles as buffers to more sensitive adjacent wetlands.
- b) Upland areas in the Sweetwater and Otay Districts will be adaptively managed to provide additional habitat or protection to create appropriate transitional habitat during periods of high tide and taking into account future sea level rise.
- c) Preservation of the biological function of all Bayfront habitats serving as avifauna for breeding, wintering, and migratory rest stop uses.
- d) Protection of nesting, foraging, and rafting wildlife from disturbance.
- e) Avoidance of actions within the Chula Vista Bayfront area that would adversely impact or degrade of water quality in San Diego Bay or watershed areas or impair efforts of other entities for protection of the watershed.
- f) Maintenance and improvement of water quality where possible and coordination with other entities charged with watershed protection activities.

Wildlife Habitat Areas is defined below and are depicted on Exhibit 1:

- All National Wildlife refuge lands, currently designated and designated in the future, in the South San Diego Bay and Sweetwater Marsh National Wildlife Refuge Units. These areas are included in the definition of Wildlife Habitat Areas for the sole purpose of addressing adjacency impacts and not for the purpose of imposing affirmative resource management obligations with respect to the areas within the National Wildlife Refuge lands.
- All District designated lands and open water areas in the Conservation Land Use Designations of Wetlands, Estuary, and Habitat Replacement as depicted in the Precise Plan for Planning District 7.
- Parcels 1g and 2a from the City's Bayfront Specific Plan.

Policy 1.4: In addition to the standards described above, the NRMP will include:

- a) All elements which address natural resource protection in the Final Environmental Impact Report Mitigation Monitoring and Reporting Program (MMRP) including but not limited to those which assign responsibility and timing for implementing mitigation measures consistent with the City's Multiple Species Conservation Program (MSCP) Subarea Plan.
- b) Pertinent sections of the MSCP Subarea Plan.
- c) References to existing District policies and practices, such as Predator management programs and daily trash collections with public areas and increase service during special events.
- d) Establishment of design guidelines to address adjacency impacts, such as storm water, landscape design, light and noise and objectives as discussed in this Plan.
- e) Establishment of baseline conditions and management objectives.
- f) Habitat enhancement objectives and priorities.

Policy 1.5: The NRMP will be a natural resource adaptive management and monitoring plan initially prepared in consultation with the Wildlife Advisory Group and regularly reviewed and amended in further consultation with the Wildlife Advisory Group. Periodic Review will address, among other things, monitoring of impacts of development as it occurs and monitoring the efficacy of water quality improvement projects (if applicable) and management and restoration actions needed for resource protection, resource threats, management (i.e., sea-level rise, trash, window bird strikes, lighting impacts, bird flushing, water quality, fireworks, human-wildlife interface, education and interpretation programs, public access, involvement, and use plan, management of the human-wildlife interface, wildlife issues related to facilities, trails, roads, overlooks planning, and watershed coordination) and other issues affecting achievement of Management Objectives and related to Adaptive Management Review.

2. Wetlands

Policy 2.1: The biological productivity and the quality of wetlands shall be protected and, where feasible, restored.

Policy 2.2: Wetlands shall be defined and delineated consistent with the Coastal Act and the Coastal Commission Regulations, and shall include, but not be limited to, lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes,

swamps, mudflats, and fens. Any unmapped areas that meet these criteria are wetlands and shall be accorded all of the protections provided for wetlands in the PMP.

Wetlands shall be further defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

Policy 2.3: Where the required initial site inventory indicates the presence or potential for wetland species or other wetland indicators, the District shall require the submittal of a detailed biological study of the site, with the addition of a delineation of all wetland areas on the project site. Wetland delineations shall be based on the definitions contained in Section 13577(b) of Title 14 of the California Code of Regulations.

Policy 2.4:

- a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this Plan, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
 - (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
 - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
 - (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
 - (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
 - (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
 - (6) Restoration purposes.
 - (7) Nature study, aquaculture, or similar resource dependent activities.

Policy 2.5: Where wetland fill or development impacts are permitted in wetlands in accordance with the Coastal Act and any applicable PMP policies, mitigation measures shall include creation of wetlands of the same type lost. Adverse impacts will be mitigated at a ratio of 4:1 for all types of wetland, and 3:1 for non-wetland riparian areas.

Replacement of wetlands on-site or adjacent to the project site, within the same wetland system, shall be given preference over replacement off-site or within a different system. Areas subjected to temporary wetland impacts shall be restored to the pre-project condition at a 1:1 ratio. Temporary impacts are disturbances that last less than 12 months and do not result in the physical disruption of the ground surface, death of significant vegetation within the development footprint, or negative alterations to wetland hydrology.

Policy 2.6: Wherever wetlands are identified, a buffer of at least 100 feet in width from the upland edge of wetlands and at least 50 feet in width from the upland edge of riparian habitat shall be established. In some unusual cases, smaller buffers may be appropriate, when conditions of the site as demonstrated in a site-specific biological survey, the nature of the proposed development, etc. show that a smaller buffer would provide adequate protection. In such cases, the California Department of Fish and Game (CDFG) must be consulted and agree that a reduced buffer is appropriate and the District, or Commission on appeal, must find that the development could not be feasibly constructed without a reduced buffer. However, in no case shall the buffer be less than 50 feet.

Policy 2.7: At the time of adoption of the Chula Vista Bayfront plan, the seasonal ponds designated "Former Industrial Areas in Process of Remediation" on O-1 and O-4 have been identified as wetland habitat. These areas will be preserved and infrastructure rerouted to preserve the resource. Site-specific studies to assess the extent and quality of natural resources on the site will be required at the time development is proposed.

3. Climate Change and Sea Level Rise:

"Sea level rise" means a change in the mean level of the ocean. Accepted sea level rise scenarios shall be based on best available science (such as the October 2010 State of California Sea Level Rise Interim Guidance Document by the California Climate Action Team) and are presently projected at a range of approximately 10 to 17 inches for 2050.

Policy 3.1: Buffers within the Port Master Plan area have been designed to accommodate potential areas of future sea level rise inundation and are identified on Exhibit 2. The Chula Vista Bayfront plan also provides for an adequate amount of habitat migration within the identified buffer areas based on a projected sea level rise.

In cases where buffers have not yet been established, a buffer of at least 100 feet in width from the upland edge of wetlands and at least 50 feet in width from the upland edge of riparian habitat shall be established. Buffers should take into account and adapt for rises in sea level by incorporating wetland migration areas or other sea level rise adaptation strategies as appropriate. The CDFG and U.S. Fish and Wildlife Service (USFWS) must be consulted in such buffer determinations and, in some cases, the required buffer, especially for salt marsh wetlands, could be greater than 100 feet. Uses and development within buffer areas shall be limited to minor passive recreational uses, with fencing, desiltation or erosion control facilities, or other improvements deemed necessary to protect the habitat, to be located in the upper (upland) half of the buffer area; however, water quality features required to support new development shall not be constructed in wetland buffers. All wetlands and buffers identified and resulting from development and use approval shall be permanently conserved or protected through the application of an open space easement or other suitable device. All development activities, such as grading, buildings and other improvements in, adjacent to, or draining directly to a wetland must be located and built so they do not contribute to increased sediment loading of the wetland, disturbance of its habitat values, or impairment of its functional capacity.

Policy 3.2: Development shall consider the potential changes in functionality of Wildlife Habitat Area due to rising sea levels and coordinate management with the District and City Climate Mitigation and Adaptation Plans. Siting and design of new shoreline development shall take into account predicted future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered and based upon up-to-date scientific papers and studies, agency guidance (such as the 2010 Sea Level Guidance from the

California Ocean Protection Council), and reports by national and international groups such as the National Research Council and the Intergovernmental Panel on Climate Change. Consistent with all provisions of the PMP, new structures shall be set back a sufficient distance landward or other sea level rise adaptation strategies incorporated to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise over the expected economic life of the structure.

Policy 3.3: Upland areas in the Sweetwater and Otay Districts will be adaptively managed to provide additional habitat or protection to create appropriate transitional habitat during periods of high tide and taking into account future sea level rise.

Policy 3.4: Prospective development on S-1 shall be evaluated for potential hazards associated with the current year 2050 and 2100 projected sea level rise scenarios developed by the District. Development and siting decisions shall take into account identified risks on the site as well as to surrounding resources and incorporate building setbacks or other sea level rise adaptation strategies as appropriate.

4. Wildlife Protection: Bird Strikes and Disorientation

Policy 4.1: Prior to issuance of any building permits, building plans shall be reviewed by a qualified biologist retained by the developer and approved by the District, to verify that the proposed building has incorporated specific design features to avoid or to reduce the potential for bird strikes and that employ measures described below:

Policy 4.1.1: Lighting

- a) No solid red or pulsating red lights shall be installed on or near the building unless required by the Federal Aviation Administration (FAA).
- b) Where lighting must be used for safety reasons (FAA 2000 Advisory Circular), minimum intensity, maximum off-phased (3 seconds between flashes) white strobes shall be used.
- c) No solid spot lights or intense bright lights shall be used during bird migration periods in the spring (from March to May) and fall (from August to October). All event lighting shall be directed downward and shielded, unless such directed and shielded minimized light spills beyond the area for which illumination is required.
- d) Exterior lighting shall be limited to that which is necessary and appropriate to ensure general public safety and way finding, including signage for building identification and way finding.
- e) Exterior lighting shall be directed downward and shielded to prevent upward lighting and to minimize light spill beyond the area for which illumination is required.
- f) Office space, residential units, and hotel rooms shall be equipped with motion sensors, timers, or other lighting control systems to ensure that lighting is extinguished when the space is unoccupied.
- g) Office space, residential units, and hotel rooms shall be equipped with blinds, drapes, or other window coverings that may be closed to minimize the effects of interior night lighting.

Policy 4.1.2: Glass and Reflection

- a) Use of reflective coatings on any glass surface is prohibited.

- b) Buildings shall incorporate measures to the satisfaction of the District or the City to indicate to birds that the glass surface is solid by creating visual markers and muting reflection.
- c) Project design standards will encourage window stencilling and angling.
- d) These measures may include but are not limited to the following:
 - i. Glass surfaces which are non-reflective
 - ii. Glass surfaces which are tilted at a downward angle
 - iii. Glass surfaces which use fritted or patterned glass
 - iv. Glass surfaces which use vertical or horizontal mullions or other fenestration patterns
 - v. Glass surfaces which are fitted with screening, decorative grills, or louvers
 - vi. Glass surfaces which use awnings, overhangs, bris sole, or other exterior sun-shading devices
 - vii. Glass surfaces which use external films or coatings perceivable by birds
 - viii. Artwork, drapery, banners, and wall coverings that counter the reflection of glass surfaces or block "see through" pathways.

Policy 4.1.3: Building Articulation

- a) Structure design will include secondary and tertiary setbacks and, to the maximum extent possible, stepped back building design, protruding balconies, recessed windows, and mullioned glazing systems, shall be incorporated to the extent feasible. Balconies and other elements will step back from the water's edge.
- b) Design features that increase the potential for bird strikes, such as walkways constructed of clear glass and "see through" pathways through lobbies, rooms and corridors, shall be avoided except for minor features intended to enhance view opportunities at grade level and only when oriented away from large open expanses.
- c) Buildings shall be sited and designed to minimize glass and windows facing Wildlife Habitat Areas to the maximum extent possible. Design for towers on Parcel H-3 should avoid east-west monolith massing and shall include architectural articulation.
- d) Parcels containing surface parking, such as those depicted for the Sweetwater District, will be designed with parking lots located nearer to the Wildlife Habitat Areas. Site plans on parcels adjacent to Wildlife Habitat Areas will maximize distance between structures and such areas.

Policy 4.1.4: Landscaping

- a) Exterior trees and landscaping shall be located and glass surfaces shall incorporate measures so that exterior trees and landscaping are not reflected on building surfaces.
- b) In small exterior courtyards and recessed areas, the building's edge shall be clearly defined with opaque materials and non-reflective glass.
- c) Interior plants shall be located a minimum of 10 feet away from glass surfaces to avoid or reduce the potential for attracting birds.

Policy 4.1.5: Public Education

- a) The owner or operator of each building shall implement an ongoing procedure to the satisfaction of the District or the City to encourage tenants, residents, and guests to close their blinds, drapes, or other window coverings to reduce or avoid the potential for bird strikes.

- b) The owner or operator of each building shall enroll in the Fatal Light Awareness Program's "Bird-Friendly Building Program" and shall implement ongoing tenant, resident, and guest education strategies, to the satisfaction of the District or the City, to reduce or avoid the potential for bird strikes, such as elevator and lobby signage and educational displays, e-mail alerts and other bulletins during spring and fall migratory seasons, and other activities designed to enlist cooperation in reducing bird collisions with the building.

Policy 4.1.6: Monitoring Bird Strikes and Collisions

For Phase I projects, the project applicant shall retain a qualified biologist to design a protocol and schedule, in consultation with the USFWS and subject to the approval of the District or City, as appropriate depending on jurisdiction, to monitor bird strikes which may occur during the first 12 months after the completion of construction. Within 60 days after completion of the monitoring period, the qualified biologist shall submit a written report to the District or the City, which shall state the biologist's findings and recommendations regarding any bird strikes that occurred. Based on the findings of those reports, the District or the City, as appropriate depending on jurisdiction, in coordination with the USFWS, will evaluate whether further action is required, which may include further monitoring or redesign of structures for future phases.

Policy 4.2: Bird strikes must be monitored and measures developed to address persistent problem areas in accordance with the NRMP. Nighttime lighting in tower buildings must be addressed and evaluated through adaptive management such that impacts on birds are avoided or minimized. Minimization of impacts of buildings on birds and the Wildlife Habitat Areas will be a priority in the selection of window coverings, glass color, other exterior materials, and design of exterior lighting and lighting of signs.

5. Buffer Areas for Wildlife Protection

Policy 5.1: Designate "No Touch" Buffer Areas as defined and described in Exhibit 2. Such areas will contain fencing designed specifically to limit the movement of domesticated, feral, and nuisance predators (e.g. dogs, cats, skunks, opossums and other small terrestrial animals [collectively, "Predators"]) and humans between developed park and No Touch Buffer Areas and Wildlife Habitat Areas. The fence will be a minimum 6-foot high, black vinyl chain link fence or other equally effective barrier designed to take into consideration public views of the Bay and the need to protect natural resources. Fence design may include appropriate locked access points for maintenance and other necessary functions. Installation of the fence will include land contouring to minimize visual impacts of the fence. The installation of such fencing must be completed prior to the issuance of Certificates of Occupancy for development projects on either Parcel H-3 or H-23 and in conjunction with development or road improvements in the Sweetwater District.

Policy 5.2: Prohibit active recreation, construction of any road (whether paved or not), within No Touch Buffer Areas and "Transition Buffer Areas" as that term is defined and described in Exhibit 2, with the exception of existing or necessary access points for required maintenance.

Policy 5.3: Protect the No Touch Buffer Areas from the impacts of the Chula Vista Bayfront project including, without limitation, fencing necessary to protect the Sweetwater Marsh and the Sweetwater parcel tidal flats, the J Street Marsh next to the San Diego Bay National Wildlife Refuge, and the north side of Parcel H-3.

Policy 5.4: Include additional controls and strategies restricting movement of humans and Predators into sensitive areas beyond the boundaries of the designated Buffer Areas.

Policy 5.5: Require the Recreational Vehicle (RV) Park to install fencing or other barriers sufficient to prevent passage of predators and humans into sensitive adjacent habitat.

Policy 5.6: Require all dogs to be leashed in all areas of the Chula Vista Bayfront at all times except in any designated and controlled off-leash areas.

Policy 5.7: Impose and enforce restrictions on all residential development to keep cats and dogs indoors or on leashes at all times. Residential developments will be required to provide education to owners and/or renters regarding the rules and restrictions regarding the keeping of pets.

Policy 5.8: Habitat buffers shall include a 100-foot-wide buffer from the seasonal pond (parcel SP-2) within the Sweetwater District, a 400-foot combined buffer in the Sweetwater District and a minimum 100-foot buffer in the Otay District.

Policy 5.9: "Environmentally sensitive habitat area" (ESHA) means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The following areas shall be considered ESHA, unless there is compelling site-specific evidence to the contrary:

- Any habitat area that is rare or especially valuable from a local, regional, or statewide basis.
- Areas that contribute to the viability of plant or animal species designated as rare, threatened, or endangered under State or Federal law.
- Areas that contribute to the viability of species designated as Fully Protected or Species of Special Concern under State law or regulations.
- Areas that contribute to the viability of plant species for which there is compelling evidence of rarity, for example, those designated by the California Native Plant Society (CNPS) as 1b (Rare or endangered in California and elsewhere), such as Nuttall's scrub oak or "2" (rare, threatened or endangered in California but more common elsewhere), such as wart-stemmed Ceanothus.

Policy 5.10: New development shall be sited and designed to avoid impacts to ESHA. ESHA shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. These uses include enhancement/restoration work, passive recreational parks and public access or recreational facilities such as trails and bike paths integrated into the natural environment and sited and designed to preserve, and be compatible with, native habitat.

Policy 5.11: At the time of adoption of the Chula Vista Bayfront plan, the Coastal Sage Scrub on the berm in the S-1 and S-2 parcel areas and the non-native grasslands located in various locations within the Chula Vista Bayfront Master Plan were not identified as ESHA.

Site-specific studies to assess the extent and quality of natural resources on a site will be required at the time development is proposed.

Policy 5.12: In the 1-g parcel area, a pedestrian bridge is proposed to create a linkage over a tidal inlet associated with the F and G Street Marsh. Tidal habitats should be treated as ESHA and the bridge crossing must be designed to enhance the habitat values present and reduce erosion. This bridge span must be extended and the existing incised channel slope should be cut back, reducing the slope and then creating additional salt marsh habitat on the created floodplain. Site-specific studies to assess the extent and quality of natural resources at the site will be required at the time development is proposed.

Policy 5.13: If located in or adjacent to ESHA, new development shall include an inventory conducted by a qualified biologist of the plant and animal species present on the project site. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed biological study shall be required. Sensitive species are those listed in any of three categories: federally listed, state listed or designated species of special concern or fully protected species, and CNPS categories 1B and 2.

Policy 5.14: Development adjacent to ESHAs shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation buffer areas shall be provided around ESHAs to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect.

Policy 5.15: All buffers around (non-wetland) ESHA shall be a minimum of 100 feet in width, or a lesser width may be approved by the District if findings are made that a lesser buffer would adequately protect the resource. However, in no case can the buffer size be reduced to less than 50 feet.

Policy 5.16: Public access-ways and trails are considered resource dependent uses. New access-ways and trails located within or adjacent to ESHA shall be sited to minimize impacts to ESHA to the maximum extent feasible. Measures including, but not limited to, signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect ESHA.

Policy 5.17: Modifications to required development standards that are not related to ESHA protection (street setbacks, height limits, etc.) shall be permitted where necessary to avoid or minimize impacts to ESHA.

Policy 5.18: Protection of ESHA and public access shall take priority over other development standards and where there is any conflict between general development standards and ESHA and/or public access protection, the standards that are most protective of ESHA and public access shall have precedence.

Policy 5.19: Impacts to native habitat that does not constitute ESHA that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-site mitigation is more protective. Mitigation for impacts to native habitat shall be provided at a 3:1 ratio.

6. Landscaping and Vegetation

Policy 6.1: The following landscape guidelines will apply to the Chula Vista Bayfront area:

- a) Invasive plant species (as listed in the California Invasive Plant Inventory list or California Invasive Plant Inventory Database or updates) will not be used in the Chula Vista Bayfront area. Any such invasive plant species that establishes itself within the Chula Vista Bayfront area will be immediately removed to the maximum extent feasible and in a manner adequate to prevent further distribution into Wildlife Habitat Areas. A condition of approval for coastal development permits will require applicants to remove any such invasive plant species that established itself within the Chula Vista Bayfront area.
- b) Only designated native plants will be used in No Touch Buffer Areas, habitat restoration areas, or in the limited and transitional zones of Parcel SP-1 adjacent to Wildlife Habitat Areas.
- c) Non-native plants will be prohibited adjacent to Wildlife Habitat Areas and will be strongly discouraged and minimized elsewhere where they will provide breeding of undesired scavengers.
- d) No trees will be planted in the No Touch Buffer Areas or directly adjacent to a National Wildlife Refuge, J Street Marsh, or SP-2 areas where there is no Buffer Area.

7. Lighting and Illumination

Policy 7.1: All roadways will be designed, and where necessary edges bermed, to ensure penetration of automobile lights in the Wildlife Habitat Areas will be minimized subject to applicable City and District roadway design standards.

Policy 7.2: Explicit lighting requirements to minimize impacts to Wildlife Habitat Areas will be devised and implemented for all Bayfront uses including commercial, residential, municipal, streets, recreational, and parking lots. Beacon and exterior flood lights are prohibited where they would impact a Wildlife Habitat Area and use of this lighting should be minimized throughout the project.

Policy 7.3: All street and walkway lighting should be shielded to minimize sky glow.

Policy 7.4: To the maximum extent feasible, all external lighting will be designed to minimize any impact on Wildlife Habitat Areas, and operations and maintenance will be devised to ensure appropriate long-term education and control of light impacts. To the maximum extent feasible, ambient light impacts to the Sweetwater or J Street Marshes will be minimized.

Policy 7.5: Sweetwater and Otay District parks will open and close in accordance with District Park Regulations.

Policy 7.6: Laser light shows will be prohibited.

Policy 7.7: Construction lighting will be controlled to minimize Wildlife Habitat Areas impacts.

Policy 7.8: In Sweetwater and Otay District parks, lighting will be limited to that which is necessary for security purposes. Security lighting will be strictly limited to that required by

applicable law enforcement. All lighting proposed for the Sweetwater and Otay District parks and the shoreline promenade will be placed only where needed for human safety. Lights will be placed on low-standing bollards, shielded, and flat bottomed, so the illumination is directed downward onto the walkway and does not scatter. Lighting that emits only a low-range yellow light will be used to minimize ecological disruption. No night lighting for active sports facilities will be allowed.

8. Noise

Policy 8.1: Construction noise shall be controlled to minimize impact to Wildlife Habitat Areas.

9. Public, Resident, Visitor, Worker Education Program Education

Policy 9.1: An environmental education program will be developed and implemented and will include the following:

- a) The program must continue for the duration of the Chula Vista Bayfront project and must target both residential and commercial uses as well as park visitors.
- b) The program's primary objective will be to educate Bayfront users, residents, visitors, tenants and workers about the natural condition of the Bay, the ecological importance of the Chula Vista Bayfront area and the public's role in the restoration and protection of wildlife resources of the Bay.

Policy 9.2: The environmental education program will include educational signage, regular seminars and interpretive walks on the natural history and resources of the area, and regular stewardship events for volunteers (i.e., shoreline and beach cleanups, exotic plant removal, etc.).

Policy 9.3: The environmental education program will include adequate annual funding for personnel or contractor/consultant and overhead to ensure implementation of the following functions and activities in collaboration with the Chula Vista Nature Center or USFWS:

- a) Coordination of volunteer programs and events;
- b) Coordination of interpretive and educational programs;
- c) Coordination of tenant, resident and visitor educational programs;
- d) Docent educational; and
- e) Enhancements and restoration events.

10. Boating Impacts

Policy 10.1: All boating, human, and pet intrusion must be kept away from F&G Street channel mouth and marsh.

Policy 10.2: Water areas will be managed with enforceable boating restrictions. No boating will be allowed in vicinity of the J Street Marsh or east of the navigation channel in the Sweetwater District during the fall and spring migration and during the winter season when flocks of birds are present.

Policy 10.3: All rentals of personal water craft (PWC) will be prohibited in the Chula Vista Bayfront. (Note: PWC will mean a motorboat less than sixteen feet in length which uses an inboard motor powering a jet pump as its primary motive power and which is designed to be operation by a person sitting, standing, or kneeling on rather than in the conventional manner of sitting or standing inside the vessel.)

Policy 10.4: Use of PWCs will be prohibited in Wildlife Habitat Areas, subject to applicable law.

Policy 10.5: A five (5) mile per hour speed limit will be enforced in areas other than the navigation channels.

Policy 10.6: Boating in the project area will be managed in a manner that protects water quality and that ensures persons or employees maintaining boats in slips or using slips on a transient basis are made aware of water quality provisions.

- a) Approval of projects within Chula Vista Bayfront Master Plan marinas shall include appropriate requirements from the District Jurisdictional Urban Runoff Management Document (JURMP) that includes appropriate Best Management Practices (BMPs) for controlling adverse impacts to water quality related to the boating facilities, including those BMPs for activities occurring over water.
- b) Approval of projects within the Chula Vista Bayfront Master Plan marinas shall include a requirement for boating facilities to identify procedures for inspection of boater activities and sanctions for boaters that may be adversely impacting water quality.
- c) Marinas in the Chula Vista Bayfront Master Plan project area shall provide evidence of ongoing efforts to protect water quality, such as a current certification by the Clean Marinas program ([cleanmarina.org](http://www.cleanmarina.org)), stormwater BMP Plan, or other equivalent documentation of clean marina practices (<http://www.cleanmarina.org/cleanmanual.shtml>).
- d) San Diego Bay is a federally designated No Discharge Zone. The District shall ensure that District-leased facilities are adequately informing their boater tenants of their responsibilities regarding the discharge of sewage and are providing information to boaters on ways to anonymously report violators.
- e) The District shall adopt an addendum to leasing agreements for boating facilities that specifies actions that should be taken to protect water quality. This addendum should reflect applicable water quality laws and regulations pertaining to San Diego Bay.

11. Walkway and Pathway Design

Policy 11.1: Walkways, paths, and overlooks near Wildlife Habitat Areas outside of the No Touch Buffer Areas will be designed in accordance with the following:

- a) Alignment, design, and general construction plans of walkways and overlooks will be developed to minimize potential impacts to Wildlife Habitat Areas.
- b) Path routes will be sited with appropriate setbacks from Wildlife Habitat Areas.
- c) Paths running parallel to shore or marsh areas that will cause or contribute to bird flushing will be minimized throughout the Chula Vista Bayfront.
- d) Walkways and overlooks will be designed to minimize and eliminate, where possible, perching opportunities for raptors and shelter for skunks, opossums or other Predators.

- e) Walkways and overlooks that approach sensitive areas must be blinded, raised, or otherwise screened so that birds are not flushed or frightened. In general, walkway and overlook designs will minimize visual impacts on the Wildlife Habitat Areas of people on the walkways.

12. Predator Management

Policy 12.1: The NRMP will include provisions designed to manage Predator impacts on Wildlife Habitat Areas which will include and comply with the following:

- a) Year-round, funded Predator management will be implemented for the life of the Chula Vista Bayfront project with clearly delineated roles and responsibilities for the District, City and Resource Agencies. The primary objective of such provisions will be to adequately protect terns, rails, plovers, shorebirds, over-wintering species, and other species of high management priority as determined by the Resource Agencies.
- b) Predator management will include regular foot patrols and utilize tracking techniques to find and remove domestic or feral animals.
- c) Predator attraction and trash management shall be addressed for all areas of the Chula Vista Bayfront project by identifying clear management measures and restrictions. Examples of the foregoing include design of trash containers, including those in park areas and commercial dumpsters, to be covered and self-closing at all times, design of containment systems to prevent access by sea gulls, rats, crows, pigeons, skunks, opossums, raccoons, and similar animals and adequate and frequent servicing of trash receptacles.
- d) All buildings, signage, walkways, overlooks, light standards, roofs, balconies, ledges, and other structures that could provide line of sight views of Wildlife Habitat Areas will be designed in a manner to discourage their use as raptor perches or nests.

13. Stormwater and Urban Runoff Quality

Policy 13.1: Provisions for access for non-destructive maintenance and removal of litter and excess sediment will be integrated into these facilities. In areas that provide for the natural treatment of runoff, cattails, bulrush, mulefat, willow, and the like are permissible.

Policy 13.2: In order to protect the quality of coastal waters the District shall promote the protection of water quality that meets state standards and the restoration of waters that do not meet state standards, and encourage and support public outreach and education regarding the water quality impacts of development.

All new development shall:

- a) Comply with the Regional Water Quality Control Board Order No. R9-2007-0001, National Pollutant Discharge Elimination System Permit No. CAS0108758, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District (Municipal Permit), as adopted, amended, and/or modified or replaced by the Regional Water Quality Control Board with a new Municipal Permit. The Municipal Permit prohibits any activities that could degrade stormwater quality.
- b) Comply with the District Jurisdictional Urban Runoff Management Document and the District Standard Urban Stormwater Mitigation Plan which provides BMP requirements for new development and redevelopment.

- c) Be designed and managed to minimize the introduction of pollutants into coastal waters to the maximum extent practicable.
- d) Be designed and managed to minimize increases in peak runoff rate and volume in order to avoid detrimental water quality impacts caused by excessive erosion or sedimentation.
- e) Include Site Design and Source Control BMPs and Low Impact Development practices, where feasible, in all developments.
- f) Implement the requirements of Hydromodification Management Plan developed pursuant to the Municipal Permit, as required.
- g) Minimize impervious surfaces in new development, especially directly connected impervious areas, and, where feasible, increase the area of pervious surfaces in redevelopment.
- h) Minimize erosion, sedimentation, and polluted runoff from construction-related activities of development, to the maximum extent practicable.
- i) Minimize the land disturbance activities of construction (e.g., clearing, grading, and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas, and erosive soils), to avoid detrimental water quality impacts caused by increased erosion or sedimentation. Incorporate soil stabilization BMPs on disturbed areas as soon as feasible.
- j) Require Treatment Control BMPs, in addition to Site Design and Source Control measures, when the combination of Site Design and Source Control BMPs is not sufficient to protect water quality.
- k) Be designed, constructed and maintain any required Treatment Control BMPs (or suites of BMPs) are designed and constructed so that they treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

Policy 13.3: An on-site pump out facility shall be required with the development of any new marinas.

Policy 13.4: Stormwater and non-point source urban runoff into Wildlife Habitat Areas must be monitored and managed so as to prevent unwanted ecotype conversion or weed invasion. A plan to address the occurrence of any erosion or type conversion will be developed and implemented, if necessary. Monitoring will include an assessment of stream bed scouring and habitat degradation, sediment accumulation, shoreline erosion and stream bed widening, loss of aquatic species, and decreased base flow.

Policy 13.5: The use of insecticides, herbicides, rodenticides or any toxic chemical substance that drains into Wildlife Habitat Areas or which has the potential to significantly degrade ESHA, shall be prohibited within and adjacent to ESHAs, except where necessary to protect or enhance the habitat itself, such as eradication of invasive plant species, or habitat restoration. Application of such chemical substances shall not take place during the winter season or when rain is predicted within a week of application.

Policy 13.6: Integrated Pest Management must be used in all outdoor, public, buffer, habitat, and park areas.

Policy 13.7: Fine trash filters are required for all storm drain pipes that discharge toward Wildlife Habitat Areas.

14. Additional Habitat Management and Protection

Policy 14.1: The District will exercise diligent and good faith efforts to enter into the following cooperative agreements with the USFWS or other appropriate agency or organization:

- a) An agreement providing for the long-term protection and management of the sensitive biological habitat running north from the South Bay Boatyard to the Sweetwater River Channel (known as the Sweetwater Tidal Flats) and addressing educational signage, long-term maintenance, and additional protection measures such as increased monitoring and enforcement, shared jurisdiction and enforcement by District personnel with legal authority to enforce applicable rules and regulations ("District Enforcement Personnel"), shared jurisdiction and enforcement by District Enforcement Personnel and other appropriate Resource Agencies of resource regulations, and placement of enforcement signage. Subject to the cooperation of the applicable Resource Agency, such cooperative agreement will be executed prior to the Development Commencement of any projects subject to District's jurisdiction within the Sweetwater or Harbor Districts.
- b) An agreement for the long-term protection and management of the J Street Marsh and addressing additional protective measures such as educational signage, long-term maintenance, and monitoring and enforcement by District Enforcement Personnel and enforcement of resource regulations by District Enforcement Personnel and other Resource Agencies and placement of enforcement signage. Subject to the cooperation of the applicable Resource Agency, such cooperative agreement will be executed prior to the Development Commencement within the Otay District.
- c) If either of the cooperative agreements contemplated above is not achievable within three (3) years after Final Environmental Impact Report certification, the District will develop and pursue another mechanism that provides long-term, additional protection and natural resource management for these areas.

Policy 14.2: The District will include an analysis of the appropriate level and method for wetland and marine life habitat restoration of the intake/discharge channels associated with the South Bay Power Plant in the environmental review document for the demolition of the South Bay Power Plant that includes below grade or in water structures.

Policy 14.3: A permanent 100-foot-wide buffer shall be provided from proposed development around the seasonal wetland within Parcel SP-2.

Policy 14.4: In order to ensure that sensitive resources are protected from adjacent development, at the time project specific development is proposed on parcel S-1, shading impacts, appropriate setbacks, step backs, and/or height reductions, will be analyzed as part of the necessary subsequent environmental review for those projects.

Policy 14.5: As a future and separate project, the District will investigate, in consultation with the USFWS, the feasibility of restoring an ecologically meaningful tidal connection between the F & G Street Marsh and the upland marsh on parcel SP-2 consistent with USFWS restoration concepts for the area. At a minimum, the investigation will assess the biological value of tidal influence, the presence of hazardous materials, necessary physical improvements to achieve desired results, permitting requirements, and funding opportunities for establishing the tidal connection. This investigation will be completed prior to the

initiation of any physical alteration of SP-2, F Street, and/or the F & G Street Marsh. In addition, once emergency access to the Chula Vista Bayfront area has been adequately established such that F Street is no longer needed for public right-of-way, the District and City will abandon/vacate the F Street right-of-way for vehicular use, but may reserve it for pedestrian and bicycle use if ecologically appropriate.

Policy 14.6: Channelizations or other substantial alterations of streams shall be prohibited except for: (1) necessary water supply projects where no feasible alternative exists; (2) flood protection for existing development where there is no other feasible alternative; or (3) the improvement of fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering alternatives shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels.

15. Energy

The development of the Chula Vista Bayfront offers the District and City a unique opportunity to demonstrate the viability of responsible and sustainable development practices. Accordingly, the Chula Vista Bayfront Development Policies seek to establish guidelines to govern the future build-out of the programmatic elements of Chula Vista Bayfront and to ensure that the project is comprised of high performance and highly energy-efficient buildings and clean, efficient generation. The standards in this section are intended to be interpreted broadly and with the flexibility to adapt to new energy technology and evolving building construction and design practices.

Policy 15.1: The following energy standards shall be applied to development of all parcels within the Chula Vista Bayfront area *except Parcels HP-5, H-13, H-14 and H-15*. These parcels are addressed on separate standards provided below. The term "Development" will mean the development of an individual parcel within the Chula Vista Bayfront area.

- a) To help reduce the need for fossil-fueled power generation, reduce greenhouse gas emissions, and support the California Energy Commission's Loading Order for Electricity Resources, all Developments will achieve a minimum of a fifty (50) percent reduction in annual energy use in accordance with these policies.
- b) Each building in each Development will perform at least fifteen (15) percent better than Title 24, Part 6 of the California Building Energy Efficiency Standards ("Title 24") in effect on the date of the execution of the Chula Vista Bayfront Master Plan Settlement Agreement (May 2010). The minimum energy efficiency performance standard adopted by the City is hereinafter described as its "Energy Efficiency Requirement" or "EER". Should revised Title 24 standards be adopted by the State of California, the City's EER at the time a building permit application is submitted for such Development shall apply.
- c) The balance of the fifty (50) percent reduction in annual energy use will be achieved through the use of any combination of the energy reduction measures described in these policies. To achieve compliance with this policy, sponsors of Developments may select one of two paths. The first path is based on Title 24 ("Title 24 Path") and the second is described in Energy and Atmosphere, Credit 1 "Optimize Energy Performance" (Credit EA-/c1) in the US Green Building Council's Leadership in Energy and Environmental Design (LEED) v3 system ("LEED Path"). The definition of the term "Baseline" against which energy reduction will be measured will vary depending on the path selected and is

further described in Exhibit 3. Choosing the LEED Path does not require a Development to achieve LEED Certification, but simply uses the methodology of EA-/c1.

- d) Renewable Energy generated within the boundaries of the Development will be credited toward the minimum of a fifty (50) percent reduction in annual energy use in accordance energy reduction requirement. The term "Renewable Energy" will mean energy derived from the sources described in California Public Resources Code section 25741 (b) 1.
- e) Renewable Energy generated on one or more sites ("Renewable Energy Sites") within the boundaries of the Chula Vista Bayfront by the District, City or other third party and fed to the electrical grid or to the Development will be credited toward the minimum of a fifty (50) percent energy reduction requirement. Aggregate energy generated on Renewable Energy Sites may be allocated to an individual Development up to the amount necessary to achieve such Development's compliance with the minimum of a fifty (50) percent energy reduction requirement. Once allocated to a Development, the amount of energy generated by Renewable Energy Sites so allocated may not be further allocated to another Development.
- f) Participation in a City of Chula Vista sponsored energy efficiency program provided that the resulting energy reduction may be calculated and verified. The methodology for calculating the amount of the credit toward the minimum of a fifty (50) percent energy reduction requirement under the Title 24 Path and the LEED Path is described in Exhibit 3.
- g) Each Development will develop, implement, and for the life of each Development, maintain a measurement and verification plan ("M&V Plan"). Such participation has been shown to increase the persistence of energy efficiency ("EE") and also to provide a way of recognizing and encouraging the ongoing conservation efforts of occupants and facility managers and will be awarded a waiver for five (5) percent credit against the Baseline to determine compliance with the minimum of a fifty (50) percent energy reduction requirement. The District will include in all leases the requirement to perform an energy audit every three (3) years for the convention centers and hotel Developments over 300 rooms and five (5) years for all other Developments to ensure that all energy systems are performing as planned or corrective action will be taken if failing to meet EE commitments.
- h) Participation in one of SDG&E's Voluntary Demand Reduction (DR) utility rates will be awarded a waiver for three (3) percent credit against the Baseline to determine compliance with the minimum of a fifty (50) percent energy reduction requirement.
- i) Participation in one of SDG&E's Mandatory Demand Reduction (DR) utility rates will be awarded a waiver for five (5) percent credit against the Baseline to determine compliance with the minimum of a fifty (50) percent energy reduction requirement.
- j) Incorporation of natural ventilation into design such that at least 75% of the conditioned area is naturally ventilated according to the guidelines set forth in Exhibit 3, and if this benefit was not included in the energy efficiency calculations, the project will be awarded either: a waiver for five (5) percent credit against the Baseline to determine compliance with the minimum of a fifty (50) percent energy reduction requirement; or, a waiver for ten (10) percent credit will be awarded if the natural ventilation system is coupled with an energy or cooling system that does not draw from the grid if and when natural ventilation is not used. This may

be prorated if less than seventy-five (75) percent of the conditioned area is naturally ventilated.

- k) The parties understand and acknowledge that the energy reduction measures described above for a Development or component of a Development may be phased in over time to achieve compliance with the minimum of a fifty (50) percent energy reduction requirement provided such energy reduction measures are completed no later than thirty-six (36) months following issuance of a Certificate of Occupancy for such Development or such component thereof.
- l) To further incentivize responsible and sustainable development practices within the boundaries of the Chula Vista Bayfront, District and City will consider voluntary commitments to levels of energy reduction in excess of the requirements of above, commitment to achievement of a LEED Certification, and/or a "Living Building Challenge" in connection with the selection of respondents in Request for Proposals/Request for Qualifications (RFP/RFQ) processes for Developments within the Chula Vista Bayfront area.

Policy 15.2: Within one year following the California Coastal Commission's (CCC) approval of a Port Master Plan amendment substantially consistent with the Chula Vista Bayfront project, the District will in good faith consider adoption of an ordinance in a public hearing process that, if approved by the Board of Port Commissioners, will require the following:

- a) Within six (6) months following adoption of the ordinance and every three (3) years thereafter, the District will conduct an energy efficiency and renewable energy analysis that will:
 - (i) Assess the feasibility and cost-effectiveness of programs and options to reduce demand on the electric grid from all lands under District's jurisdiction; and,
 - (ii) Include, but not be limited to, an assessment of the potential for reduction in energy use on all land under District's jurisdiction through increases in energy efficiency, demand response, clean renewable and distributed energy generation and other methods and technologies.
- b) Upon the completion of each analysis, the District will consider good faith implementation of cost-effective programs and options as part of its commitment to greenhouse gas reductions and global climate change prevention activities consistent with Assembly Bill 32.
- c) The results of each analysis will be published on the District's website and received by the District's Board of Port Commissioners in a public forum.

16. Hazardous Materials and Exposure Policies

Policy 16.1: Parcels contaminated with hazardous materials will be remediated to levels adequate to protect human health and the environment.

17. Public Engagement

Policy 17.1: A South Bay Wildlife Advisory Group ("Wildlife Advisory Group") will be formed to advise the District and City in the creation of the NRMP, cooperative management agreements, Adaptive Management Review and any related wildlife management and restoration plans or prioritizations. The Wildlife Advisory Group will also address management issues and options for resolution. The Wildlife Advisory Group will initiate and support funding requests to the District and City, identify priorities for use of these funds and engage in partnering, education, and volunteerism to support the development of the Chula

Vista Bayfront in a manner that effectively protects and enhances the fish, wildlife, and habitats of the area and educates and engages the public. The Wildlife Advisory Group will meet as needed, but at a minimum of every six (6) months for the first ten (10) years and annually thereafter.

Policy 17.2: The Wildlife Advisory Group will meet to: (i) determine the effectiveness of the NRMP in achieving the Management Objectives; (ii) identify any changes or adjustments to the NRMP required to better achieve the Management Objectives; (iii) identify any changes or adjustments to the NRMP required to respond to changes in the man-made and natural environments that are affecting or, with the passage of time may affect, the effectiveness of the NRMP in achieving the Management Objectives; and (iv) review priorities relative to available funding. At its periodic meetings, the Wildlife Advisory Group may also consider and make recommendations regarding (a) implementation of the NRMP as needed, (b) Adaptive Management Review and (c) NRMP Amendments.

Policy 17.3: The Wildlife Advisory Group will advise the joint powers authority ("JPA") on expenditure of the Community Benefits Fund consistent with this Plan subject to applicable law. Written recommendations from the Wildlife Advisory Group will be forwarded to the District and City for consideration on key decisions as the build-out of the Chula Vista Bayfront project occurs.

Policy 17.4: A Bayfront Cultural and Design Committee ("BCDC") shall be formed to advise the District in addressing the design of parks, cultural facilities, and development projects. The public participation process for the BCDC will include broad community representation and will be modeled after the Community Advisory Committee (CAC) process. Membership will include at least one member each from the District, Chula Vista Planning Commission, Design Review Committee, and Resource Conservation Committee. The BCDC will advise the District in the establishment of Chula Vista Bayfront Master Plan design guidelines to address cohesive development and streetscape design standards, walkways and bikeways design to promote safe walking and biking, standards for design of park areas, and cultural facilities but will not address NRMP and Wildlife Habitat Areas design guidelines described above. A minimum of three public meeting/workshops will be held to establish the design guidelines.

18. Public Access

Policy 18.1: The concept approval for the Signature Park will include a refined plan to address the linkage between the parks over the F and G Street channel. The design will ensure that the linkage between the two parks is easily accessed, obvious, and allows visitors to flow naturally and safely between the two parts of the park. A separate pedestrian bridge will be evaluated and, if necessary, a supplemental environmental review will be performed to address any necessary issues prior to the concept approval being forwarded to the Board of Port Commissioners.

Policy 18.2: Phase I Signature Park improvements (including development of Parcel S-2, within the Transition Buffer Areas and Limited Use zones of parcel SP1, and the fencing of the No Touch Buffer Area of Parcel SP1) will be completed prior to the issuance of Certificates of Occupancy for projects developed on either Parcel H-3 or H-23 and after any additional necessary environmental review. The public participation process for the design of the park will be completed prior to District Staff seeking Concept Approval from the Board of Port Commissioners.

19. Sweetwater and Otay District Public Park Requirements

Policy 19.1: Sweetwater and Otay District Public Parks will meet the following minimum standards in addition to those described above:

- a) The parks will be Passive in nature and encourage Passive recreation, be low-impact and contain minimal permanent structures. Structures will be limited to single-story heights and will be limited in function to restrooms, picnic tables, shade structures and overlooks. The term "Passive" will mean that which emphasizes the open-space aspect of a park and which involves a low level of development, including picnic areas and trails. In contrast, active recreation is that which requires intensive development and includes programmable elements that involve cooperative or team activity, including, ball fields and skate parks.
- b) The parks will be constructed using low water-use ground cover alternatives where possible.
- c) Pedestrian and bike trails will be segregated where feasible. A meandering public trail will be provided along the entire length of the Bayfront. The meandering trail within the Sweetwater Park and adjacent to Buffer Areas will not be paved.
- d) The parks will not include athletic field amenities.
- e) No unattended food vending will be allowed.
- f) The parks will include enforcement signage that prohibits tenants, employees, residents, or visitors from feeding or encouraging feral cat colonies and prevents feral cat drop-off or abandonment of pets; and prohibits leash free areas near buffers.
- g) Due to their immediate adjacency to Wildlife Habitat Areas, the following restrictions will apply to parks located within the Sweetwater and Otay Districts:
 - (i) Such parks will be designated as Passive use parks and use of amplified sound equipment will be prohibited.
 - (ii) Reservations for group events and activities will be prohibited.

20. Circulation and Pedestrian Orientation

Policy 20.1: Shoreline promenades shall be a minimum of 25 feet in width allowing both pedestrians and bicyclists and shall be constructed directly along the waterfront where feasible and maintained free of private encroachment around the Bayfront. Pathways and walking trails not proposed along the shoreline shall be a minimum width of 12 feet.

Policy 20.2: Provide a continuous open space system, fully accessible to the public, which would seamlessly connect the Sweetwater, Harbor, and Otay Districts through components such as a continuous shoreline promenade or "Baywalk" and a continuous bicycle path linking the parks and ultimately creating greenbelt linkages.

Policy 20.3: Create a meandering pedestrian trail constructed of natural material that is easily maintained and interwoven throughout the Signature Park. Create, as part of the E Street Extension, a pedestrian pathway/bridge to provide a safe route for pedestrians to walk and to transition from the Sweetwater District to the Harbor Park Shoreline Promenade and park in the Harbor District.

Policy 20.4: Segregate Pedestrian and bike trails where feasible. Provide a meandering public trail along the entire length of the Bayfront. Leave unpaved the meandering trail within the Sweetwater Park and adjacent to Buffer Areas.

Policy 20.5: Open spaces integrated into the hotels must include activating uses such as restaurants, outdoor sitting and dining areas and retail shops, which would be open to the public as well as hotel patrons.

Policy 20.6: Public access and other path-finding signage should be placed at strategic locations throughout the hotel complexes and to guide guests and visitors to and from public use areas, shops and restaurants, restrooms, and other facilities.

Policy 20.7: To help integrate all publicly accessible areas and provide convenience and low cost services for the general public, the ground floor of the hotel developments and associated outdoor areas should contain a variety of pedestrian-oriented amenities, which may include reasonably priced restaurants, newspaper stands, outdoor cafes with sit down and walkup service, informational kiosks, ATM's, public art or gift shops easily accessible to the public.

Policy 20.8: The design of the Resort Conference Center (H-3) development must provide a strong public interface with the adjacent Signature Park by including publicly accessible areas with convenience and low cost services for the general public. Specifically, on the west side of the site, the ground floor of the development and associated outdoor areas must include a variety of pedestrian-oriented amenities and activating uses, such as restaurants, outdoor cafes with sit down and walkup service, informational kiosks, ATMs, public art or gift shops easily accessible to the public. The RFP for the development of the Resort Conference Center (H-3) site will identify these requirements and will emphasize the need for establishing linkages to, from and through the site such that the public feels welcome on the site and encouraged to connect to public promenades and other public amenities in the park areas or along H Street and Marina Parkway. Other public amenities that may be provided at various locations around the hotel site include public wireless connectivity, drinking fountains, bike racks, horticultural interpretive labels on landscape elements, educational and historic plaques/displays, and dog drinking fountains. These elements represent public recreational opportunities and will encourage access to and around the site.

21. Visitor Serving Policies

Policy 21.1: Overnight visitor-serving accommodations shall be encouraged and protected within the Chula Vista Bayfront Master Plan area.

Policy 21.2: Limited Use Overnight Visitor Serving Accommodations (i.e., fractional ownership condominium hotels and timeshares) shall be prohibited on District Tidelands.

Policy 21.3: Lower cost visitor and recreational facilities shall be protected, encouraged and provided where feasible. Specifically, a range of room types, sizes, and room prices should be provided in order to serve a variety of income ranges.

Where a new hotel or motel development would consist of entirely high cost overnight accommodations, after thorough consideration of a supply/demand analysis within the Chula Vista Bayfront Master Plan and South Bay area, in-lieu fees or comparable mitigation may be required as a condition of approval for a coastal development permit, to ensure a range of overnight accommodations are provided within the Chula Vista Bayfront Master Plan and South Bay area. High cost is defined as those hotels with daily room rates 25% higher than the statewide average for coastal areas.

The mitigation payment would be for providing funding for the establishment of lower cost overnight visitor accommodations within the City of Chula Vista or South San Diego County coastal area. The monies and accrued interest shall be used for the above-stated purpose, in consultation with the CCC Executive Director. Any development funded by this account will require review and approval by the Executive Director of the Coastal Commission and a coastal development permit.

Policy 21.4: If removal or conversion of lower or moderate cost overnight accommodations is proposed in the District, the inventory shall be replaced with units that are of comparable cost with the existing units to be removed or converted. The District shall proactively work with hotel/motel operators and offer incentives to maintain and renovate existing properties.

If replacement of lower or moderate cost units is not proposed (either on-site or elsewhere in District Tidelands or Chula Vista within five (5) miles of the coast), then the new development shall be required to pay, as a condition of approval for a coastal development permit, a mitigation payment to provide significant funding for the establishment of lower cost overnight visitor accommodations within Chula Vista, preferably, or within South San Diego County, for each of the low or moderate units removed/converted on a 1:1 basis.

Policy 21.5: Lower-cost RV camping uses shall be protected by maintaining at least an equivalent number of RV sites within the Chula Vista Bayfront Master Plan boundaries. Removal of the existing RV park for construction of a resort hotel and conference center (RCC) is proposed as part of the Chula Vista Bayfront Master Plan, with a replacement RV park to be constructed either in the Otay District (parcel O-3) or the Sweetwater District (parcel S-1). In the event that the replacement park cannot be opened to visitors prior to closing the existing RV park, an interim site with an equivalent number of RV sites shall be established and opened elsewhere within the Chula Vista Bayfront Master Plan area, at parcels S-1, H-23, or in the Otay District.

Policy 21.6: Public recreational opportunities, such as parks, open space, and other no-cost visitor serving amenities shall be provided.

Policy 21.7: Waterfront visitor-serving retail uses and public gathering spaces shall be provided.

Policy 21.8: Marinas within the planning area shall provide lower-cost visitor-serving boating opportunities and shall preserve a varied range of slip sizes. Prior to approval of any changes in the slip size or distribution, the District will undertake an updated comprehensive boater use, slip size, and slip distribution study which is no more than five (5) years old for each dock redevelopment project that affects slip size and distribution of slips, to assess current boater facility needs within the individual project and the Bay as a whole. The District will continue to provide a mix of small, medium and large boat slips based on updated information from the comprehensive study with priority given to boats less than 25 feet in length and a goal of no net loss in number of slips within the Chula Vista Bayfront Master Plan area. Should future projects propose reducing the number or proportion of small slips for boats 25 feet or less within the Chula Vista marina, a Port Master Plan amendment will be required.

22. Funding and Community Benefits

Policy 22.1: Funding for the implementation of the NRMP and for the enforcement and implementation measures shall be provided by the District and City. To meet these

obligations, the District and City will commit revenues or otherwise provide funding to the JPA formed pursuant to the California Marks-Roos Act, Articles 1, 2, 3 and 4 of Chapter 5 of Division 7 of Title 1 of the California Government Code. District and City will ensure the JPA is specifically charged to treat the financial requirements described in this policy as priority expenditures that must be assured as project-related revenues are identified and impacts initiated. The District and City expressly acknowledge the funding commitments contemplated herein will include, but not be limited to, funding for personnel and overhead or contractor(s)/consultant(s) to implement and ensure the following functions and activities:

- a) On-site management and enforcement for parks and Wildlife Habitat Areas as necessary to enforce restrictions on human and Predator access regarding Wildlife Habitat Areas;
- b) Enforcement of mitigation measures including, but not limited to, trash collection, noise restrictions, removal of invasive plants, habitat restoration, and park use restrictions;
- c) Coordination, development, implementation and evaluation of effectiveness of education and mitigation programs, including implementation of NRMP;
- d) Evaluation of effectiveness of bird strike mitigation and design measures;
- e) Water quality protections; and
- f) Coordination of injured animal rehabilitation activities.

23. Views and Aesthetics

Policy 23.1: Public views to the beach, lagoons, and along the shoreline as well as to other scenic resources from major public viewpoints, as identified by the "vista" icon on the Precise Plan for Planning District 7 shall be protected. Development that may affect an existing or potential public view shall be designed and sited in a manner so as to preserve or enhance designated view opportunities. Street trees and vegetation shall be chosen and sited so as not to block views upon maturity.

Policy 23.2: The impacts of proposed development on existing public views of scenic resources shall be assessed by the District or City prior to approval of proposed development or redevelopment.

Policy 23.3: Buildings and structures shall be sited to provide unobstructed view corridors from the nearest view corridor road. These criteria may be modified when necessary to mitigate other overriding environmental considerations such as protection of habitat or wildlife corridors.

Policy 23.4: Public views of the Bay and access along the waterfront shall be provided via a proposed "Baywalk" promenade. This pedestrian path will also connect to the Signature Park, and the pathway system within the Sweetwater District, ultimately linking the two districts and "enabling viewers to experience visual contact at close range with the Bay and marshlands."

Policy 23.5: Existing views to the water from the following view corridor roads shall be protected and enhanced: E Street, F Street, Bay Boulevard between E and F Streets, Marina Parkway, and G and L Streets (in the City of Chula Vista); as shall the new views of the Bay created from the H Street corridor. These protected views shall be denoted by the "vista" icons on the Precise Plan for Planning District 7.

Policy 23.6: Building setbacks and coordinated signage shall be provided along Marina Parkway.

Policy 23.7: Prior to approval of development in the Otay District, views of the Bayfront from Bay Boulevard shall be identified and preserved.

Policy 23.8: View corridors to the Bay shall be established on Marina Parkway between H and J Streets approximately every 500 feet as denoted by the "vista" icon on the Precise Plan for Planning District 7.

Policy 23.9: Landscaping shall be planted along Marina Parkway to frame and enhance this scenic corridor, as well as on E Street and Bay Boulevard, adjacent to the project site.

Policy 23.10: Bayfront Gateway Objective/Policies: Certain points of access to the Bayfront will, by use, become major entrances to the different parts of the area. A significant portion of the visitors' and users' visual impressions are influenced by conditions at these locations. Hence, special consideration should be given to roadway design, including signage and lighting, landscaping, the protection of public views towards the Bay, and the siting and design of adjoining structures. Concurrent with the preparation of Phase I infrastructure design plans for E and H Streets, a Gateway plan shall be prepared for E and H Streets. Prior to issuance of certificates of occupancy for any projects within the District's jurisdiction in Phase I, the E and H Street Gateway plan shall be approved by the District and City's Directors of Planning and Building. The E and H Street Gateway plan shall be coordinated with the Gateway plan for J Street. All Gateway plans must conform with the setback policies and height limits in the PMP.

Policy 23.11: The landscape designs and standards shall include a coordinated street furniture palette including waste containers and benches, to be implemented throughout the Bayfront at appropriate locations.

Policy 23.12: As a condition for issuance of coastal development permits, buildings fronting H Street shall be designed to step away from the street. More specifically, design plans shall protect open views down the H Street Corridor by ensuring that an approximate 100-foot ROW width (curb-curb, building setbacks, and pedestrian plaza/walkway zone) remains clear of buildings, structures, or major landscaping. Placement of trees should take into account potential view blockage at maturity, and, trees should be spaced in order to ensure "windows" through the landscaping. Trees should also be considered to help frame the views and they should be pruned to increase the views from pedestrians and vehicles, underneath the tree canopy. In order to reduce the potential for buildings to encroach into view corridors, and to address the scale and massing impact, buildings shall step back at appropriate intervals or be angled to open up a broader view corridor at the ground plane to the extent feasible. All plans shall be subject to review and approval by the District. All future development proposals shall conform to District design guidelines and standards.

Policy 23.13: Prior to issuance of coastal development permits for projects within the District's jurisdiction, the project developer shall ensure that design plans for any large scale projects (greater than two stories in height) shall incorporate standard design techniques such as articulated facades, distributed building massing, horizontal banding, stepping back of buildings, and varied color schemes to separate the building base from its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for large project components to diminish imposing building edges, monotonous facades and straight-edge building rooflines and profiles, and to avoid the appearance or effect of "walling off" the Bayfront.

Policy 23.14: Resort Conference Center (H-3) Development: In addition to policies 23.12 and 23.13 above, development of the Resort Conference Center (H-3) site shall incorporate additional building setbacks and setbacks to further reduce the visual impact of building massing and to further widen view corridors towards the bay. Minimum building setbacks of 50 feet from the H Street right-of-way shall be required to result in a 145 foot wide minimum view corridor width at grade level with minimum tower setbacks of 75 feet from the H Street right-of-way to generally achieve a 170 foot wide view corridor width at tower level.

Exhibit 4 to this Plan illustrates the general design parameters for the Resort Conference Center (RCC) site. The bayward portion of the RCC site shall be devoted to a mix of public open space, public plazas, limited amounts of parking, and low-scale development with ground floor commercial recreation and visitor commercial uses. Upper floor conference center/hotel uses are allowed. The inland portion of Parcel H-3 will be developed with hotel and conference center structures.

Exhibit 4 shows a setback of an average of 100 feet from the E Street right-of-way on the west side of the site and 50 feet from the E Street right-of-way on the north side of the site. This "esplanade" setback shall be for the creation of publicly accessible areas such as pedestrian promenades, bicycle access ways, landscaping, street furniture, and other pedestrian friendly features. Various public amenities, such as shade structures, benches, or bus stops are allowed within the esplanade.

In addition to the esplanade, this bayward portion shall be developed with a mix of public open spaces and structures to a maximum height of 35 feet. All structures shall include retail or restaurant uses on the ground floor in a pedestrian-friendly specialty shopping "village" style. Conference rooms or other uses associated with the hotel or conference center may be located on the upper level. A minimum of 40% of this portion of the site at ground floor shall be open plaza, seating (including seating for cafés), public art, and landscaping. Uses such as vendor carts, bicycle rentals, etc., shall be permitted in this area.

Within these broad use parameters, flexibility in the specific design and layout of the site is permitted. In order to achieve a lively, pedestrian oriented development attractive to the public and welcoming to visitors, E Street could be shifted inland to allow the development of additional public esplanade-type uses on the bay side of the street, at the adjacent Harbor Park. Retail uses could also be expanded into the area designated esplanade, as long as these structures are designed to create visual interest and variety at a human scale. The boundary between the esplanade and the commercial retail shown on Exhibit 4 is intended to be illustrative only, and it is expected that the distinction between the areas will be meandering and visually appealing.

To ensure that pedestrians can cross between the park and the RCC safely and easily, pedestrian crossing distances shall be minimized where feasible, and crosswalks aligned with retail nodes and points of interest.

On the inland portion, the tallest buildings on Parcel H-3 will be located in the southern portion of the parcel with building heights decreasing towards the north and west. The foregoing will not be interpreted to preclude incorporating secondary and tertiary setbacks along public streets. Hotel structures shall be no more than a maximum height of 240 feet and the conference facility height is limited to a maximum of 120 feet. Design for the hotel structures on Parcel H-3 shall avoid east-west monolith massing and shall include architectural articulation. The hotel structures shall not result in lot coverage exceeding 30% of the inland portion of the parcel.

Policy 23.15: Sweetwater District Lodging (S-1): Sweetwater District Lodging (S-1): Development of the Sweetwater District Lodging (S-1) shall consist of low-scale, low profile, lower-cost overnight accommodations such as a campground and/or RV park. A mix of camping facilities is encouraged. Limited meeting rooms, retail stores, and food service associated with the development shall be permitted. No structures over 1 story within a maximum height of 25 feet shall be permitted. Proposed development shall take into account potential sea level rise when site plans are prepared. The development shall incorporate a setback from the E Street view corridor as shown in Exhibit 5, where no structures shall be permitted.

Policy 23.16: Sweetwater District Mixed-Use Commercial Recreation/Marine Related Office Development (S-3). Development of the Sweetwater District Mixed Use development (S-3) shall incorporate setbacks of 50 feet from E Street in order to reduce visual and shading impacts of building massing and to widen view corridors towards the Bay. Building heights are limited to 45 feet and shall be located in the northeastern portion of the parcel in order to ensure views from the Bay Boulevard to the Bay are preserved to the extent feasible. The development shall incorporate a setback from the F Street view corridor as shown in Exhibit 5, where no structures shall be permitted.

Policy 23.17: All building height limits listed herein are measured from finished grade. Building pads shall not be raised from existing grade more than 8 feet.

24. Transit

The Project's transportation system was developed to focus vehicular activity on the eastern edges of the property, near I-5 and its interchanges, by placing a majority of the common parking areas on the eastern properties, while designing for pedestrian connections and transit service. This will result in narrower, more pedestrian-friendly streets along the waterfront. In order to reduce traffic-related impacts within the Chula Vista Bayfront Master Plan area, the following transit policies shall be considered in the development of the Chula Vista Bayfront Master Plan:

Policy 24.1: The project shall be designed to encourage the use of alternate transportation by including the H Street transit center close to the rail line, bike and pedestrian pathways, water taxis, and a private employee parking shuttle.

Policy 24.2: The project shall include connections to the planned Bayshore Bikeway and provide an additional local bikeway loop that will be safer and more scenic as it is located closer to the water.

Policy 24.3: The District and City shall explore the operating and funding potential for a shuttle service that would link various destinations within the western portions of Chula Vista, including the Chula Vista Bayfront Master Plan area. Implementation of the Chula Vista Bayfront Shuttle is anticipated to include participation by commercial development within the Chula Vista Bayfront Master Plan area.

Policy 24.4: The Chula Vista Bayfront shuttle will service the Chula Vista Bayfront Master Plan area with a key focus on connecting general users to and from: downtown areas east of I-5, the resort conference center, the residential project, park areas, and existing trolley stops. The shuttle system shall be designed with the following design considerations:

- a) Ensure that it has fewer stops than a conventional bus and is located as close as possible to the major traffic generators.

- b) Plan the general route of the transit shuttle to travel along Third Avenue between F Street and H Street, along F Street between Woodlawn Avenue and Third Avenue, along Woodlawn Avenue between E Street and F Street, along E Street, Marina Parkway, Street C, and Street A within the Bayfront development area, and along H Street between the Bayfront and Third Avenue
- c) Plan the route to operate as a two-way loop with stops in both directions.
- d) Plan for shuttles to initially run every 15 minutes.
- e) Consider a private shuttle system to transport employees between the H-18 parking structure and the H-3 parcel in the Harbor District.

Policy 24.5: Shuttle service shall be phased concurrent with development. At a minimum, service shall be provided upon the issuance of Certificate of Occupancy for either the H-3 resort conference center hotel or the 500th residential unit. Additional stops shall be provided at the Signature Park, the Recreational Vehicle Park, the H-18 parking structure, and the Park in Otay District, as these uses are developed.

Policy 24.6: In the Harbor District, typical parking requirement standards for high intensity uses may be reduced if it can be demonstrated that the use will be adequately served by alternative transit.

Policy 24.7: In order to reduce transportation-related air quality impacts, the following items should be encouraged at the project-level planning phase:

- a) Limit idling time for commercial vehicles, including delivery and construction vehicles.
- b) Use low- or zero-emission vehicles, including construction vehicles.
- c) Promote ride sharing programs, for example, by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.
- d) Provide the necessary facilities and infrastructure to encourage the use of low- or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling).
- e) Provide public transit incentives, such as free or low-cost monthly transit passes.
- f) For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including (for example) showers, lockers, locked bicycle storage or covered or indoor bicycle parking.
- g) Institute a telecommute work program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences.
- h) Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation.

Policy 24.8: The District and the City shall participate in a multi-jurisdictional effort conducted by the California Department of Transportation (Caltrans) and San Diego Association of Governments (SANDAG) to assist in developing a detailed I-5 corridor-level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources, and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in this Plan shall include fair-share

contributions related to private and/or public development based on nexus as well as other mechanisms.

25. In-water Activities

Policy 25.1: Excess dredge material from within the project area shall be tested for beach compatibility and placed on local beaches if suitable.

Policy 25.2: Development in San Diego Bay waters shall be reviewed for potential impacts to open water (foraging) and eelgrass, including any direct (e.g., construction activity) and indirect (e.g., shading from structures or boats) impacts. Efforts must be made to maintain the eelgrass habitat available and improve water quality. No net loss of eelgrass meadows shall be permitted. Pre-construction and post-construction eelgrass surveys shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy or any later revised policy adopted by the National Marine Fisheries Service. Any existing eelgrass impacted shall be replaced at a minimum 1.2:1 ratio, in accordance with the Southern California Eelgrass Mitigation Policy. In addition, impacts to open water habitat shall be assessed and mitigated.

Policy 25.3: Prior to commencement of any in water development that involves disturbance of the subtidal water bottom, surveys will be done of the project area and a buffer area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.

26. Signage

Policy 26.1: Signs shall be designed and located to minimize impacts to visual resources. Signs approved as part of commercial development shall be incorporated into the design of the project and shall be subject to height and width limitations that ensure that signs are visually compatible with surrounding areas and protect scenic views. Permitted monument signs shall not exceed eight feet in height. Free-standing pole or roof signs are prohibited. Permanent advertising signs and banners shall be prohibited in public beaches and beach parks.



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AERIAL SOURCE: DIGITAL GLOBE, MARCH 2007

- National Wildlife Refuge (San Diego Bay Unit)*
- Sweetwater Marsh National Wildlife Refuge*
- City of Chula Vista LCP Open Space Land Use Designation
- City of Chula Vista S-4 100 ft. No-Touch Buffer
- CVBMP Boundary
- Proposed Navigation Channel

- Port Master Plan - Planning District 7**
Conservation Land and Water Designations
- Estuary
 - Habitat Replacement
 - Wetland

Exhibit 1

Wildlife Habitat Areas

(Defined by § 3.1 of the Chula Vista Bayfront Master Plan Settlement Agreement; the agreement prevails over any conflict with this exhibit.)

*National Wildlife Refuge lands are included in the definition of Wildlife Habitat Areas for the sole purpose of addressing adjacency impacts and not for the purpose of imposing affirmative resource management obligations with respect to the areas within the National Wildlife Refuge lands.

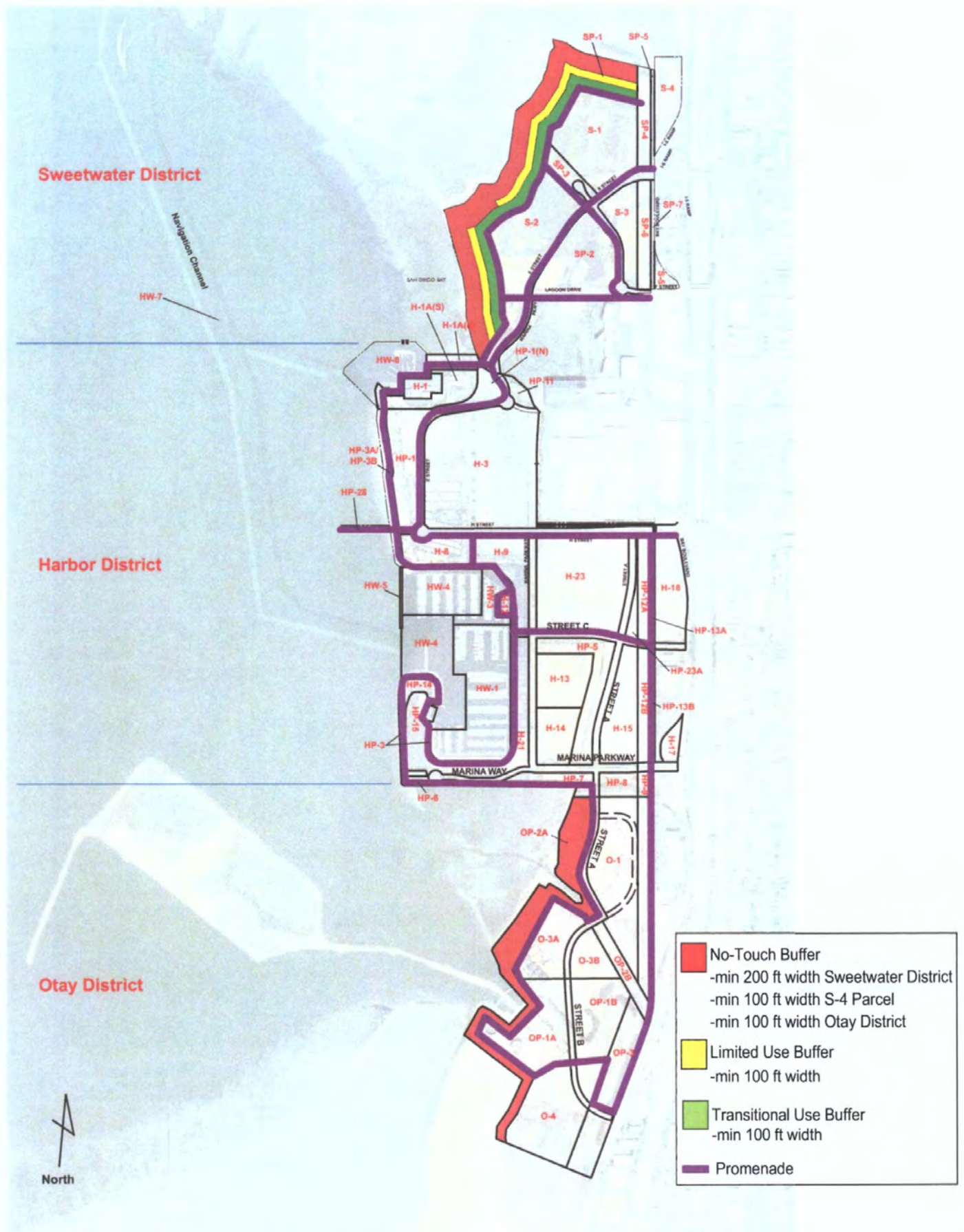


Exhibit 2 – Buffer Areas

(Defined by § 4.1.3 and 4.1.4 of the Chula Vista Bayfront Master Plan Settlement Agreement; the agreement prevails over any conflict with this exhibit)

EXHIBIT 3

Exhibit 3 outlines the methodologies for determining that the goals of the Energy Section are met. The Sample Worksheets are for illustration purposes, to provide a format which may be used both by Developments and by the City of Chula Vista's Building Department. Note that the Energy Section outlines requirements and approaches for projects which will be subject to future codes, regulations, tariffs, and technologies, all of which are subject to change. When clarifications are needed, they will be provided by the City of Chula Vista.

Baseline. The term "Baseline" refers to the amount of energy against which the energy reduction will be measured.

SAMPLE Worksheets. Sample worksheets are provided as suggested approaches. Actual worksheets for calculating the energy requirements should be coordinated with the City of Chula Vista Building Department.

Title 24 Path. Title 24 language refers to the "Standard Budget" and "Proposed Budget." The Whole Building Performance Method, which generates the Standard and Proposed Energy Budgets, is specifically for energy uses within a conditioned building, and does not include lighting which is in Interior Unconditioned Spaces or lighting which is outside. However, for the purposes of the Energy Section, this lighting energy will be added to the energy budgets for the conditioned building, and the combined energy uses will become the Baseline for the "Title 24 Path." Each of the various energy uses will be converted into Site kBtu, except for the final 5% energy reduction waiver allowed for Ongoing Measurement and Verification.

LEED Path. LEED language refers to the "Baseline Design" and "Proposed Design." The LEED Path Baseline is likely to be different and higher than the Title 24 Path Baseline because LEED counts all of the energy uses within the site boundary, some of which are not counted by Title 24. However, LEED is also likely to be better and more comprehensive in calculating overall energy performance features, such as district thermal plants, combined heat and power, natural ventilation, efficiencies in process loads, aggregating multiple buildings, and the benefits of renewable energy. Each of the various energy uses will be converted into dollars (\$), except for the final 5% energy reduction waiver allowed for Ongoing Measurement and Verification.

If the LEED Path is chosen, the Development may be subject to an additional fee to the City of Chula Vista for a 3rd party plan check by an experienced LEED reviewer acceptable to the City. Recognizing that LEED Templates may not be complete at the time of the initial Building Department submittals, draft Templates may be used, at the discretion of the reviewer.

Natural Ventilation. When using Natural Ventilation (NV) to qualify as an energy reduction feature, the Development may qualify for a waiver of up to 10% if at least 75% of the area that would normally be cooled relies solely on natural ventilation strategies to help maintain comfortable temperatures. Pro-rations are possible.

City of Chula Vista Sponsored Energy Efficiency Program. Refer to the appropriate City ordinances for details on this program.

Measurement and Verification. Each Development shall develop and implement an ongoing Measurement and Verification (M&V) Plan consistent with the International Performance Measurement and Verification Protocol (IPMVP) Volume III, Concepts and Options for Determining Energy Savings in New Construction, April 2003. The Development may choose either Option B or Option D. If the LEED Path is chosen, the M&V Plan should be consistent with Credit EAc5, except that LEED only requires one year of implementation, and the Energy Section of this Agreement requires M&V to be ongoing.

Demand Response Tariffs. Developments which enroll in SDG&E Demand Response rate tariff(s) which are designed to reduce the load on the electric grid during critical times may be awarded up to a 5% waiver.

EXHIBIT 3

SAMPLE Worksheet A: Title 24 Path

Name: Example Development

Description ¹	Source of Info (Attachments)	Input Standard	Input Proposed	Typical Units of Measure	Convert to Site kbtu	Standard = Baseline	Proposed	Units	Minimum % Reduction	Actual % Reduction
15.2.1 MINIMUM EFFICIENCY										
Title 24 Whole Building Performance	T24 UTIL-1, Part 1			Source TDV kbtu/sf-yr					15%	
15.2.2 CALCULATE BASELINE AND REDUCTIONS										
A. Energy Uses										
T24 Electricity	T24 UTIL-1, Part 2			Site KWH/year	3.413	-	-	kBtu		
T24 Gas	T24 UTIL-1, Part 2			Site Therms/year	100.000	-	-	kBtu		
T24 Lighting Outside and Uncond	Worksheet A-LTG	-	-	Site KWH/year	3.413	-	-	kBtu		
A. Summary of Efficiency of End Uses						-	-	kBtu		
B. Renewable Energy Contributions										
PV: within Development	CSI calculation or	n/a		Site KWH output/year	3.413	n/a	-	kBtu		
PV: Credited from Project	PV-Watts ²	n/a		Site KWH output/year	3.413	n/a	-	kBtu		
Solar Thermal: within Development	F-Chart or equal	n/a		Site kbtu offset/year	1.000	n/a	-	kBtu		
Other	as appropriate	n/a		as appropriate		n/a				
B. Combined Renewable Reductions										
C. Natural Ventilation	Worksheet C						0% to 10%			
D. Chula Vista Program Savings										
Verified Electricity Savings	Confirm with Program Administrator	n/a		Site KWH	3.413		-	kBtu		
Verified Gas Savings		n/a		Site Therms	100.000		-	kBtu		
D. CV Program Combined Reduction										
E. Ongoing Measure & Verify	Worksheet E						Required			
F. Demand Response Tariff	Worksheet F						0% to 5%			
TOTAL REDUCTION FROM BASELINE (Must be at least 50% Reduction)										0.0%

NOTES TO WORKSHEET A

Note 1: If the Development includes more than one building, then use multiple Worksheets, or, add backup calculations or line items to this spreadsheet, as most appropriate.

Note 2: Final photovoltaic design and output informatio shall use industry standard software, including at least site location, array orientation, array tilt, and system efficiency. California Solar Initiative (CSI) rebate calculations and PV-Watts are examples of acceptable software.

EXHIBIT 3

Worksheet A-LTG: Lighting Outside and in Interior Unconditioned Spaces

Name: Example Development

Category ¹	Source of Info (Attachments)	T24 Allowed Watts	Proposed Watts	Occupancy	hours /day ²	Days /year	Hours /year	Standard KWH/yr	Proposed KWH/yr
Unconditioned spaces	T24 LTG Forms						-	-	-
Unconditioned spaces	T24 LTG Forms						-	-	-
Unconditioned spaces	T24 LTG Forms						-	-	-
Unconditioned spaces	T24 LTG Forms						-	-	-
Unconditioned spaces	T24 LTG Forms						-	-	-
General Site Illumination (Tradable)	T24 OLTG Forms						-	-	-
General Site Illumination (Tradable)	T24 OLTG Forms						-	-	-
General Site Illumination (Tradable)	T24 OLTG Forms						-	-	-
General Site Illumination (Tradable)	T24 OLTG Forms						-	-	-
General Site Illumination (Tradable)	T24 OLTG Forms						-	-	-
Specific Applications (Non-Tradable)	T24 OLTG Forms						-	-	-
Specific Applications (Non-Tradable)	T24 OLTG Forms						-	-	-
Specific Applications (Non-Tradable)	T24 OLTG Forms						-	-	-
Signs (Non-Tradable)	T24 OLTG Forms						-	-	-
Signs (Non-Tradable)	T24 OLTG Forms						-	-	-
Totals (Subtotals are inputs to Worksheet A)								-	-

NOTES TO WORKSHEET A-LTG

Note 1: If more lines are needed, create a spreadsheet in similar format, and enter above, as appropriate.

Note 2: For average runtimes, use the hours in this chart, unless proposer demonstrates to the Bldg Department's satisfaction that a different value should be used.

EXHIBIT 3

SAMPLE Worksheet B: LEED Path

Name: Example Development

Description	Source of Info (Attachments)	Standard or Baseline	Proposed	Typical Units of Measure	Virtual Rate	Baseline	Proposed	Units	Minimum % Reduction	Actual % Reduciton
15.2.1 MINIMUM EFFICIENCY										
Title 24 Whole Building Performance	T24 UTIL-1, Part 1			Source TDV kbtu/sf-yr					15%	
15.2.2 CALCULATE BASELINE AND REDUCTIONS										
A. Energy Costs: LEED Performance Rating Method (PRM) EAp2/c1 Letter Template										
Conditioned Building(s)	LEED EAp2/c1 Letter Template	Included	Included							
Other energy uses on site		Included	Included							
Lighting: Outside and Uncond		Included	Included							
Onsite Renew Energy: Development		Included	Included							
Campus Renew Energy: Project		Included	Included							
Other		Included	Included							
Natural Ventilation		May be included in LEED EAp2/c1, OR, use Worksheet C								
Electricity (Summary)	LEED EAp2/c1 Section 1.8 Summary ¹			kWh	#DIV/0!			Site \$		
Natural Gas (Summary)				therms	#DIV/0!			Site \$		
A. Summary of Efficiency of Energy Costs						\$ -	\$ -	Site \$		
B. Combined Renewable Reductions	Included in EAp2/c1 above									
C. Natural Ventilation	May be included in LEED EAp2/c1 above, OR, use Worksheet C									
Alternate:	Worksheet C						0% to 10%			
D. Chula Vista Program Savings	Confirm with Program Administrator									
Verified Electricity Savings				Site KWH	#DIV/0!		#DIV/0!	Site \$		
Verified Gas Savings				Site Therms	#DIV/0!		#DIV/0!	Site \$		
D. CV Program Combined Reduction										
E. Ongoing Measure & Verify	LEED EAc5. See Worksheet E.						Required			
F. Demand Response Tariff	Worksheet F						0% to 5%			
TOTAL REDUCTION FROM BASELINE (Must be at least 50% Reduction)										0.0%

NOTES TO WORKSHEET B

Note 1: LEED EAp2/c1 Letter Template: Section 1.8, "Energy Cost and Consumption by Energy Type - Performance Rating Method Compliance Table"

EXHIBIT 3

SAMPLE Worksheet C: Natural Ventilation

Name: Example Development

When using Natural Ventilation (NV) to qualify as an energy reduction feature for this Agreement, the Development may qualify for a waiver if at least 75% of the area that would normally cooled includes effective natural ventilation strategies to help maintain comfortable temperatures. A 5% waiver is granted if the area is also served by an energy or cooling system drawing energy from the grid. A 10% waiver is granted if the area is not served by an energy or cooling system drawing from the grid. The waiver may be prorated if the area is less than 75%. Final determination of normally cooled areas are at the discretion of the Building Department. For example, in CA Climate Zone 7, spaces such as warehouses and kitchens do not normally have electric cooling.

Two approaches are possible:

1. A Development may use a performance approach, such as macro-flow or Computational Fluid Dynamics (CFD) modeling, to design and confirm the maintenance of comfort using natural ventilation techniques.
2. As an alternate, the prescriptive calculations outlined in the Collaborative for High Performance Schools (CHPS) may be used. CHPS identifies an approach to achieving ventilation strategies which are likely to be effective in helping to maintain interior comfort when outside conditions are moderate. Even though the CHPS program targets school campuses, the approach is useful for many occupancies. It is publicly available at www.chps.net. Suggested references are from CHPS 2006 Volume II Best Practices Manual - Design, HVAC Guidelines, Sections TC 13 (Cross Ventilation), TC-14 (Stack Ventilation), and TC-15 (Ceiling Fans).

The designer should follow the CHPS guidelines. To satisfy the prescriptive approach, the following table may be used. Inlets and Outlets should each be at least 4% of the floor area of the space, totalling at least 8%. Ideally they are on opposite sides, but at a minimum may be on perpendicular walls. Inlets are to be on the side which is typically windward, and lower than outlets.

Space Name	Source of Cooling	Conditioned Floor Area (CFA)	Qualifying CFA	Performance or Prescriptive Calculation	Prescriptive: Inlet (Windward)			Prescriptive: Outlet (Leeward)				
					Area	Orientation	% CFA	Area	Orientation	% CFA	higher than inlet	opposite or corner wall
Space A	NV with grid cooling											
Space B	NV with grid cooling											
Space C	NV with grid cooling											
Subtotal:			0									
Space D	NV only											
Space E	NV only											
Space F	NV only											
Subtotal:			0									
Other spaces	no NV											
Total Normally Conditioned Floor Area		-										

CFA which is Naturally Ventilated, with Grid Cooling	0
Energy Reduction Allowed	
CFA Which is Naturally Ventilated Only	0
Energy Reduction Allowed	
Combined Energy Reduction Allowed	

CFA: NV + grid	Reduction
0%	0%
15%	1%
30%	2%
45%	3%
60%	4%
75%	5%

CFA: NV Only	Reduction
0%	0%
15%	2%
30%	4%
45%	6%
60%	8%
75%	10%

EXHIBIT 3

SAMPLE Worksheet D: Chula Vista Energy Efficiency Program

Name: Example Development

Refer to the appropriate City ordinances for details on this program, including, but not limited to:

City of Chula Vista Municipal Code Section 15.12 "Green Building Standards Ordinance"

City of Chula Vista Municipal Code Section 15.26.030 "Increase Energy Efficiency Ordinance"

EXHIBIT 3

SAMPLE Worksheet E: Ongoing Measurement & Verification (M&V)

Name: Example Development

Develop and implement a Measurement and Verification (M&V) Plan consistent with the International Performance Measurement and Verification Protocol (IPMVP) Volume III, Concepts and Options for Determining Energy Savings in New Construction, April 2003. The Development may choose either Option B or Option D.

M&V shall be on-going for the length of the lease.

Tenants shall have sub-meters for electricity. Sub-meters for gas and water should also be considered, but are not required.

The plan shall include a process for corrective action if energy performance goals are not achieved as planned. Refer to ASHRAE Guideline 14 for suggested ranges of discrepancy, appropriate to the meter, magnitude of energy uses, and overall plan.

If the LEED Path is chosen, the M&V Plan should be consistent with EAc5, except that LEED only requires one year of implementation, and the Energy Section of this Agreement requires M&V to be ongoing.

EXHIBIT 3

SAMPLE Worksheet F: Demand Response Tariffs

Name: Example Development

If the development chooses an SDG&E Demand Response tariff in which the customer has the option to manually or semi-automatically reduce electricity use when requested by the utility, then it will be awarded a 3 % waiver towards the overall energy reduction.

If the development chooses an SDG&E Demand Response tariff in which the utility can automatically reduce the customer's electricity use, then it will be awarded a 5 % waiver towards the overall energy reduction.

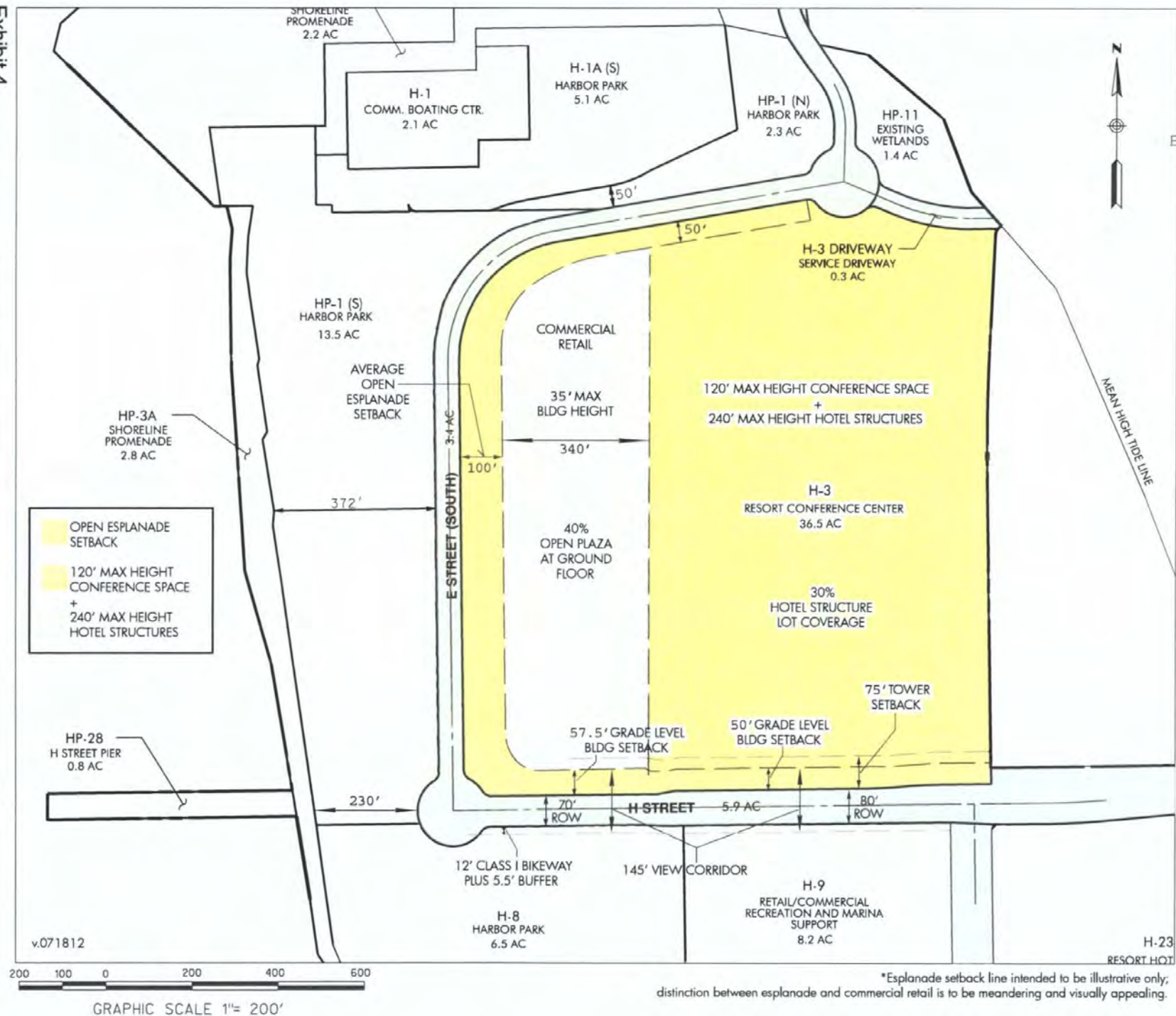
<u>Meter(s)</u>	<u>Tariff</u>	<u>Manual or Semi-Automatic:</u> <u>Customer Controlled: 3%</u>	<u>Automatic, or</u> <u>Utility Controlled: 5%</u>	<u>% Reduction Awarded</u>

EXHIBIT 3

Links for References used in EXHIBIT 3

Title 24 Building Energy Efficiency Standards	www.energy.ca.gov/title24/
Collaborative for High Performance Schools (CHPS) CHPS 2006 Volume II Best Practices Manual - Design	www.chps.net/dev/Drupal/node/31
IPMVP, Volume III, Concepts and Options for Determining Energy Savings in New Construction, April 2003.	www.evo-world.org Products & Services / IPMVP / Applications Volume III
Leadership in Energy and Environmental Design (LEED™)	www.usgbc.org
City of Chula Vista sponsored energy efficiency program	
Living Building Challenge	www.ilbi.org

Exhibit 4
Resort Conference Center (H-3) Development



*Esplanade setback line intended to be illustrative only; distinction between esplanade and commercial retail is to be meandering and visually appealing.

