

ERRATA to the AMENDED
MITIGATION MONITORING AND
REPORTING PROGRAM
for the
CHULA VISTA BAYFRONT MASTER PLAN
UPD #83356-EIR-658
SCH #2005081077

Prepared for:

SAN DIEGO UNIFIED PORT DISTRICT
3165 Pacific Highway
San Diego, California 92101

~~MAY 2010~~JANUARY 2026*

** Revised January 13, 2026. See highlighted text for changes.*

1.0 INTRODUCTION

This Mitigation Monitoring and Reporting Program ("MMRP") was prepared for the San Diego Unified Port District ("Port") for the Chula Vista Bayfront Master Plan ("Proposed Project") pursuant to Public Resources Code section 21081.6, which requires public agencies to adopt such programs to ensure effective implementation of mitigation measures. The MMRP will serve the purpose of verifying completion of the mitigation measures for the Proposed Project.

The District prepared an amendment to the MMRP specific to the transportation mitigation measures for Phases 2 through 4 in the Final EIR to better define the triggers and timeline for implementation of the mitigation measures, as well as align the requirement to mitigate an impact prior to its occurrence and only mitigate for the specific impact. The proposed text changes to the mitigation measures identify the necessary changes to the transportation mitigation measures to clarify and clearly define the required timing, implementation, and proportionality of fiscal responsibility for each measure when a potentially significant traffic impact occurs. As indicated in track changes, clarifying changes are proposed to the language for measures MM 4.2-12 through MM 4.2-30, as well as MM 6.5-2 through MM 6.5-11. A new mitigation measure (MM 6.5-12) is also proposed that applies to Significant Impacts 4.2-21 through 4.2-45 and 6.5-11 through 6.5-28.

Project Overview

The Proposed Project (Sweetwater Park Plan) comprises the following components:

- Amendments to the Port Master Plan (PMP); the City of Chula Vista General Plan; and the City's Local Coastal Program (LCP), which includes the Land Use Plan and Bayfront Specific Plan; and Multiple Species Conservation Program (MSCP) Chula Vista Subarea Plan
- A land exchange between the Port and Pacifica
- Redevelopment of the Sweetwater, Harbor, and Otay Districts with a variety of uses: park, open space, ecological buffers, cultural, recreational, residential, hotel and conference space, mixed-use office/commercial recreation, and retail. Redevelopment is expected to include a resort and conference center and proposed water uses such as a reconfigured marina basin and boat slips, a new commercial harbor, and realignment of the existing navigation channel.
- Redevelopment of the roadway system and infrastructure serving the Proposed Project area both on site and off site

- Demolition and/or relocation of existing uses to allow for the above redevelopment to occur subject to lease agreements.

Prominent characteristics of the Proposed Project include the establishment of three districts (Sweetwater, Harbor, and Otay), development of an RCC and other hotels, a signature park and other park and open space areas, a large ecological buffer, up to 1,500 residential units, mixed-use office/commercial recreation, retail, cultural uses, and reconfiguration of the existing Chula Vista Harbor. Several actions, including undergrounding of existing transmission lines, remediation of the L-Ditch and the former Goodrich South Campus land area, and demolition/relocation of the SDG&E switchyard (subject to the California Energy Commission (CEC) and California Public Utilities Commission (CPUC) actions), are being and/or would be separately addressed by the regulatory agencies responsible for their review and approval.

Please refer to the Project Description contained within the Fourth Addendum, adopted on January 14, 2026 with Resolution 2026-XX (Clerk Doc No. XX) for descriptions of the planned development for the three districts – the Sweetwater District, the Harbor District, and the Otay District. ~~The project site (also referred to as the planning area) encompasses approximately 556 acres that includes 497 acres of land area and 59 acres of water area. This planning area has been divided into three districts – the Sweetwater District, the Harbor District, and the Otay District. The Sweetwater District (approximately 130 acres) proposes the lowest intensity development of the three districts and focuses on lower scale, environmentally sensitive and environmentally themed uses, including a large ecological buffer, a signature park, bike path, pedestrian trails, other open space areas, uses such as office/retail, hotel, parking for the Chula Vista Nature Center, and roadway and infrastructure improvements.~~

~~The Harbor District is most directly accessible to downtown Chula Vista and would be redeveloped to provide a significant link from the City to the Bayfront. It is composed of approximately 223 acres of land and approximately 59 acres of water. The Harbor District proposes the highest intensity development of the Proposed Project and encourages an active, vibrant mix of uses: hotels and conference space; bike path; park and other open space areas; a continuous waterfront promenade; residential uses; mixed-use retail, office, and cultural space; piers; and new roadways and infrastructure. Also proposed is a reconfiguration of the existing harbor to create a new commercial harbor, and realignment of the navigation channel.~~

~~The Otay District is composed of approximately 144 acres, and proposes medium intensity development that consists of industrial business park use (relocation of the existing switchyard); low cost visitor serving recreational uses (such as a recreational vehicle park and a new South Park); other open space areas, an ecological buffer, stormwater retention basins, bike path, pedestrian trails, and new roadways and infrastructure.~~

The plan proposes to extend Chula Vista's traditional grid of streets to ensure pedestrian, vehicle, bicycle, transit, and water links. The Proposed Project also proposes 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. Significant park and other open space areas in each of the three districts are proposed along with a defined signature park and the creation of an active commercial harbor with public space at the water's edge. The plan would also enhance existing physical and visual corridors while adding new ones. Approximately 258 acres, or 46%, of the project site is proposed to be developed with hotel, retail, office, and other uses, including public street systems. Approximately 238 acres, or 43%, of the Project site is proposed to be open space, either in the form of natural habitat or public passive or active use parks. The remaining 59 acres, or 11%, of the Project site is proposed to be water area for the marina basins and new commercial harbor.

The illustrative map for the Proposed Project is shown in *Figure 3-8b* of the Final EIR. Proposed development is planned to occur in four phases over an approximate 24 year period (approximately five years for Phases I and II; approximately five years for Phase III; and approximately 14 years for Phase IV). Phases I and II will consist of high-quality development and public improvements concentrated in the Sweetwater and Harbor Districts that will be the catalyst for surrounding public and private development in the Proposed Project. This phasing schedule, however, represents a best case scenario and will be contingent upon and subject to many factors, such as availability and timing of public financing and construction of public improvements; terms of existing long term leases; actual market demand for, and private financing of, proposed development; lease negotiations; approvals for, and demolition and/or relocation of, existing uses; approvals for new uses; and other approvals. The Port and City will enter into an agreement for the purpose of financing and development of the Proposed Project.

Phase I components, consisting of development on Parcels H-13, H-14, HP-5, and H-17, are analyzed in this report at a project-specific level and are identified in *Table 3-4* of the Final EIR. All other proposed Phase I components are analyzed at a programmatic level and are identified in *Table 3-5* in the Final EIR. Phases II, III, and IV components are also analyzed at a programmatic level and are identified in *Table 3-6* of the Final EIR. The nature and extent of additional environmental review, which may be required for Phases I, II, III, and IV projects analyzed at a programmatic level, will be determined pursuant to State CEQA Guidelines Section 15168.

Implementation of the Proposed Project will require discretionary approvals by State and local agencies as shown in *Table 3-1* of the Final EIR. Discretionary approvals include but are not limited to amendments to the PMP (adopted in 1981 and last amended in 2004), the Chula Vista

LCP (which includes the LUP and Specific Plan), the City of Chula Vista General Plan, and the City of Chula Vista's MSCP, coastal development permits, a land exchange, and tentative maps.

The Final Environmental Impact Report (Final EIR)

The Final Environmental Impact Report (Final EIR) evaluated the Proposed Project's potential to adversely affect a wide range of resources and impact categories, including land/water use compatibility; traffic and circulation; parking; aesthetics/visual quality; hydrology/water quality; air quality; noise; terrestrial biological resources; marine biological resources; cultural resources; paleontological resources; hazards and hazardous materials/public safety; public services; public utilities; seismic/geologic hazards; and energy. The Final EIR recommends feasible mitigation measures to avoid or substantially reduce these significant impacts. Pursuant to Public Resources Code Section 21011.6, the mitigation measures are included in this MMRP.

In response to public and agency comments on the Revised DEIR, the Port and the City engaged in extensive public outreach with many interested persons, organizations and agencies in a good faith attempt to address their concerns. As a result of these efforts, the Port and the City agreed to implement a number of project design features and mitigation measures above and beyond those which are required to avoid or reduce the Proposed Project's significant impacts below a level of significance. Although these additional project design features and mitigation measures are not required by CEQA or any other applicable law or regulation, the Port and the City agreed to include them in this MMRP to facilitate their implementation and monitoring.

2.0 MITIGATION MONITORING AND REPORTING PROGRAM

Program Procedural Guidelines

Prior to the commencement of a development activity subject to a project design feature or mitigation measure contained in this MMRP, the parties responsible for implementing, monitoring and reporting the project design feature or mitigation measure shall meet to establish their respective responsibility and authority for each of the project design features or mitigation measures applicable to the proposed activity. The Port and/or the City shall provide the participants with a complete list of all project design features and mitigation measures in this MMRP which apply to the proposed activity. The participants shall review and confirm the performance, monitoring and reporting responsibilities for each applicable design feature and mitigation measure.

Actions in Case of Noncompliance

There are generally three separate categories of noncompliance associated with the project design features and mitigation measures contained in this MMRP:

- Noncompliance that requires an immediate halt to a specific task or piece of equipment;
- Noncompliance that warrants an immediate corrective action but does not result in work or task delay; and
- Noncompliance that does not warrant immediate corrective action and results in no work or task delay.

There are a number of options the Port and/or the City may use to enforce this MMRP should noncompliance continue. These options include, but are not limited to, "stop work" orders, fines and penalties (civil), restitution, permit revocations, citations, and injunctions. Decisions regarding actions in case of noncompliance are the responsibility of the Port and/or the City.

3.0 MITIGATION MONITORING PROGRAM TABLE

| Number | Mitigation Measure | Responsible Party and Mitigation Timing | Monitoring Agency | Date of Completion | Date of Verification |
|----------|---|---|---|--------------------|----------------------|
| MM 4.1-1 | <p>Prior to the issuance of the first grading permit for activities that could impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall consult with the CCC to determine whether the proposed impact is allowed under the California Coastal Act. If the impact is not allowed, then a design shall be developed that avoids impacts to CCC jurisdictional wetlands. In the event that the CCC concurs that the impact to CCC jurisdictional wetlands is allowed, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands to provide 2:1 mitigation for the impact to CCC wetlands on Parcels HP-13B and HP-7. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, shall detail the target functions and values, and shall address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process and propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation, to ensure each area is successful. The restoration plan shall address monitoring requirements and shall specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report, and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.</p> <p>*Applies to Significant Impact 4.1-1.</p> | Port or Port Tenants – Prior to First Grading Permit | Port | | |
| MM 4.1-2 | <p>The Port or Port tenants, as appropriate, will need to mitigate impacts to the areas identified as seasonal pond, mapped as a CCC wetland at a 2:1 ratio.</p> <p>The Port or Port tenants, as appropriate, shall confer with the CCC in order to determine whether drainages mapped as a potential CCC wetland fall under CCC jurisdiction. If this area is not subject to CCC jurisdiction, no additional mitigation would be required. If CCC does assert jurisdiction over these areas, the final development design must mitigate</p> | Port or Port Tenants – Prior to First Clearing or Grubbing Permit | Port in Consultation with the California Coastal Commission | | |

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| | <p>impacts at a 2:1 ratio.</p> <p>Prior to the issuance of the first grading permit for projects that could impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall consult with the CCC to determine whether the proposed impact is allowed under the California Coastal Act. If the impact is not allowed, then a design shall be developed that avoids impacts to CCC jurisdictional wetlands. In the event that the CCC concurs that the impact to CCC jurisdictional wetlands is allowed, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, shall detail the target functions and values, and shall address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process and propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation, to ensure each area is successful. The restoration plan shall address monitoring requirements and shall specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.</p> <p>*Applies to Significant Impacts 4.1-2 and 4.1-3.</p> | | | | |
| MM 4.1-4 | <p>Prior to issuance of any permit for clearing, grubbing, or grading, the project applicant shall be required to obtain an HLIT Permit pursuant to Section 17.35 of the Chula Vista Municipal Code for impacts to Covered Species and Vegetation Communities protection under the City's MSCP Subarea Plan.</p> <p>*Applies to Significant Impact 4.1-6.</p> | Project Applicant - Prior to First Clearing or Grubbing Permit | City of Chula Vista, USFWS, and CDFG | | |

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|----------|---|--|---|--------------------|----------------------|
| MM 4.2-1 | <p>Prior to the issuance of any certificates of occupancy for any development on H-3 in Phase I, the Port or Port tenant, as appropriate, shall:</p> <ul style="list-style-type: none"> • Construct H Street west of Marina Parkway as a 2-lane Class III Collector • Construct E Street as a 2-lane Class III Collector along Parcel H-3. This would provide a connection to Lagoon Drive via Marina Parkway. • Construct a traffic signal at H Street and RCC Truck Driveway. <p>Prior to the issuance of building permits for any development on H-13 or H-14 in Phase I, the applicant shall:</p> <ul style="list-style-type: none"> • Rebuild that portion of Marina Parkway fronting H-13 and H-14 between Sandpiper Way and J Street as a 3-lane Class II Collector with excess ROW used for pedestrian facilities, or secure such construction to the satisfaction to the City engineer. Frontage improvements for the remaining segments of Marina Parkway J Street and Sandpiper Way will be constructed in conjunction with the development of the adjacent parcels to these frontages in subsequent phases. • Construct Street A north of J Street would be constructed as a 2-lane Class III Collector, or secure such construction to the satisfaction of the City Engineer. <p>This mitigation would reduce Significant Impact 4.2-1 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-1.</p> | <p>Port or Port Tenants - Prior to First Certificate of Occupancy</p> <p>Applicant -Prior to First Building Permit</p> | <p>City Engineer</p> <p>City Engineer</p> | | |
| MM 4.2-2 | <p>Prior to the issuance of any certificates of occupancy for any development on H-3 in Phase I, Port or Port tenants, as appropriate, shall construct H Street from I-5 to Marina Parkway as a four-lane Major Street. This mitigation is provided in lieu of widening of F Street due to environmental constraints associated with the widening of F Street in the vicinity of G&G Street Marsh. At the completion of the H Street Extension, the Port or Port tenants, as appropriate, shall also restrict access along the segment of Lagoon Drive/F Street (between Parcel H-3 and the BF Goodrich access on F Street) to emergency vehicle access only. This mitigation would reduce Significant Impact 4.2-2, 4.2-4, 4.2-6, 4.2-7, and 4.2-11 to below a level of significance.</p> <p>*Applies to Significant Impacts 4.2-2, 4.2-4, 4.2-6, 4.2-7, and 4.2-11.</p> | <p>Port or Port Tenants -Prior to First Certificate of Occupancy</p> | City Engineer | | |

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| MM 4.2-3 | <p>Prior to the issuance of any certificates of occupancy for any development on H-3 in Phase I, Port or Port tenants, as appropriate, shall widen H Street west of Marina Parkway from a two-lane Class III Collector to a three-lane Class II Collector. This mitigation would reduce Significant Impact 4.2-3 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-3.</p> | <p>Port or Port Tenants -Prior to First Certificate of Occupancy</p> | City Engineer | | |
| MM 4.2-4 | <p>Prior to the issuance of certificates of occupancy for development on H-3 and building permits for any development on H-13 or H-14 in Phase I, the Port, Port tenant, or applicant, as appropriate, shall widen Bay Boulevard between E Street and F Street from a two-lane Class III Collector to a two-lane Class II Collector, or secure such widening to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-5 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-5.</p> | <p>Port, Port Tenants, or Applicant -Prior to First Certificate of Occupancy</p> | City Engineer | | |
| MM 4.2-5 | <p>Prior to the issuance of building permits for any development on H-13 or H-14 in Phase I, the applicant shall construct a traffic signal at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-8 and 4.2-14 to below a level of significance.</p> <p>*Applies to Significant Impacts 4.2-8 and 4.2-14.</p> | <p>Applicant -Prior to First Building Permit</p> | City Engineer | | |
| MM 4.2-6 | <p>Prior to the issuance of certificates of occupancy for development on H-3 or building permits on H-13 or H-14 for any development in Phase I, the Port, Port tenants, or applicants, as appropriate, shall construct a traffic signal at the intersection of L Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-9 and 4.2-15 to below a level of significance.</p> <p>*Applies to Significant Impacts 4.2-9 and 4.2-15.</p> | <p>Port, Port Tenants, or Applicant -Prior to First Certificate of Occupancy</p> | City Engineer | | |

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| MM 4.2-7 | <p>Prior to the issuance of certificates of occupancy for development on H-3 or building permits on H-13 or H-14 for any development in Phase I, the Port, Port tenants, or applicants, as appropriate, shall construct a traffic signal at the intersection of I-5 southbound ramps and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-10 and 4.2-16 to below a level of significance</p> <p>*Applies to Significant Impacts 4.2-10 and 4.2-16.</p> | <p>Port, Port Tenants, or Applicant</p> <p>-Prior to First Certificate of Occupancy</p> | City Engineer | | |
| MM 4.2-9 | <p>Prior to the issuance of certificates of occupancy for any development on H-3 in Phase I, the Port or Port tenant, as appropriate, shall construct a westbound lane along H Street/RCC Driveway, which would result in widening H Street west of Marina Parkway to a three-lane Class II Collector. This mitigation would reduce Significant Impact 4.2-13 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-13.</p> | <p>Port or Port Tenant</p> <p>-Prior to First Certificate of Occupancy</p> | City Engineer | | |
| MM 4.2-11 | <p>Prior to the issuance of certificates of occupancy for development on H-23 in Phase I, the Port or Port tenant, as appropriate, shall construct Street A between H Street to Street C as a two-lane Class III Collector, and shall construct Street C between Marina Parkway and Street A as a two-lane Class II Collector. Implementation of this mitigation measure would reduce Significant Impact 4.2-20 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-20.</p> | <p>Port, Port Tenant, or Applicant</p> <p>-Prior to First Certificate of Occupancy</p> | City Engineer | | |
| MM 4.2-12 | <p>Prior to the issuance of certificates of occupancy for any development in Phase II, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-21, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 4.2-21, then prior to the issuance of the first certificate of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall widen H Street between Street A and I-5 Ramps to a five-</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of</p> | <p>City Engineer</p> <p>Port or City depending on the jurisdiction of the development</p> | | |

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| | <p>lane Major Street, or secure such construction to the satisfaction of the City Engineer shall implement a similar measure(s) that would reduce Significant Impact 4.2-21 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, <u>and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u> As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-21 to below a level of significance.</p> <p><u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</u></p> <p>*Applies to Significant Impact 4.2-21.</p> | Occupancy | | | |
| MM 4.2-13 | <p>Prior to the issuance of certificates of occupancy for any development in Phase II, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-22, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 4.2-22, then prior to the issuance of the first certificates of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall widen J Street between Street A to I-5 Ramps to a six-lane Major Street, or secure such construction to the satisfaction of the City Engineer or shall implement a similar measure(s) that would reduce Significant Impact 4.2- 22, based on the methodologies, thresholds and standards outlined in Section 4.2.3 and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision. As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-22 to below a level of significance.</p> <p><u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</u></p> <p>*Applies to Significant Impact 4.2-22.</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>City Engineer Port or City depending on the jurisdiction of the development</p> | | |

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| MM 4.2-14 | <p>Prior to the issuance of certificates of occupancy for any development in Phase II, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-23, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 4.2- 23, then prior to the issuance of the first certificates of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall widen Street A between Street C and J Street to a four-lane Class I Collector or secure such construction to the satisfaction of the City Engineer, or shall implement a similar measure(s) that would reduce Significant Impact 4.2-23 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision. As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-23 to below a level of significance.</p> <p>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</p> <p>*Applies to Significant Impact 4.2-23.</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>City Engineer Port or City depending on the jurisdiction of the development</p> | | |
| MM 4.2-15 | <p>Prior to the issuance of certificates of occupancy for any development in Phase II, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-24, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 4.2-24, then prior to the issuance of the first certificates of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal and add an exclusive left-turn lane at each approach at the intersection of H Street and RCC Driveway, or secure such construction to the satisfaction of the City Engineer or shall implement a similar measure(s) that would reduce Significant Impact 4.2-24 to less than significant, based on the</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>City Engineer Port or City depending on the jurisdiction of the development</p> | | |

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| | <p>methodologies, thresholds and standards outlined in Section 4.2.3 <u>and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u> As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The traffic signal and left turn lanes shall be built to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-24 to below a level of significance.</p> <p><u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</u></p> <p>*Applies to Significant Impact 4.2-24.</p> | | | | |
| MM 4.2-16 | <p>Prior to the issuance of certificates of occupancy for any development in Phase II, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-25, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p><u>If it is determined that the development will trigger Significant Impact 4.2-25, then prior to the issuance of the first certificate of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall construct a westbound and eastbound through lane along J Street at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer or shall implement a similar measure(s) that would reduce Significant Impact 4.2-25 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u> As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-25 to below a level of significance.</p> <p><u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</u></p> <p>*Applies to Significant Impact 4.2-25.</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>City Engineer</p> <p>Port or City depending on the jurisdiction of the development</p> | | |
| MM 4.2-17 | <p>Prior to the issuance of certificates of occupancy for any development in Phase II, As part</p> | <p>Port, Port Tenant,</p> | <p>City Engineer</p> | | |

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| | <p>of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-26, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 4.2-26, then prior to the issuance of the first certificate of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal at the intersection of H Street and Street A, or secure such construction to the satisfaction of the City Engineer or shall implement a similar measure(s) that would reduce Significant Impact 4.2-26 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision. As a condition of project approval, the Applicant, prior to first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The traffic signal shall be constructed and operated to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-26 to below a level of significance.</p> <p>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</p> <p>*Applies to Significant Impact 4.2-26.</p> | <p>or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>Port or City depending on the jurisdiction of the development</p> | | |
| MM 4.2-18 | <p>Prior to the issuance of certificates of occupancy for any development in Phase II of the As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-27, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 4.2- 27, then prior to the issuance of the first certificates of occupancy for the development, the applicant development, the developer shall construct a traffic signal at the intersection of J Street and Marina Parkway, or shall implement a similar measure(s) that would reduce Significant Impact 4.2-27 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision. As a condition of project approval,</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>City Engineer Port or City depending on the jurisdiction of the development</p> | | |

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| | <p>the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-27 to below a level of significance.</p> <p><u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</u></p> <p>*Applies to Significant Impact 4.2-27.</p> | | | | |
| MM 4.2-19 | <p>Prior to the issuance of certificates of occupancy for any development in Phase II, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-28, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p><u>If it is determined that the development will trigger Significant Impact 4.2-28, then prior to the issuance of the first certificate of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal at the intersection of J Street and Street A and add an exclusive westbound right-turn lane along J Street and an exclusive southbound right-turn lane along Street A, or secure such construction to the satisfaction of the City Engineer or shall implement a similar measure(s) that would reduce Significant Impact 4.2-28 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u> As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The traffic signal and turning lanes shall operate and be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-28 to below a level of significance.</p> <p><u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</u></p> <p>*Applies to Significant Impact 4.2-28.</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>City Engineer Port or City depending on the jurisdiction of the development</p> | | |
| MM 4.2-20 | <p>Prior to the issuance of certificates of occupancy for any development in Phase III, As part of the development application, the Project Applicant shall submit to the Port or City, as</p> | <p>Port, Port Tenant, or Applicant</p> | <p>City Engineer Port or City</p> | | |

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| | <p><u>applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-31, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</u></p> <p><u>If it is determined that the development will trigger Significant Impact 4.2-31, then prior to the issuance of the first certificates of occupancy for the development, the Port, Port tenants, or applicant, as appropriate shall construct the segment of Street A that would continue south from J Street, connecting to the proposed Street B in the Otay District, as a two-lane Class III Collector <u>or shall implement a similar measure(s) that would reduce Significant Impact 4.2-31 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u> As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer.</u></p> <p><u>In addition, prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, as appropriate the Applicant shall construct the segment of Street B that would connect to the proposed Street A, bridge over the Telegraph Canyon Creek Channel, and continue south to Bay Boulevard, as a 2-lane Class III Collector <u>or shall implement a similar measure(s) that would reduce Significant Impact 4.2-31 to less than significant, based on the standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u></u></p> <p>However, at a minimum the applicant for the development shall construct roadway frontage and access associated with the parcel being proposed for development so that the parcel is not landlocked, provides continuous frontage access along B Street with adjacent parcels, and provides adequate access to the parcel, including safety, fire and police access.</p> <p>This mitigation would reduce Significant Impact 4.2-31 to below a level of significance.</p> <p><u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</u></p> <p>*Applies to Significant Impact 4.2-31.</p> | <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p><u>depending on the jurisdiction of the development</u></p> | | |
| MM 4.2-21 | <p>Prior to the issuance of certificates of occupancy for any development in Phase III, As part</p> | <p>Port, Port Tenant,</p> | <p>City Engineer</p> | | |

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| | <p><u>of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-32, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</u></p> <p><u>If it is determined that the development will trigger Significant Impact 4.2-32, then prior to the issuance of the first certificate of occupancy for the development, the Port, Port tenants, or applicant, as appropriate, shall widen Street A between H Street and Street C to a four-lane Class I Collector, or secure such construction to the satisfaction of the City Engineer or shall implement a similar measure(s) that would reduce Significant Impact 4.2-32 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u> As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-32 to below a level of significance.</p> <p><u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</u></p> <p>*Applies to Significant Impact 4.2-32.</p> | <p>of Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>Port or City depending on the jurisdiction of the development</p> | | |

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| MM 4.2-22 | <p>Prior to the issuance of certificates of occupancy for any development in Phase III, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-33, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 4.2-33, then prior to the issuance of the first certificate of occupancy for the development, the Port, Port tenants, or applicant, as appropriate, shall construct an exclusive eastbound right-turn lane along J Street at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer or shall implement a similar measure(s) that would reduce Significant Impact 4.2-33 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3 and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision. As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The turning lane shall be built to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-33 to below a level of significance.</p> <p>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</p> <p>*Applies to Significant Impact 4.2-33.</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>City Engineer Port or City depending on the jurisdiction of the development</p> | | |
| MM 4.2-23 | <p>Prior to the issuance of certificates of occupancy for any development in Phase III of the development, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-34, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 4.2-34, then prior to the issuance of the first certificate of occupancy for the development, the Port, Port tenants, or applicant, as appropriate, shall construct an exclusive westbound right-turn lane along J Street at the intersection of J Street and I-5 NB Ramps, or secure such construction to the satisfaction of the City Engineer or shall implement a similar measure(s) that would</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>City Engineer Port or City depending on the jurisdiction of the development</p> | | |

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| | <p>reduce Significant Impact 4.2-34 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, <u>and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u> As a condition of project approval, the Applicant shall, prior to issuance of the first building permit, provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The turning lane shall be built to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-34 to below a level of significance.</p> <p>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</p> <p>*Applies to Significant Impact 4.2-34.</p> | | | | |
| MM 4.2-24 | <p>Prior to the issuance of certificates of occupancy for any development in Phase III, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-38, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p><u>If it is determined that the development will trigger Significant Impact 4.2-38, then prior to the issuance of the first certificates of occupancy for the development, the Port, Port tenants, or applicant, as appropriate, shall construct E Street from the RCC Driveway to Bay Boulevard as a two-lane Class III Collector, or shall implement a similar measure(s) that would reduce Significant Impact 4.2-38 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u> As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. This mitigation would reduce Significant Impact 4.2-38 to below a level of significance.</p> <p>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</p> <p>*Applies to Significant Impact 4.2-38.</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>City Engineer Port or City depending on the jurisdiction of the development</p> | | |
| MM 4.2-25 | <p>Prior to the issuance of certificates of occupancy for any development in Phase IV, As part of the development application, the Project Applicant shall submit to the Port or City, as</p> | <p>Port, Port Tenant, or Applicant</p> | <p>City Engineer Port or City</p> | | |

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| | <p><u>applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-39, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</u></p> <p><u>If it is determined that the development will trigger Significant Impact 4.2-39, then prior to the issuance of the first certificates of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall construct a new F Street segment between the proposed terminus of the existing F Street and the proposed E Street extension, ending at the SP-3 Chula Vista Nature Center parking lot, as a two-lane Class III collector street, which shall also contain a Class II bike lane on both sides of the street, or shall implement a similar measure(s) that would reduce Significant Impact 4.2-39 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3 and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u> As a condition of project approval, the Applicant shall, prior to issuance of the first building permit, provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer.</p> <p>However, at a minimum the applicant of the development shall construct roadway frontage and access associated with the parcel being proposed for development so that the parcel is not landlocked, provides continuous frontage access along F Street with adjacent parcels, and provides adequate access to the parcel, including safety, fire and police access.</p> <p>This mitigation would reduce Significant Impact 4.2-39 to below a level of significance. <u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</u></p> <p>*Applies to Significant Impact 4.2-39.</p> | <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p><u>depending on the jurisdiction of the development</u></p> | | |
| MM 4.2-26 | <p><u>Prior to the issuance of certificates of occupancy for any development in Phase IV, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impacts 4.2-40 or 4.2-41, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project</u></p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of</p> | <p>City Engineer Port or City <u>depending on the jurisdiction of the</u></p> | | |

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| | <p><u>specific analysis is conducted.</u></p> <p>If it is determined that the development will trigger Significant Impacts 4.2-40 or 4.2-41, then prior to the issuance of the <u>first certificates</u> of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall widen E Street between F Street and Bay Boulevard to a four-lane Class I Collector, or secure such construction to the satisfaction of the City Engineer shall implement a similar measure(s) that would reduce Significant Impacts <u>4.2-40 and 4.2-41</u> to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, <u>and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u> As a condition of project approval, the Applicant shall, prior to issuance of the first building permit, provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The additional roadway capacity would facilitate the flow of project traffic.</p> <p>Also, the widening of this segment of E Street would facilitate the flow of project traffic on Bay Boulevard between E Street to F Street, or shall implement a similar measure(s) that would reduce Significant Impacts 4.2-24 40 and 4.2-41 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3. This mitigation would reduce Significant Impacts 4.2-40 and 4.2-41 to below a level of significance.</p> <p><u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</u></p> <p><u>*Applies to Significant Impacts 4.2-40 and 4.2-41.</u></p> | <p><u>the development that triggers the impact and the first Certificate of Occupancy</u></p> | <p><u>development</u></p> | | |
| MM 4.2-27 | <p>Prior to the issuance of certificates of occupancy for any development in Phase IV, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-42, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 4.2-42, then prior to the issuance of the <u>first certificates</u> of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall widen H Street between I-5 Ramps and Broadway to a 6-lane Gateway Street, or shall implement a similar measure(s) that would reduce Significant Impact 4.2-42 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, <u>and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u> As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>City Engineer Port or City depending on the jurisdiction of the development</p> | | |

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| | <p><u>satisfaction of the Port in consultation with the City Engineer.</u></p> <p>The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-42 to below a level of significance. The off-site traffic improvements described in this mitigation measure for direct traffic impacts would create secondary traffic impacts.</p> <p>Improvements associated with these secondary impacts would be required as a result of cumulative and growth-related traffic overall, of which the Proposed Project would be a component. The Western Chula Vista TDIF identifies these improvements in a cumulative context and attributes fair share contributions according to the impact. Therefore, the Proposed Project would be responsible for a fair share contribution and would not be solely responsible for implementation of necessary secondary impact improvements.</p> <p><u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</u></p> <p>*Applies to Significant Impact 4.2-42.</p> | | | | |
| MM 4.2-28 | <p>Prior to the issuance of certificates of occupancy for any development in Phase IV, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-43, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 4.2-43, then prior to the issuance of the first certificates of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall construct an eastbound through lane and an exclusive eastbound right-turn lane along E Street at the intersection of E Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer or shall implement a similar measure(s) that would reduce Significant Impact 4.2-43 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision. As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-43 to below a level of significance.</p> <p><u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement</u></p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>City Engineer</p> <p>Port or City depending on the jurisdiction of the development</p> | | |

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| | costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding. *Applies to Significant Impact 4.2-43. | | | | |
| MM 4.2-29 | <p>Prior to the issuance of certificates of occupancy for any development in Phase IV, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-44, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 4.2-44, then prior to the issuance of the first certificates of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall construct an exclusive southbound right-turn lane along Bay Boulevard at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer or shall implement a similar measure(s) that would reduce Significant Impact 4.2-44 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision. As a condition of project approval, the Applicant shall provide, prior to issuance of the first building permit, a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-44 to below a level of significance.</p> <p>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</p> <p>*Applies to Significant Impact 4.2-44.</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy</p> | <p>City Engineer</p> <p>Port or City depending on the jurisdiction of the development</p> | | |
| MM 4.2-30 | <p>Prior to the issuance of certificates of occupancy for any development in Phase IV, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 4.2-45, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 4.2- 45, then prior to</p> | <p>Port, Port Tenant, or Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the</p> | <p>City Engineer</p> <p>Port or City depending on the jurisdiction of the development</p> | | |

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| | <p>the issuance of the <u>first certificates</u> of occupancy for the development, the Port, Port tenant, or applicant, as appropriate, shall construct a dual southbound left-turn lane along Street A, or secure such construction to the satisfaction of the City Engineer or shall implement a similar measure(s) that would reduce Significant Impact 4.2-24-45 to less than significant, based on the methodologies, thresholds and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision. As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-45 to below a level of significance.</p> <p><u>The applicant responsible for constructing the improvement may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. Credits and reimbursements would be subject to verification that the improvement is included in the BFDIF as well as available funding.</u></p> <p>*Applies to Significant Impact 4.2-45.</p> | impact and the first Certificate of Occupancy | | | |
| MM 4.4-1 | <p>A. View Protection: As a condition for issuance of Coastal Development Permits, buildings fronting on 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. Visual elements above 6 feet in height shall be prohibited in this zone if the feature would reduce visibility by more than 10 percent. Placement of trees should take into account potential view blockage. This mitigation should not be interpreted to not allow tree masses; however, 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 upon 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 Port. All future development proposals shall conform to Port design guidelines and standards to the satisfaction of the Port.</p> <p>B. Height and Bulk: Prior to issuance of Coastal Development Permits for projects within the Port'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</p> | <p>Project Developer -Prior to First Coastal Development Permit</p> <p>Project Developer -Prior to First</p> | <p>Port</p> <p>Port</p> | | |

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| | <p>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. This shall be done to the satisfaction of the Port.</p> <p>C. Height and Bulk: Prior to design review approval for properties within the City'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, 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 the large project components to diminish imposing building edges, monotonous facades, and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the City of Chula Vista Planning Director.</p> <p>D. Landscaping: Prior to final approval of Phase I infrastructure design plans, the Port and City shall collectively develop a master landscaping plan for the project's public components and improvements. The plan shall provide sufficient detail to ensure conformance to streetscape design guidelines and that future developers/tenants, as applicable, provide screening of parking areas.</p> <p>Streetscape landscaping shall be designed to enhance the visitor experience for both pedestrians and those in vehicles. Specifically, detailed landscaping plans shall be developed to enhance Marina Parkway, a designated scenic roadway and shall provide, where appropriate, screening of existing industrial uses and parking areas until such time as these facilities are redeveloped.</p> <p>Street landscaping design shall be coordinated with a qualified biologist or landscape architect to ensure that proposed trees and other landscaping are appropriate for the given location. For instance, vegetation planted adjacent to open water/shoreline areas must not provide raptor perches. Landscaping shall be drought tolerant or low-water use, and invasive plant species shall be prohibited.</p> | <p>Coastal Development Permit</p> <p>Project Developer -Prior to Design Review Approval</p> <p>Port and City -Prior to Final Approval of Phase I Design</p> | <p>City</p> <p>Port in Coordination with qualified Biologist or Landscape Architect</p> | | |

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| | <p>E. Landscaping: Prior to approval of a tentative map or site development plan for future residential development, the project developer shall submit a landscaping design plan for on-site landscaping improvements that is in conformance to design guidelines and standards established by the City of Chula Vista. The plan shall be implemented as a condition of project approval.</p> <p>F. Gateway Plan: 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 occupancy for any projects within the Port's jurisdiction in Phase I, the E and H Street Gateway plan shall be approved by the Port 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.</p> <p>G. Gateway Plan: Concurrent with development of Parcels H-13 and H-14, the applicant shall submit a Gateway plan for J Street for City Design Review consideration. Prior to issuance of any building permits, the J Street Gateway plan shall be approved by the Director of Planning and Building in coordination with the Port's Director of Planning. The J Street Gateway plan shall be coordinated with the Gateway plan for E and H Streets.</p> <p>*Applies to Significant Impacts 4.4-3, 4.4-4, 4.4-5, 4.4-7, and 4.4-8.</p> | <p>Project Developer -Prior to TM/SDP Approval</p> <p>Applicant -Prior to Occupancy</p> <p>Applicant -Prior to First Building Permit</p> | <p>City</p> <p>Port and City</p> <p>Port and City</p> | | |

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| MM 4.4-2 | <p>Prior to design review approval, lighting design plans with specifications for outdoor lighting locations and other intensely lighted areas shall be submitted to the Port and City for review and approval. The specifications shall identify the lighting intensity needs and design light fixtures to direct light toward intended uses. Outdoor and parking lot lighting shall be shielded and directed away from adjacent properties, wherever feasible and consistent with public safety. Consideration shall be given to the use of low-pressure sodium lighting or the equivalent. The lighting plan shall illustrate the location of the proposed lighting standards and type of shielding measures. The lighting plan shall incorporate specific design features including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Where lighting must be used for safety reasons (FAA 2000 Advisory Circular), minimum intensity, maximum off-phased (3 second between flashes) white strobes shall be used. • All event lighting shall be directed downward and shielded, unless directed downward or shielded to minimize light spill beyond the area for which illumination is required. • Exterior lighting shall be limited to that which is necessary and appropriate to ensure general public safety and navigation, including signage for building identification and orientation. • 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. • 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. • Office space, residential unit 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. • Reflective glass or the application of reflective coatings shall not be used on any glass surface. | <p>Applicant -Prior to Design Review Approval</p> | Port and City | | |

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| MM 4.5-1 | <p>As a condition of approval of a Tenant Design Plan for projects within the Port's jurisdiction and a condition of the approval of a Final Map for projects within the City's jurisdiction, the project applicant shall include trash control measures that include animal-proof, covered, and self-closing trash containers and trash control enclosures, with frequent servicing, to prevent litter from being wind blown off-site to the satisfaction of the Port/City as appropriate pursuant to their water quality technical reports.</p> <p>*Applies to Significant Impact 4.5-1.</p> | <p>Applicant -Condition of Approval for Tentative Design Plan/Condition of Approval of Final Map</p> | Port/City | | |
| MM 4.5-2 | <p>A. Prior to the issuance of a grading permit, the applicant shall notify the RWQCB of dewatering of contaminated groundwater during construction. If contaminated groundwater is encountered, the project developer shall treat and/or dispose of the contaminated groundwater (at the developer's expense) in accordance with NPDES permitting requirements, which includes obtaining a permit from the Industrial Wastewater Control Program to the satisfaction of the RWQCB.</p> <p>B. Prior to the discharge of contaminated groundwater for all construction activities, should flammables, corrosives, hazardous wastes, poisonous substances, greases and oils, and other pollutants exist on site, a pretreatment system shall be installed to pre-treat the water to the satisfaction of the RWQCB before it can be discharged into the sewer system.</p> <p>*Applies to Significant Impact 4.5-2.</p> | <p>Project Applicant/ Developer -Prior to First Grading Permit</p> <p>Project Developer -Prior to Construction groundwater discharge</p> | <p>RWQCB</p> <p>RWQCB</p> | | |
| MM 4.5-3 | <p>Prior to the issuance of a grading, excavation, dredge/fill, or building permit for any Parcel, the applicant shall submit a Spill Prevention/Contingency Plan for approval by the Port or City as appropriate. The plan shall:</p> <ul style="list-style-type: none"> • Ensure that hazardous or potentially hazardous materials (e.g., cement, lubricants, solvents, fuels, other refined petroleum hydrocarbon products, wash water, raw sewage) that are used or generated during the construction and operation of any project as part of the Proposed Project shall be handled, stored, used, and disposed of in accordance with NPDES permitting requirements and applicable federal, state, and local policies • Include material safety data sheets • Require 40 hours of worker training and education as required by the Occupational Safety and Health Administration | <p>Applicant -Prior to First Grading Permit</p> | Port or City | | |

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| | <ul style="list-style-type: none"> Minimize the volume of hazardous or potentially hazardous materials stored at the site at any one time Provide secured storage areas for compatible materials, with adequate spill contaminant Maintain all required records, manifest and other tracking information in an up-to-date and accessible form or location for review by the Port or City Demonstrate that all local, state, and federal regulations regarding hazardous materials and emergency response have been or will be complied with. <p>*Applies to Significant Impact 4.5-3.</p> | | | | |
| MM 4.5-4 | <p>A. Prior to issuance of a permit by USACE for dredge and/or fill operations in the Bay or Chula Vista Harbor, the applicant shall conduct a focused sediment investigation and submit it to USACE and RWQCB for review and approval. The applicant shall then determine the amount of bay sediment that requires remediation and develop a specific work plan to remediate bay sediments in accordance with permitting requirements of the RWQCB. The work plan shall include but not be limited to dredging the sediment, allowing it to drain, and analyzing the nature and extent of any contamination. Pending the outcome of the analytical results, a decision by RWQCB shall prescribe the requirements for disposition of any contaminated sediment.</p> <p>B. Prior to issuance of a grading permit for marina redevelopment on HW-1 and HW-4, the developer shall submit a work plan for approval by the RWQCB and Port/City that requires the implementation of BMPs, including the use of silt curtains during in-water construction to minimize sediment disturbances and confine potentially contaminated sediment if contaminated sediment exists. If a silt curtain should be necessary, the silt curtain shall be anchored along the ocean floor with weights (i.e., a chain) and anchored to the top with a floating chain of buoys. The curtain shall wrap around the area of disturbance to prevent turbidity for traveling outside the immediate project area. Once the impacted region resettles the curtains shall be removed. If the sediment would be suitable for ocean disposal, no silt curtain shall be required. However, if contaminants are actually present, the applicant would be required to provide to the RWQCB and Port/City an evaluation showing that the sediment would be suitable for ocean disposal.</p> <p>*Applies to Significant Impact 4.5-4</p> | <p>Applicant -Prior to First USACE Permit for dredge/fill</p> <p>Developer -Prior to First Grading Permit</p> | <p>USACE and RWQCB</p> <p>RWQCB and Port/City</p> | | |

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| MM 4.5-5 | <p>Prior to the commencement of in-water construction for all phases of development, the Port or Port tenants shall adhere to regulatory requirements including the use of BMPs, which shall include use of silt curtains during all sediment suspension activities.</p> <p>*Applies to Significant Impact 4.5-5</p> | <p>Port or Port Tenants</p> <p>-Prior to In-Water Construction</p> | RWQCB | | |
| MM 4.6-6 | <p>Development of Program-level components of the Chula Vista Bayfront Master Plan (Phases I through IV) shall implement measures to reduce GHG emissions. Specific measures may include, but are not limited to the following:</p> <p>Energy Efficiency</p> <ul style="list-style-type: none"> • Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping, and sun screens to reduce energy use. • Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings. • Install light colored "cool" roofs, cool pavements, and strategically placed shade trees. • Provide information on energy management services for large energy users. • Install energy-efficient heating and cooling systems, appliances and equipment, and control systems. • Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting. • Limit the hours of operation for outdoor lighting. • Use solar heating, automatic covers, and efficient pumps and motors for pools and spas. • Provide education on energy efficiency. <p><u>Renewable Energy</u></p> <ul style="list-style-type: none"> • Install solar and wind power systems, solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives. • Install solar panels on carports and over parking areas. • Use combined heat and power in appropriate applications. | <p>Project Developer</p> <p>-Conditions of Approval for Program Master Plan Developments</p> | Port | | |

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| | <p><u>Water Conservation and Efficiency</u></p> <ul style="list-style-type: none"> • Create water-efficient landscapes. • Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. • Use reclaimed water for landscape irrigation in new developments and on public property where appropriate. Install the infrastructure to deliver and use reclaimed water. • Design buildings to be water efficient. Install water-efficient fixtures and appliances. • Use gray water. (Gray water is untreated household wastewater from bathtubs, showers, bathroom wash basins, and water from clothes washing machines.) For example, install dual plumbing in all new development allowing gray water to be used for landscape irrigation. • Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. • Restrict the use of water for cleaning outdoor surfaces and vehicles. • Implement low-impact development practices that maintain the existing hydrologic character of the site to manage stormwater and protect the environment. (Retaining stormwater runoff on site can drastically reduce the need for energy-intensive imported water at the site.) • Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project. • Provide education about water conservation and available programs and incentives. <p><u>Solid Waste Measures</u></p> <ul style="list-style-type: none"> • Reuse and recycle construction and demolition waste (including but not limited to soil, vegetation, concrete, lumber, metal, and cardboard). • Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. • Recover byproduct methane to generate electricity. • Provide education and publicity about reducing waste and available recycling services. | | | | |

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| | <p><u>Transportation and Motor Vehicles</u></p> <ul style="list-style-type: none"> • Limit idling time for commercial, non-refrigerated vehicles, including delivery and construction vehicles. Refrigerated delivery trucks may remain idling while at loading docks. • Use low or zero-emission vehicles, including construction vehicles. • Promote ride sharing programs; e.g., 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. • 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 stations). • Provide public transit incentives, such as free or low-cost monthly transit passes. • 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, e.g., locked bicycle storage or covered or indoor bicycle parking. • Institute a telecommuter work program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences. • Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation. <p>The increased efficiency demands associated with completion years beyond 2020 are not specified in terms of business as usual reductions, but would demand substantially greater reductions than 20 percent below business as usual. While the measures listed above would substantially reduce projects GHG emissions, the level to which they would achieve these reductions cannot be ascertained as they may be modified by any applicable standards that are adopted in the future. Furthermore, because of the increased demand for greater reductions for developments beyond the 2020 horizon year and the rapid development of better technology, the mechanism and technological applications that may be available and necessary to avoid conflict with the goals or</p> | | | | |

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| | strategies of AB 32 or related Executive Orders identification of adequate and effective measures is not feasible at this time. *Applies to Significant Impact 4.6-7. | | | | | | | | | | | | | |
| MM 4.7-1 | Construction-related noise shall be limited adjacent to the J Street Marsh during the typical breeding season of January 15 to August 31. Construction activity adjacent to these sensitive areas must not exceed 60 dB(A) Leq. at any active nest within the marsh. Prior to issuance of a building permit, the project developer shall prepare and submit to the City for review and approval an acoustical analysis and nesting bird survey to demonstrate that the 60 dB(A) Leq. noise level is maintained at the location of any active nest within the marsh. If the noise threshold is anticipated to be exceeded at the nest location, the project developer shall construct noise barriers or implement other noise control measures to ensure that construction noise levels do not exceed the threshold. *Applies to Significant Impact 4.7-1. | Project Developer -Prior to First Building Permit | City | | | | | | | | | | | |
| MM 4.7-2 | <p>Prior to the approval of Design Review for the Pacifica project, the applicant shall submit a site plan for the project demonstrating to the satisfaction of the Director of Planning and Building of the City that outdoor use areas are not exposed to noise levels in excess of 65 dB(A) CNEL. Applicants shall submit project plans demonstrating that outdoor usable residential areas conform to the standards set by the City of Chula Vista General Plan.</p> <p>Prior to issuance of building permits, the developer shall install noise barriers that would reduce sound levels to 65 dB(A) CNEL or below at outdoor usable areas on the Pacifica site. To preserve a view, glass or Plexiglas with a minimum density of 3.5 pounds per square foot may be substituted for other construction materials. The barrier locations, heights, and lengths for the Pacifica development, as summarized in <i>Table 4.7-15</i> and illustrated on <i>Figure 4.7-10</i>, would achieve these reductions.</p> <table border="1"><tr><th colspan="3">TABLE 4.7-15 Barrier Locations, Heights, and Lengths For Rooftop Parapet</th></tr><tr><th>Barrier Location</th><th>Height (ft)</th><th>Length (ft)</th></tr><tr><td colspan="3"><i>Rooftop Parapet</i></td></tr></table> | TABLE 4.7-15 Barrier Locations, Heights, and Lengths For Rooftop Parapet | | | Barrier Location | Height (ft) | Length (ft) | <i>Rooftop Parapet</i> | | | Applicant -Prior to Design Review Approval Developer -Prior to First Building Permit | City City | | |
| TABLE 4.7-15 Barrier Locations, Heights, and Lengths For Rooftop Parapet | | | | | | | | | | | | | | |
| Barrier Location | Height (ft) | Length (ft) | | | | | | | | | | | | |
| <i>Rooftop Parapet</i> | | | | | | | | | | | | | | |

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| | HD-1B: North Façade | 5 | 224 | | | | |
| | HD-1B: East Façade | 6 | 243 | | | | |
| | HD-2A: East/South Façades | 5 | 313 | | | | |
| | HD-2B: North Façade | 5 | 128 | | | | |
| | HD-2B: East Façade | 6 | 188 | | | | |
| | HD-3A: East Façade | 5 | 215 | | | | |
| | HD-3A: South Façade | 5 | 350 | | | | |
| | HD-4A: East Façade | 5 | 264 | | | | |
| | HD-4A: South Façade | 5 | 336 | | | | |
| | *Applies to Significant Impact 4.7-2. | | | | | | |
| MM 4.7-3 | Prior to the issuance of building permits for residential units adjacent to circulation element roadways in the Harbor District, the applicant shall perform and submit an acoustical analysis to the City, demonstrating that the proposed building plans provide interior noise levels due to exterior sources are 45 dB(A) CNEL or less in any habitable room. The analysis must also identify Sound Transmission Loss (STL) rates of each window. | | | Applicant -Prior to First Building Permit | City | | |
| | *Applies to Significant Impacts 4.7-3 and 4.7-7. | | | | | | |
| MM 4.7-4 | Prior to the approval of Design Review for the Pacifica project, the applicant shall submit a design plan for the project demonstrating to the satisfaction of the City's Director of Planning and Building that the noise level from operation of mechanical equipment will not exceed 50 dB(A) Leq. at any property line. Noise control measures may include, but are not limited to, the selection of quiet equipment, equipment setbacks, silencers, and/or acoustical louvers. Such measures must be designed and installed so as to achieve a cumulative sound level from mechanical equipment that does not exceed 40 dB(A) at 50 feet from the building façades adjacent to Marina Parkway, Street C, and J Street or 54 dB(A) at 50 feet from the building façades facing Street A. | | | Applicant -Prior to Design Review Approval | City | | |
| | Prior to the approval of Design Review for the Pacific project, the applicant shall prepare and submit to the City for review and approval an acoustical analysis and nesting bird survey to demonstrate that operation of mechanical equipment will not exceed the 60 | | | Applicant -Prior to Design Review Approval | City | | |

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| | <p>dB(A) Leq. noise level at the location of any active nest within the J Street Marsh. If the noise threshold is anticipated to be exceeded at the nest location, the project developer shall construct noise barriers and/or implement noise control measures to maintain operational noise levels below the threshold.</p> <p>*Applies to Significant Impact 4.7-4.</p> | | | | |
| MM 4.7-5 | <p>To avoid significant impacts to the F&G Street Marsh and reduce the construction noise level to 60 dB(A) or below, the developer of Parcel H-3 shall install and place a 20-foot-high temporary noise barrier or wall along the northeast project property line and returns along the east and west property lines. This mitigation would be necessary for construction activity occurring within 800 feet of the habitat during the extended breeding season. As demonstrated on <i>Figure 4.7-11</i>, the barrier must be of solid construction, with no gaps or cracks through or below the wall, and must have a minimum density of 3.5 pounds per square foot. The barrier must block line-of-sight between the source and receiver and be long enough to prevent flanking around the ends.</p> <p>Prior to the start of construction, upon selection of a contractor and once specific equipment models and locations, phasing, and operational duration, etc. are known, a detailed analysis shall be conducted by the project developer and approved by the Port and/or City to determine proper placement of the temporary noise barrier.</p> <p>*Applies to Significant Impact 4.7-5.</p> | <p>Developer -Prior to start of construction</p> <p>Developer -Prior to start of construction</p> | <p>Port and/or City</p> <p>Port and/or City</p> | | |
| MM 4.7-6 | <p>Prior to the approval of Design Review, the applicant shall submit a site plan for the project demonstrating to the satisfaction of the Director of Planning and Building of the City and the Port, that outdoor use areas are not exposed to noise levels in excess of 65 dB(A) CNEL. As part of CEQA review for subsequent execution of actions associated with project construction phases, applicants shall submit project plans demonstrating that outdoor usable residential areas conform to the standards set by the City of Chula Vista General Plan.</p> <p>Prior to the issuance of building permits or certificates of occupancy, the developer shall install noise barriers that would reduce sound levels to 65 dB(A) CNEL or below at ground-level noise sensitive receptors on the project site. To preserve a view, glass or</p> | <p>Applicant -Prior to Design Review Approval</p> <p>Developer -Prior to First Building Permit or Certificate of</p> | | | |

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| | Plexiglas with a minimum density of 3.5 pounds per square foot may be substituted for other construction materials. *Applies to Significant Impact 4.7-6. | Occupancy | | | |
| MM 4.7-7 | To avoid significant impacts to the F & G Street Marsh and reduce the noise level at habitat to 60 dB(A) or below, the developer shall install a 3-foot-high noise barrier along the east right-of-way of E Street for the extent of the habitat, as shown on <i>Figure 4.7-12</i> . The barrier must be of solid construction, with no gaps or cracks through or below the wall, and have a minimum density of 3.5 pounds per square foot. The barrier must block line-of-sight between the source and receiver and be long enough to prevent flanking around the ends. *Applies to Significant Impact 4.7-8. | Developer - Prior to start of construction | City | | |
| MM 4.7-8 | To avoid significant construction-related noise impacts, the following measures shall be followed: <ul style="list-style-type: none"> • Construction activity shall be prohibited Monday through Friday from 10:00 P.M. to 7:00 A.M., and Saturday and Sunday from 10:00 P.M. to 8:00 A.M., pursuant to the Chula Vista Municipal Code Section 17.24.050 (Paragraph J). • All stationary noise generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors, as practicable. Where practicable, noise-generating equipment shall be shielded from noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, equipment storage, staging, and warm-up areas shall be located as far from noise sensitive receptors as possible. • All construction equipment powered by gasoline or diesel engines shall have sound control devices at least as effective as those originally provided by the manufacturer; no equipment shall be permitted to have an unmuffled exhaust. • Any impact tools used during demolition of existing infrastructure shall be shrouded or shielded, and mobile noise generating equipment and machinery shall be shut off when not in use. • Construction vehicles accessing the site shall be required to use the shortest possible route to and from I-5, provided the route does not expose additional | Developer -During construction | City | | |

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| | <p>receptors to noise.</p> <ul style="list-style-type: none"> Construction equipment shall be selected as those capable of performing the necessary tasks with the lowest sound level and the lowest acoustic height possible to perform the required construction operation. Construction equipment shall be operated and maintained to minimize noise generation. Equipment shall be kept in good repair and fitted with "manufacturer-recommended" mufflers. <p>*Applies to Significant Impacts 4.7-9 and 4.7-10.</p> | | | | |
| MM 4.7-9 | <p>Construction-related noise shall be limited during the typical breeding season of January 15 to August 31 adjacent to the Sweetwater Marsh NWR and F&G Street Marsh. The current accepted noise threshold is 60 dB(A) Leq.; thus construction activity shall not exceed this level, or ambient noise levels if higher than 60 dB(A) during the breeding season. If construction does occur within the breeding season or adjacent to the marshes, the project developer shall prepare and submit an acoustical analysis to the Port and/or City that shall determine whether noise barriers would be required to reduce the expected noise levels below the threshold. If noise barriers, construction activities, or other methods are unable to result in a level of noise below the threshold, construction in these areas shall be delayed until the end of the breeding season.</p> <p>*Applies to Significant Impact 4.7-11.</p> | <p>Developer</p> <p>-Prior to start of construction</p> | <p>Port and/or City</p> | | |
| MM 4.8-1 | <p>Prior to construction in any areas with suitable nesting locations for raptors (such as trees, utility poles, or other suitable structures) and, if grading or construction occurs during the breeding season for nesting raptors (January 15 through July 31), the project developer(s) within the Port's or City's jurisdiction shall retain a qualified, Port- or City-approved biologist, as appropriate, who shall conduct a pre-construction survey for active raptor nests. The pre-construction survey must be conducted no more than 10 calendar days prior to the start of construction, the results of which must be submitted to the Port or City, as appropriate, for review and approval. If an active nest is found, an appropriate setback distance will be determined in consultation with the applicant, Port or City, USFWS, and CDFG. The construction setback shall be implemented until the young are completely independent of the nest or the nest is relocated with the approval of the USFWS and CDFG. A bio-monitor shall be present on site during initial grubbing and</p> | <p>Developer(s)</p> <p>-Prior to start of construction</p> | <p>Port or City in Consultation with USFWS and CDFG</p> | | |

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| | clearing of vegetation to ensure that perimeter construction fencing is being maintained. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the City and/or Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the City and/or Port detailing observations made during field inspections. The bio-monitor shall also notify the City and/or Port immediately if clearing is done outside of the permitted project footprint. *Applies to Significant Impact 4.8-1. | | | | |
| MM 4.8-2 | Prior to construction in any areas with suitable nesting habitat for burrowing owl and, if grading or construction occurs during the breeding season for the burrowing owl (January 15 through July 31), the project developer(s) within the Port's or City's jurisdiction, as appropriate, shall retain a qualified biologist, who shall be approved by the Port or City, respectively, to conduct a pre-construction survey within all suitable habitat prior to any grading activities. The pre-construction survey must be conducted no more than 10 calendar days prior to the start of construction, the results of which must be submitted to the Port or City, as appropriate, for review and approval. If an active burrow is detected during the breeding season of January 15 to July 31, construction setbacks of 300 feet from occupied burrows shall be implemented until the young are completely independent of the nest. If an active burrow is found outside of the breeding season, or after an active nest is determined to no longer be active by a qualified biologist, the burrowing owl would be passively relocated according to the guidelines provided by CDFG (1995) and in coordination with CDFG. A bio-monitor shall be present on site during initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the City and/or Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the City and/or Port detailing observations made during field inspections. The bio-monitor shall also notify the City and/or Port immediately if clearing is done outside of the permitted project footprint. *Applies to Significant Impact 4.8-2. | Developer(s) -Prior to start of construction | Port or City in Consultation with CDFG | | |

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| MM 4.8-3 | <p>If grading or construction occurs during the breeding season for migratory birds (January 15 through August 31), the project developer(s) shall retain a qualified biologist, approved by the Port/City (depending on the jurisdiction), to conduct a pre-construction survey for nesting migratory birds. The pre-construction survey must be conducted no more than 10 calendar days prior to the start of construction, the results of which must be submitted to the Port or City, as appropriate, for review and approval. If active nests are present, the Port will consult with USFWS and CDFG to determine the appropriate construction setback distance. Construction setbacks shall be implemented until the young are completely independent of the nest or relocated with the approval of the USFWS and CDFG. A bio-monitor shall be present on site during initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the City and/or Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the City and/or Port detailing observations made during field inspections. The bio-monitor shall also notify the City and/or Port immediately if clearing is done outside of the permitted project footprint.</p> <p>*Applies to Significant Impact 4.8-3.</p> | Developer -Prior to start of construction | Port or City in Consultation with USFWS and CDFG | | |
| MM 4.8-4 | <p>Prior to construction or grading in any areas of suitable nesting or foraging habitat for light-footed clapper rail, and, regardless of the time of year, the project developer(s) shall retain a qualified biologist who shall be approved by the Port or City, as appropriate, and shall be present during removal of southern coastal salt marsh vegetation within the inlet to the F & G Street Marsh to ensure that there are no direct impacts to foraging light-footed clapper rails. If a light-footed clapper rail is encountered, construction will be temporarily halted until the bird leaves the area of construction. A bio-monitor shall be present on site during initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the City and/or Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the City and/or Port detailing observations made during field inspections. The bio-monitor shall also notify the City and/or Port</p> | Developer -Prior to start of construction | Port or City in coordination with qualified biological monitor | | |

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| | <p>immediately if clearing is done outside of the permitted project footprint. The project developer(s) shall consult with the U.S. Fish and Wildlife Service prior to impacting any areas of suitable nesting or foraging habitat for light-footed clapper rail so as not to prevent any unauthorized take of the light-footed clapper rail. Any take must be authorized by U.S. Fish and Wildlife Service.</p> <p>*Applies to Significant Impact 4.8-4.</p> | | | | |
| MM 4.8-5 | <p>Prior to issuance of any clearing and grubbing or grading permits within the jurisdiction of the City, the project applicant within the City's jurisdiction shall be required to obtain a HLIT permit pursuant to Section 17.35 of the Chula Vista Municipal Code for impacts to Covered Species and Vegetation Communities protected under the City's MSCP Subarea Plan. In addition, the MSCP requires additional protective measures for the western burrowing owl, as identified in Mitigation Measure 4.8-2 above.</p> <p>*Applies to Significant Impact 4.8-5.</p> | <p>Applicant - Prior to First Clearing, Grubbing, or Grading Permit</p> | City | | |
| MM 4.8-6 | <p>A. Construction-related noise. Construction-related noise shall be limited adjacent to the Sweetwater Marsh and South San Diego Bay Units of the San Diego Bay National Wildlife Refuge, F & G Street Marsh, the mudflats west of the Sweetwater District, and the J Street Marsh during the general avian breeding season of January 15 to August 31. During the avian breeding season, noise levels from construction activities must not exceed 60 dB(A) Leq., or ambient noise levels if higher than 60 dB(A). The project developer(s) shall prepare and submit to the Port/City for review and approval an acoustical analysis and nesting bird survey to demonstrate that the 60 dB(A) Leq. noise level is maintained at the location of any active nest within the marsh. If noise attenuation measures or modifications to construction activities are unable to reduce the noise level below 60 dB(A), either the developer(s) must immediately consult with the Service to develop a noise attenuation plan or construction in the affected areas must cease until the end of the breeding season. Because potential construction noise levels above 60 dB(A) Leq have been identified at the F & G Street Marsh, specific noise attenuation measures have been identified and are addressed in <i>Section 4.7</i> of the EIR.</p> <p>B. Perching of raptors. To reduce the potential for raptors to perch within the landscaping and hunt sensitive bird species from those perches, the following design criteria shall be identified in the CVBMP master landscape plan and incorporated into all</p> | <p>Developer -Prior to start of construction</p> <p>Developer</p> | <p>Port or City</p> <p>Port or City</p> | | |

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| | <p>building and landscape plans with a line of site to the City's MSCP Preserve buffer zones, and on-site open space:</p> <ul style="list-style-type: none"> • Light posts shall have anti-perching spike strips along any portions that would be accessible to raptors. • The top edge of buildings shall be rounded with sufficient radius to reduce the amount of suitable perching building edges. • If building tops are hard corners, spike strips shall be used to discourage raptors from perching and building nests. • Decorative eaves, ledges, or other protrusions shall be designed to discourage perching by raptors. • To the extent practicable, buildings on Parcels S-1 and S-4 will be oriented to reduce raptor perches within the line of sight to adjacent sensitive habitats. <p>C. Raptor management and monitoring. Prior to the issuance of a Coastal Development Permit, the project developer shall prepare a raptor nest management plan to be implemented once the project is built. A biologist retained by the project developer and approved by the Port and/or City shall be responsible for monitoring the buildings and associated landscaping to determine whether raptor nests have been established on Port or City lands within 500 feet of the Preserves. If a nest is discovered, the nest would be removed in consultation with USFWS, CDFG, and the Port/City, outside of the raptor breeding season of January 15 to July 31.</p> <p>D. Lighting. The following mitigation measure is required during all phases of development to ensure that outdoor lighting throughout the project area is minimized upon any of the habitat buffers, Preserve areas, habitats, or open water.</p> <p>Prior to issuance of a building permit, each applicant within the Port's or City's jurisdiction shall prepare a lighting design plan, including a photometric analysis, to be reviewed by the Port or City, as appropriate. Each plan shall include the following features, as appropriate to the specific locations:</p> <ul style="list-style-type: none"> • All exterior lighting shall be directed away from the habitat buffers, Preserve Areas, | <p>-Prior to Design Review Approval</p> <p>Developer -Prior to First Coastal Development Permit</p> <p>Developer -Prior to First Building Permit</p> | <p>Port or City in Consultation with biological monitor, USFWS, and CDFG</p> <p>Port or City</p> | | |

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| | <p>habitats, or open water, wherever feasible and consistent with public safety. Where necessary, lighting of all developed areas adjacent to the habitat buffers, Preserve Areas, habitats, or open water shall provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the habitat buffers, Preserve Areas, habitats, or open water and sensitive species from night lighting. The light structure themselves shall have shielding (and incorporate anti-raptor perching criteria); but the placement of the light structures shall also provide shielding from wildlife habitats and shall be placed in such a way as to minimize the amount of light reaching adjacent habitat buffers, Preserve Areas, habitats, or open water. This includes street lights, pedestrian and bicycle path lighting, and any recreational lighting.</p> <ul style="list-style-type: none"> • All exterior lighting immediately adjacent to habitat buffers, Preserve Areas, habitats, or open water shall be low-pressure sodium lighting or other approved equivalent. • No sports field lights shall be planned on the recreation fields near the J Street Marsh or the Sweetwater Marsh. • All roadways will be designed, and where necessary edges bermed, to ensure automobile light penetration in the Wildlife Habitat Areas, as defined in Mitigation Measure 4.8-7, will be minimized, subject to applicable City and Port roadway design standards. • 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. All street and walkway lighting should be shielded to minimize sky glow. • To the maximum extent feasible, all external lighting will be designed to minimize any impact to Wildlife Habitat Areas, and operations and maintenance conditions and procedures will be devised to ensure appropriate long-term education and control. To the maximum extent feasible, ambient light impacts to the Sweetwater or J Street Marshes will be minimized. • 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 requirements. All lighting proposed for the Sweetwater and Otay District parks and the shoreline promenade will be placed only | | | | |

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| | <p>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 since yellow monochromatic light is not perceived as natural light by wildlife and minimized eco-disruptions. No night lighting for active sports facilities will be allowed.</p> <ul style="list-style-type: none"> • Sweetwater and Otay District parks will open and close in accordance with Port park regulations. • Laser light shows will be prohibited. • Construction lighting will be controlled to minimize Wildlife Habitat Area impacts. <p>E. Noise.</p> <p>Construction Noise. Mitigation Measure 4.8-6, and the measures outlined in <i>Section 4.7, Noise</i>, shall be implemented in order to reduce potential indirect construction-noise impacts to sensitive species within the F & G Street Marsh and J Street Marsh. In order to further reduce construction noise, equipment staging areas shall be centered away from the edges of the project, and construction equipment shall be maintained regularly and muffled appropriately. In addition, construction noise must be controlled to minimize impacts to Wildlife Habitat Areas.</p> <p>Operational Noise. Noise levels from loading and unloading areas; rooftop heating, ventilation, and air conditioning facilities; and other noise-generating operational equipment shall not exceed 60 dBA Leq. at the boundaries of the F & G Street Marsh and the J Street Marsh during the typical breeding season of January 15 to August 31.</p> <p>Fireworks. A maximum of three (3) fireworks events can be held per year, all outside of Least Tern nesting season except 4th of July, which may be allowed if in full regulatory compliance and if the nesting colonies are monitored during the event and any impacts reported to the Wildlife Advisory Committee so they can be addressed. All shows must comply with all applicable water quality and species protection regulations. All shows must be consistent with policies, goals, and objectives in the Natural Resource Management Plan (NRMP), described in Mitigation Measure 4.8-7.</p> | <p>Applicant -Prior to Design Review Approval</p> <p>See MM 4.5-2 through 4.5-4</p> | City | | |

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| | <p>F. Invasives. All exterior landscaping plans shall be submitted to the Port or City, as appropriate, for review and approval to ensure that no plants listed on the California Invasive Plant Council (Cal-IPC) List of Exotic Pest Plants of Greatest Ecological Concern in California (<i>Appendix 4.8-7</i> of this Final EIR), the California Invasive Plant Inventory Database, Appendix N of the City's MSCP Subarea Plan, or any related updates shall be used in the Proposed Project area. Any such invasive plant species that establishes itself within the Proposed Project area will be removed immediately to the maximum extent feasible and in a manner adequate to prevent further distribution into Wildlife Habitat Areas.</p> <p>The following landscape guidelines will apply to the Proposed Project area:</p> <ul style="list-style-type: none"> • 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. • 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. • Landscaping plans for development projects adjacent to ecological buffers and/or the MSCP Preserve shall include native plants that are compatible with native vegetation located within the ecological buffers and/or MSCP Preserve. • 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. <p>G. Toxic Substances and Drainage. Implementation of general water quality measures outlined in Mitigation Measures 4.5-2 through 4.5-4, identified in <i>Section 4.5, Hydrology/Water Quality</i>, would reduce impacts associated with the release of toxins, chemicals, petroleum products, and other elements that might degrade or harm the natural environment to below a level that is significant, and would provide benefits to wetland habitats. As a reference, these mitigation measures are repeated below and apply to the Port and City:</p> | Port/City | Port/City in Consultation with USFWS and CDFG | | |

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| | <ul style="list-style-type: none"> • If contaminated groundwater is encountered, the project developer shall treat and/or dispose of the contaminated groundwater (at the developer's expense) in accordance with NPDES permitting requirements, which includes obtaining a permit from the Industrial Wastewater Control Program to the satisfaction of the RWQCB. The project developer(s) shall demonstrate satisfaction of all permit requirements prior to issuance of a grading permit. • Prior to the discharge of contaminated groundwater for all construction activities, should flammables, corrosives, hazardous wastes, poisonous substances, greases and oils, and other pollutants exist on site, a pre-treatment system shall be installed to pre-treat the water to the satisfaction of the RWQCB before it can be discharged into the sewer system. • Prior to the issuance of a grading, excavation, dredge/fill, or building permit for any parcel, the applicant shall submit a Spill Prevention/Contingency Plan for approval by the Port or City as appropriate. The plan shall: <ul style="list-style-type: none"> ○ Ensure that hazardous or potentially hazardous materials (e.g., cement, lubricants, solvents, fuels, other refined petroleum hydrocarbon products, wash water, raw sewage) that are used or generated during the construction and operation of any project as part of the Proposed Project shall be handled, stored, used, and disposed of in accordance with NPDES permitting requirements and applicable federal, state, and local policies ○ Include material safety data sheets ○ Require 40 hours of worker training and education as required by the Occupational Safety and Health Administration ○ Minimize the volume of hazardous or potentially hazardous materials stored at the site at any one time ○ Provide secured storage areas for compatible materials, with adequate spill contaminant ○ Maintain all required records, manifest and other tracking information in an up-to-date and accessible form or location for review by the Port or City ○ Demonstrate compliance with all local, state, and federal regulations regarding hazardous materials and emergency response. • Prior to issuance of a permit by USACE for dredge and/or fill operations in the Bay or Chula Vista Harbor, the applicant shall conduct a focused sediment investigation and | | | | |

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| | <p>submit it to USACE, EPA, and RWQCB for review and approval. The applicant shall then determine the amount of bay sediment that requires remediation and develop a specific work plan to remediate bay sediments in accordance with permitting requirements of the RWQCB. The work plan shall include but not be limited to: dredging the sediment, analyzing the nature and extent of any contamination, and allowing it to drain. Pending the outcome of the analytical results, the RWQCB and the Port shall prescribe the appropriate method for disposition of any contaminated sediment.</p> <ul style="list-style-type: none"> • Prior to issuance of a grading permit for marina redevelopment on Parcels HW-1 and HW-4, the developer shall submit a work plan for approval by the RWQCB and Port/City that requires the implementation of BMPs, including the use of silt curtains during in-water construction to minimize sediment disturbances and confine potentially contaminated sediment if contaminated sediment exists. If a silt curtain should be necessary, the silt curtain shall be anchored along the ocean floor with weights (i.e., a chain) and anchored to the top with a floating chain of buoys. The curtain shall wrap around the area of disturbance to prevent turbidity from traveling outside the immediate project area. Once the impacted region resettles, the curtains shall be removed. If the sediment would be suitable for ocean disposal, no silt curtain shall be required. However, if contaminants are actually present, the applicant would be required to provide to the RWQCB and Port/City an evaluation showing that the sediment would be suitable for ocean disposal. • In addition, the following measures will apply: <ul style="list-style-type: none"> ○ Vegetation-based storm water treatment facilities, such as natural berms, swales, and detention areas are appropriate uses for Buffer Areas so long as they are designed using native plant species and serve dual functions as habitat areas. 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. ○ Storm water 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 | | | | |

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| | <p>accumulation, shoreline erosion and stream bed widening, loss of aquatic species, and decreased base flow.</p> <ul style="list-style-type: none"> ○ The use of persistent pesticides or fertilizers in landscaping that drains into Wildlife Habitat Areas is prohibited. Integrated Pest Management must be used in all outdoor, public, buffer, habitat, and park areas. ○ Fine trash filters (as approved by the agency having jurisdiction over the storm drain) are required for all storm drain pipes that discharge toward Wildlife Habitat Areas. <p>H. Public Access. In addition to site-specific measures designed to prevent or minimize the impact to adjacent open space preserve areas from humans and domestic animals, the following would prevent or minimize the impact to adjacent open space preserve areas from humans and domestic animals.</p> <p>Buffers: All buffers shall be established and maintained by the Port/City. Appropriate signage will be provided at the boundary and within the buffer area to restrict public access. Within the western 200-foot width of Parcel SP-1, a portion of the buffer areas would be re-contoured and restored to provide habitat consistent with the native vegetation communities in the adjacent open space preserve areas and to provide mitigation opportunities for project impacts. <i>Appendix 4.8-8</i> provides more specific detail of the mitigation opportunities available within the buffer area included within the Proposed Project. <i>Table 4.8-5</i> provides a breakdown of the available maximum mitigation acreage that is available within the buffer. <i>Figure 4.8-23</i> depicts the conceptual mitigation opportunities within the Sweetwater District. <i>Figures 4.8-24</i> and <i>4.8-25</i> display the cross section of the buffer zones in the Sweetwater District indicated on the conceptual illustration. <i>Figure 4.8-26</i> depicts the conceptual mitigation opportunities within the Otay District. The proposed restoration includes creating and restoring coastal salt marsh and creating riparian scrub vegetation communities. In addition, the coastal brackish marsh, disturbed riparian habitat, and wetland would be enhanced.</p> <p>The first 200 feet of buffer areas adjacent to sensitive habitats, or full width in the case of reduced buffer areas, will be maintained as a "no touch" buffer and will not contain any trails or overlooks. Fencing, consisting of a 6-foot-high vinyl-coated chain link fence will be installed within the buffer area to prevent unauthorized access. Fencing in Parcel SP-1 will be installed prior to occupancy of the first buildings constructed in Phase I. District</p> | | | | |

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|--|---|---|-------------------|--------------------|----------------------|----------|---------------|--------------------|------------|------|--|--|------|------|------|--|--|------|------------------------|------------|--|--|------|------|------------|--|--|------|------|----------|------|------|--|--|------|--------------------|--|------|--|------|---------|------------|--|--|------|------|------------------------------|--|--------------|-------------|-------------|--------------|--|--|--------------|-------------|-------------|--------------|----------------------------------|------------|--|-------|--|-------|------|--|------|--|------|--------------------|--|------|--|------|-----------------------------|--|----------|--------------|----------|--------------|---|--|----------|--------------|----------|--------------|--|--|--|--|
| | <p>enforcement personnel will patrol these areas and be trained in the importance of preventing human and domestic animal encroachment in these areas. In addition, signs will be installed adjacent to these sensitive areas that provide contact information for the Harbor Police to report trespassing within the sensitive areas.</p> <p style="text-align: center;">TABLE 4.8-5 Potential Mitigation Acreage Available for Proposed Impacts to Vegetation Communities and Land Cover Types for Chula Vista Bayfront (acres)</p> <table border="1"> <thead> <tr> <th>Habitat</th><th>District/Area</th><th>Created</th><th>Restored</th><th>Enhanced</th><th>Total Credits</th></tr> </thead> <tbody> <tr> <td rowspan="2">Coastal salt marsh</td><td>Sweetwater</td><td>4.87</td><td></td><td></td><td>5.97</td></tr> <tr> <td>Otay</td><td>4.54</td><td></td><td></td><td>4.54</td></tr> <tr> <td rowspan="2">Coastal brackish marsh</td><td>Sweetwater</td><td></td><td></td><td>3.40</td><td>1.70</td></tr> <tr> <td>Sweetwater</td><td></td><td></td><td>3.03</td><td>1.52</td></tr> <tr> <td rowspan="2">Riparian</td><td>Otay</td><td>1.99</td><td></td><td></td><td>1.99</td></tr> <tr> <td>F & G Street Marsh</td><td></td><td>5.02</td><td></td><td>5.02</td></tr> <tr> <td>Wetland</td><td>Sweetwater</td><td></td><td></td><td>2.14</td><td>1.07</td></tr> <tr> <td colspan="2">TOTAL WETLAND ACREAGE</td><td>11.40</td><td>5.02</td><td>8.57</td><td>25.00</td></tr> <tr> <td colspan="2">TOTAL WETLAND CREDITS¹</td><td>11.40</td><td>5.02</td><td>4.29</td><td>20.71</td></tr> <tr> <td rowspan="3">CSS/Native Grassland Restoration</td><td>Sweetwater</td><td></td><td>17.73</td><td></td><td>17.73</td></tr> <tr> <td>Otay</td><td></td><td>1.99</td><td></td><td>1.99</td></tr> <tr> <td>F & G Street Marsh</td><td></td><td>2.49</td><td></td><td>2.49</td></tr> <tr> <td colspan="2">TOTAL UPLAND ACREAGE</td><td>0</td><td>22.21</td><td>0</td><td>22.21</td></tr> <tr> <td colspan="2">TOTAL UPLAND CREDITS¹</td><td>0</td><td>22.21</td><td>0</td><td>22.21</td></tr> </tbody> </table> <p>¹Credits are based on an assumption that habitat creation and restoration will receive a 1:1 mitigation credit and enhancement will receive a 0.5:1 mitigation credit.</p> <p>Impacts to disturbed coastal sage scrub would be mitigated by the restoration of a coastal sage scrub/native grassland habitat also within this buffer. There is the potential to provide a maximum of 20.71 acres of mitigation credit for impacts to wetland habitats and 22.21 acres for impacts to upland habitats. This would exceed the required mitigation needed for impacts within the Port's and City's jurisdiction.</p> <p>A detailed coastal sage scrub (CSS) and maritime succulent scrub (MSS) restoration</p> | Habitat | District/Area | Created | Restored | Enhanced | Total Credits | Coastal salt marsh | Sweetwater | 4.87 | | | 5.97 | Otay | 4.54 | | | 4.54 | Coastal brackish marsh | Sweetwater | | | 3.40 | 1.70 | Sweetwater | | | 3.03 | 1.52 | Riparian | Otay | 1.99 | | | 1.99 | F & G Street Marsh | | 5.02 | | 5.02 | Wetland | Sweetwater | | | 2.14 | 1.07 | TOTAL WETLAND ACREAGE | | 11.40 | 5.02 | 8.57 | 25.00 | TOTAL WETLAND CREDITS¹ | | 11.40 | 5.02 | 4.29 | 20.71 | CSS/Native Grassland Restoration | Sweetwater | | 17.73 | | 17.73 | Otay | | 1.99 | | 1.99 | F & G Street Marsh | | 2.49 | | 2.49 | TOTAL UPLAND ACREAGE | | 0 | 22.21 | 0 | 22.21 | TOTAL UPLAND CREDITS¹ | | 0 | 22.21 | 0 | 22.21 | | | | |
| Habitat | District/Area | Created | Restored | Enhanced | Total Credits | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Coastal salt marsh | Sweetwater | 4.87 | | | 5.97 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Otay | 4.54 | | | 4.54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Coastal brackish marsh | Sweetwater | | | 3.40 | 1.70 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Sweetwater | | | 3.03 | 1.52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Riparian | Otay | 1.99 | | | 1.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | F & G Street Marsh | | 5.02 | | 5.02 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wetland | Sweetwater | | | 2.14 | 1.07 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL WETLAND ACREAGE | | 11.40 | 5.02 | 8.57 | 25.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL WETLAND CREDITS¹ | | 11.40 | 5.02 | 4.29 | 20.71 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CSS/Native Grassland Restoration | Sweetwater | | 17.73 | | 17.73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Otay | | 1.99 | | 1.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | F & G Street Marsh | | 2.49 | | 2.49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL UPLAND ACREAGE | | 0 | 22.21 | 0 | 22.21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL UPLAND CREDITS¹ | | 0 | 22.21 | 0 | 22.21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | <p>plan that describes the vegetation to be planted shall be prepared by a Port- or City-approved biologist and approved by the Port or City, as appropriate. The City or Port shall develop guidelines for restoration in consultation with USFWS and CDFG.</p> <p>The restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish success criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions are expected. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months from the date the report is submitted.</p> <p>The project developer(s) shall be responsible for implementing the proposed mitigation measures and ensuring that the success criteria are met and approved by the City or Port, as appropriate, and other regulatory agencies, as may be required.</p> <p><i>Strategic Fencing.</i> <i>Temporary Fencing.</i> Prior to issuance of any clearing and grubbing or grading permits, temporary orange fencing shall be installed around sensitive biological resources on the project site that will not be impacted by the Proposed Project. Silt fencing shall also be installed along the edge of the SDBNWR during grading within the western portion of the ecological buffer. In addition, the applicant must retain a qualified biologist to monitor the installation and ongoing maintenance of this temporary fencing adjacent to all sensitive habitat. This fencing shall be shown on both grading and landscape plans, and installation and maintenance of the fencing shall be verified by the Port's or City's Mitigation Monitor, as appropriate.</p> <p><i>Permanent Fencing.</i> Prior to approval of landscape plans, a conceptual site plan or fencing plan shall be submitted to the Port or City, as appropriate, for review and approval to ensure areas designated as sensitive habitat are not impacted. Fencing shall</p> | | | | |

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| | <p>be provided within the buffer area only, and not in sensitive habitat areas.</p> <p>Domestic Animals. In all areas of the Chula Vista Bayfront, especially on the foot path adjacent to the marsh on the Sweetwater District property, mandatory leash laws shall be enforced. Appropriate signage shall be posted indicating human and domestic animal access is prohibited within the designated Preserve areas.</p> <p>Trash. Illegal dumping and littering shall be prohibited within the Preserve areas. Throughout the Proposed Project site, easily accessible trash cans and recycling bins shall be placed along all walking and bike paths, and shop walkways. These trash cans shall be "animal-proof" and have self-closing lids, to discourage scavenger animals from foraging in the cans. The trash cans shall be emptied daily or more often if required during high use periods. Buildings and stores shall have large dumpsters in a courtyard or carport that is bermed and enclosed. This ensures that, if stray trash falls to the ground during collection, it does not blow into the Bay or marshes.</p> <p>Training. Pursuant to permitting requirements of the Resource Agencies, pre-construction meetings will take place with all personnel involved with the project, to include training about the sensitive resources in the area.</p> <p>I. Boating Impacts. All boating, human and pet intrusion must be kept away from F & G Street channel mouth and marsh.</p> <ul style="list-style-type: none"> • Water areas must be managed with enforceable boating restrictions. The Port will exercise diligent and good faith efforts to enter into a cooperative agreement with the Resource Agencies and Coast Guard to ensure monitoring and enforcement of no-boating zones and speed limit restrictions to prevent wildlife disturbances. • 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 bird are present. • All rentals of jet-skis and other motorized personal watercraft (PWCs), as defined in Harbors and Navigations Code Section 651(s) will be prohibited in the Proposed Project area. | | | | |

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| | <ul style="list-style-type: none"> • Use of PWCs will be prohibited in Wildlife Habitat Areas, subject to applicable law. • A five (5) mile-per-hour speed limit will be enforced in areas other than the navigation channels. • Nothing in this mitigation measure shall preclude bona fide research, law enforcement, or emergency activities. <p>*Applies to Significant Impacts 4.8-6 and 4.8-7.</p> | | | | |
| MM 4.8-7 | <p>Mitigation Measure 4.8-7 is intended to provide additional measures to reduce further the indirect impacts to biological resources already addressed in and reduced to below a level of significance by Mitigation Measure 4.8-6. This additional measure provides for the creation, implementation, funding, and enforcement of a Natural Resources Management Plan ("NRMP"), good faith efforts to enter into a cooperative management agreement with the USFWS or other appropriate agency or organization, restoration priorities, the creation of a South Bay Wildlife Advisory Group, and education, as follows:</p> <p>A. Natural Resources Management Plan: In recognition of the sensitivity of the natural resources and the importance of protection, restoration, management and enforcement in protecting those resources, the Port, City and RDA will cause to be prepared an NRMP to be prepared in accordance with the mitigation measure. The NRMP will be designed to achieve the Management Objectives (defined below) for the Wildlife Habitat Areas (defined below). The NRMP will be an adaptive management plan, reviewed and amended as necessary by the Port and City in compliance with the process described in Section 4.8-7D of this measure.</p> <p>a. "Wildlife Habitat Areas" are defined as:</p> <ol style="list-style-type: none"> 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. 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. All Port designated lands and open water areas in the Conservation Land Use Designations of Wetlands, Estuary, and Habitat Replacement as depicted in the | <p>Port</p> <p>-Prior to start of construction</p> | Port | | |

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| | <p>Draft Precise Plan for Planning District 7.</p> <p>iii. Parcels 1g and 2a from the City's Bayfront Specific Plan.</p> <p>iv. The Wildlife Habitat Areas are depicted on Exhibit 1 to the MMRP.</p> <p>v. No Touch Buffer areas as depicted on Exhibit 2 to the MMRP.</p> <p>b. NRMP Management Objectives for Wildlife Habitat Areas: 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:</p> <p>i. Long term protection, conservation, monitoring, and enhancement of:</p> <ol style="list-style-type: none"> 1. Wetland habitat, with regard to gross acreage as well as ecosystem structure, function and value. 2. Coastal sage and coastal strand vegetation. 3. Upland natural resources for their inherent ecological values, as well as their roles as buffers to more sensitive adjacent wetlands. 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, taking into account future sea level rise. <p>ii. Preservation of the biological function of all Bayfront habitats serving as avifauna for breeding, wintering, and migratory rest stop uses.</p> <p>iii. Protection of nesting, foraging, and rafting wildlife from disturbance.</p> <p>iv. Avoidance of actions within the Proposed Project area that would adversely impact or degrade water quality in San Diego Bay or watershed areas or impair efforts of other entities for protection of the watershed.</p> <p>v. Maintenance and improvement of water quality where possible and coordination with other entities charged with watershed protection activities.</p> <p>c. Implementation of NRMP Management Objectives: NRMP will include a plan for achieving Management Objectives as they related to the Buffer Areas and Wildlife Habitat Areas ("WHA's") and the Proposed Project area, which will:</p> <ol style="list-style-type: none"> i. Ensure the Port, City and RDA are not required to expend funds for NRMP implementation until project-related revenues are identified and impacts initiated. ii. Require coordination with the Resource Agencies of the Port's City's and Resource Agencies' respective obligations with respect to the Buffer Areas and Wildlife | | | | |

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| | <p>Habitat Areas.</p> <p>iii. Designate “No Touch” Buffer Areas as that term is defined and described in this Final EIR. Such areas will contain contiguous 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 at a minimum 6-foot high, black vinyl chain link fence or other suitable barrier (built to the specifications described in this Final EIR). 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 in the Sweetwater and Harbor Districts 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 the development or road improvements in the Sweetwater District., with the exception of Parcel S-4 which will retain the existing fencing until that parcel is redeveloped and the fencing of the No Touch Buffer installed.</p> <p>iv. Prohibit active recreation, construction of any road (whether paved or not), within No Touch Buffer Areas, Limited Use Buffer Areas, and Transition Buffer Areas as that term is defined and described in this Final EIR, with the exception of existing or necessary access points for required maintenance.</p> <p>v. Result in the fencing of No Touch Buffer Areas 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 Refuge and the north side of Parcel H-3.</p> <p>vi. Include additional controls and strategies restricting movement of humans and Predators into sensitive areas beyond the boundaries of the designated Buffer Areas.</p> <p>vii. Require the Recreational Vehicle Park to install fencing or other barriers sufficient to prevent passage of Predators and humans into sensitive adjacent habitat.</p> <p>viii. Require all dogs to be leashed in all areas of the Proposed Project at all times except in any designated and controlled off-leash areas.</p> <p>ix. 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</p> | | | | |

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| | <p>to provide education to owners and/or renters regarding the rules and restrictions regarding the keeping of pets.</p> <p>d. Walkway and Path Design: Detail conditions and controls applicable to the walkways, paths, and overlooks near Wildlife Habitat Areas and outside of the No Touch Buffer Areas in accordance with the following:</p> <ul style="list-style-type: none"> i. Alignment, design, and general construction plans of walkways and overlooks will be developed to minimize potential impacts to Wildlife Habitat Areas. ii. Path routes will be sited with appropriate setbacks from Wildlife Habitat Areas. iii. Paths running parallel to shore or marsh areas that will cause or contribute to bird flushing will be minimized throughout the Proposed Project. iv. Walkways and overlooks will be designed to minimize and eliminate, where possible, perching opportunities for raptors and shelter for skunks, opossums or other Predators. v. 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. <p>e. Predator Management: The NRMP will include provisions designed to manage Predator impacts on Wildlife Habitat Areas which will include and comply with the following:</p> <ul style="list-style-type: none"> i. Year-round Predator management will be implemented for the life of the Proposed Project with clearly delineated roles and responsibilities for the Port, City and Resources 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. ii. Predator management will include regular foot patrols and utilize tracking techniques to find and remove domestic or feral animals. iii. Address Predator attraction and trash management for all areas of the Proposed 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 | | | | |

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| | <p>trash receptacles.</p> <p>iv. 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.</p> <p>f. Miscellaneous Additional Requirements of the NRMP: In addition to the standards described above, the NRMP will include:</p> <p>i. All elements which address natural resource protection in the MMRP including but not limited to those which assign responsibility and timing for implementing mitigation measures consistent with the City's MSCP Subarea Plan;</p> <p>ii. Pertinent sections of the MSCP Subarea Plan;</p> <p>iii. References to existing Port policies and practices, such as Predator management programs and daily trash collections with public areas and increase service during special events.</p> <p>iv. Establishment of design guidelines to address adjacency impacts, such as storm water, landscape design, light and noise and objectives as discussed below;</p> <p>v. Establishment of baseline conditions and management objectives; and</p> <p>vi. Habitat enhancement objectives and priorities.</p> <p>g. Creation, Periodic Review, and Amendment of the NRMP: The NRMP will be a natural resource adaptive management and monitoring plan initially prepared in consultation with the Wildlife Advisory Group, and reviewed and amended in further consultation with the Wildlife Advisory Group one year following adoption of the NRMP and annually thereafter for the first five (5) years after adoption, after which it will be reviewed and amended as necessary every other year for the first 6 years, then once every 5 years thereafter. If the RCC is not pursued in the first five (5) years after certification of the FEIR, this schedule will be amended to ensure that NRMP is evaluated every year for five years after the development of the RCC. The periodic review of the NRMP described in the preceding sentences is hereinafter called "Periodic Review." A material revision of the NRMP is hereinafter called an "NRMP Amendment". However, nothing in this schedule will be interpreted to preclude a speedy response or revision to the NRMP if necessary to abate an emergency</p> | | | | |

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| | <p>condition or to accommodate relevant new information or necessary management practices consistent with the NRMP management objectives. Preparation of the NRMP will begin within six months of the filing of the Notice of Determination for the Final EIR by the Port and will be completed prior to the earlier of: (a) Development Commencement; (b) issuance of a Certificate of Occupancy for the residential development; or (c) three years. The adaptive management components of the NRMP 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 NRMP Management Objectives.</p> <p>i. The Port and City will cause the preparation, consideration negotiation and approval of the NRMP including, staff and administrative oversight and engagement of such consultants as are reasonable and necessary for their completion, approval and amendment in accordance with this mitigation measure.</p> <p>ii. The Port and City will each provide a written notice of adoption to the Wildlife Advisory Group upon their respective approval of the NRMP.</p> <p>h. DISPUTE RESOLUTION FOR PLAN CREATION AND AMENDMENT. The NRMP and any material amendments to the NRMP will require submission, review, and approval by the CCC after final adoption by the Port and City. Nonetheless, the participants would benefit if the NRMP is developed through a meaningful stakeholder process providing for the resolution of as many disagreements as possible prior to NRMP submission to the CCC. This section provides a process by which the Coalition can participate in the creation and amendment of the NRMP.</p> <p>i. PLAN CREATION AND AMENDMENT. Where this mitigation measure contemplates the creation of the NRMP following the Effective Date or an NRMP Amendment, this section will provide a non-exclusive mechanism for resolution of disputes concerning the content of the NRMP and such NRMP Amendments. The standard of review and burden of proof for any disputes arising hereunder shall be</p> | | | | |

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| | <p>the same as those under the California Environmental Quality Act.</p> <p>1. PLAN CREATION AND AMENDMENT INFORMAL NEGOTIATIONS. Any dispute that arises with respect to the creation or amendment of the NRMP will in the first instance be the subject of informal negotiations between the parties to the dispute. A dispute will be considered to have arisen when one (1) party (the "Disputing Party") sends the other party a written Notice of Dispute. During the informal negotiations, the Disputing Party will identify in writing and with specificity the issue, standard, or proposed requirement which is the subject of the dispute (the "Notice of Dispute"). The period for informal negotiations will not exceed thirty (30) days from the date the Notice of Dispute is received.</p> <p>2. PLAN CREATION AND AMENDMENT FORMAL DISPUTE RESOLUTION, PHASE I. In the event the Parties cannot resolve a dispute by informal negotiations, the Disputing Party may invoke formal dispute resolution procedures by providing the other parties a written statement of position on the matter in dispute, including, but not limited to, any facts, data, analysis or opinion supporting that position and any supporting documentation relied upon by the Disputing Party (the "Position Statement"). The Position Statement must be transmitted (via electronic mail or verifiable post) within thirty (30) days of the end of informal negotiations, and will be provided to the other parties and to each member of the Wildlife Advisory Group. If informal negotiations are unsuccessful, and the Disputing Party does not invoke formal dispute resolution within thirty (30) days, the position held by the Port, City or Agency (the respective public agency involved in such dispute is hereinafter called "Managing Agency") will be binding on the Disputing Party, subject to submission, review, and approval by the CCC.</p> <p>a. The other parties will submit their position statements ("Opposition Statements"), including facts, data, analysis or opinion in support thereof, to the Disputing Party and the Wildlife Advisory Group members within thirty (30) days of transmission of the Position Statement.</p> <p>b. Within twenty-one (21) days after transmission of the Opposition Statement(s), the Wildlife Advisory Group will convene, consider and, within a reasonable period of time thereafter, render its proposed resolution of the dispute. The Wildlife Advisory Group's decision will not be binding upon the</p> | | | | |

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| | <p>Disputing Party, but rather, will be considered purely advisory in nature. The proposed resolution of the Wildlife Advisory Group will be that comprehensive recommendation supported by a majority of Wildlife Advisory Group members after vote, with each member entitled to one vote. The Wildlife Advisory Group's proposal will be transmitted to all parties by an appointed Wildlife Advisory Group member via electronic mail.</p> <p>3. PLAN CREATION AND AMENDMENT FORMAL DISPUTE RESOLUTION, PHASE II. If any party does not accept the advisory decision of the Wildlife Advisory Group, it must invoke the second phase of formal dispute resolution by presenting the dispute to the governing board ("Governing Board") of the Managing Agency (i.e., Board of Port Commissioners or City Council). This phase of the dispute resolution process is initiated by such party providing written notice to the other parties within thirty (30) days of receipt of the Wildlife Advisory Group proposal ("MA Notice"). The MA Notice will include the Position Statement, Opposition Statement, the Wildlife Advisory Group proposal, and any other information such party desires to include. Any supplement to the Opposition Statement will be filed with the Managing Agency within fourteen (14) days. The Governing Board of the Managing Agency will review the transmitted information and within sixty (60) days from receipt of the MA Notice will schedule a public hearing to consider the dispute and within ten (10) days of such public hearing, render a decision. The decision of the Governing Board of the Managing Agency will be final and binding on the Managing Agency but will not bind the members of the Coalition. If the members of the Coalition accept the decision of the Governing Board of the Managing Agency, the decision will dictate the manner in which the dispute is resolved in the NRMP or amendment to the NRMP. Nothing herein will preclude such party from publicly opposing or supporting the Governing Board's decision before the CCC.</p> <p>i. DISPUTE RESOLUTION REGARDING NRMP IMPLEMENTATION AND ENFORCEMENT. Once the CCC approves the NRMP or any NRMP Amendment, the Governing Board will issue a Notice of Adoption with respect to the NRMP or NRMP amendment. Once a Notice of Adoption is issued with respect to the NRMP or NRMP Amendment, this section will be the exclusive mechanism for the parties to resolve disputes arising under, or with respect to implementation or enforcement of, the NRMP including when the NRMP is reviewed during an Adaptive Management</p> | | | | |

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| | <p>Review or Periodic Review and such review does not require an NRMP Amendment. This provision will not be used to challenge the adequacy of the NRMP or an NRMP Amendment after the issuance of a Notice of Adoption with respect thereto. The standard of review and burden of proof for any disputes arising hereunder shall be the same as those under CEQA.</p> <p>i. PLAN ENFORCEMENT INFORMAL NEGOTIATIONS. Any dispute that arises with respect to implementation or enforcement of the NRMP will in the first instance be the subject of informal negotiations between the parties to the dispute. A dispute will be considered to have arisen when one Disputing Party sends the other party a written Notice of Dispute. During the informal negotiations, the Disputing Party will send a written Notice of Dispute to the other parties specifying the aspect of the NRMP it believes is not being implemented properly and the way in which the Disputing Party believes the NRMP should be implemented according to its terms (the "Notice of Dispute"). The period for informal negotiations will not exceed forty-five (45) days from the date such Notice of Dispute is received.</p> <p>ii. PLAN ENFORCEMENT FORMAL DISPUTE RESOLUTION, PHASE I. In the event the Parties cannot resolve a dispute by informal negotiations under the preceding section, the Disputing Party may invoke a formal dispute resolution procedure by presenting the dispute to the Governing Board of the Managing Agency by providing the other parties a written statement of position on the matter in dispute, including, but not limited to, any facts, data, analysis or opinion supporting that position and any supporting documentation relied upon by the Disputing Party (the "Position Statement"). The Position Statement must be transmitted (via electronic mail or verifiable post) within thirty (30) days of the end of informal negotiations, and will be provided to the other parties, to each member of the Wildlife Advisory Group. If informal negotiations are unsuccessful, and the Disputing Party does not invoke formal dispute resolution within thirty (30) days, the Managing Agency's position will be binding on the Disputing Party subject to any periodic review and/or approval by the CCC, if required by law.</p> <p>1. The other parties will submit their position statements ("Opposition Statements"), including facts, data, analysis, or opinion in support thereof, to the Disputing Party, the Wildlife Advisory Group members, and the Governing Board within thirty (30) days of transmission of the Position Statement.</p> | | | | |

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| | <p>2. Within forty-five (45) days after transmission of the Opposition Statement(s), the Disputing Party will provide a written notice ("MA II Notice") to the other parties, the Wildlife Advisory Group and the Governing Board. The MA II Notice will include the Position Statement, Opposition Statement, the Wildlife Advisory Group proposal, and any other information the Disputing Party desires to include. Any supplement to the Opposition Statement will be filed with the Managing Agency within fourteen (14) days following receipt of the MA II Notice. The Governing Board will review the transmitted information and within sixty (60) days from receipt of the MA II Notice will schedule a public hearing to consider the dispute and within ten (10) days of such public hearing, render a decision. The decision of the Governing Board will be final and binding on the Managing Agency but will not bind the members of Coalition. If the members of the Coalition accept the decision of the Governing Board of the Managing Agency, the decision will dictate the manner in which the dispute is resolved in the NRMP. If any member of the Coalition disagrees with the decision of the Governing Board, it shall have the right to seek a petition for writ of mandate from the Superior Court of California, San Diego Division.</p> <p>iii. WAIVER OF DEFENSE. To the extent permitted by law, the Port, City and RDA agree that lack of funds shall not be a defense to any claim of failure to adequately fund implementation and enforcement of the adopted NRMP.</p> <p>B. Additional Habitat Management and Protection:</p> <p>a. The Port will exercise diligent and good faith efforts to enter into the following cooperative agreements with the USFWS or other appropriate agency or organization:</p> <p>i. 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 by Harbor Police, 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</p> | | | | |

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| | <p>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 Port's jurisdiction within the Sweetwater or Harbor Districts.</p> <p>ii. 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, shared jurisdiction 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.</p> <p>The Port 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.</p> <p>iii. If either of the cooperative agreements contemplated above are not achievable within three (3) years after Final EIR certification, the Port will develop and pursue another mechanism that provides long-term additional protection and natural resource management for these areas.</p> <p>b. The Port 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.</p> <p>c. As a future and separate project, the Port 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,</p> | | | | |

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| | <p>once emergency access to the Proposed Project area has been adequately established such that F Street is no longer needed for public right-of-way for vehicular use, but may reserve it for pedestrian and bicycle use if ecologically appropriate.</p> <p>C. Restoration Priorities: The following will supplement the description of the conceptual mitigation opportunities in the Final EIR (including Appendix 4.8-8 Mitigation Opportunities). The following restoration priorities will not be included in the NRMP but rather will be applicable (i) if and only to the extent that Port or City are required to restore degraded habitat in accordance with the terms of the MMRP or (ii) to establish priorities for Port's pursuit of grant funding.</p> <p>a. Restoration priorities for the Proposed Project are those mitigation opportunities in the Final EIR as depicted in the conceptual mitigation opportunities (Figures 4.8-23 and 4.8-26) and the projects located in the South Bay in the Port's Adopted Restoration and Enhancement Plan.</p> <p>b. With the exception of the restoration described in Section (d) below, shoreline/marsh interface restorations in the Sweetwater and Otay Districts should be natural and gradually sloped and planted with salt marsh and upland transition plants in a manner that will stabilize the bank without the need for additional riprap areas. Upland slopes should be contoured to provide a very gentle grade so as to maximize tidal elevation of mudflats, salt marsh habitat and upland transition areas. This area should be wide enough to encourage or allow wildlife to move between the Sweetwater Marsh and the F & G Marsh and between the J Street and the South San Diego Bay Unit of the NWR. The shoreline should be improved and restored to facilitate a more effective upland refuge area for species during high tides and to accommodate the impacts from global sea rise.</p> <p>c. The Telegraph Creek should be improved to be a more natural channel as part of the redevelopment of the Otay District. Efforts to naturalize and revegetate the creek will be maximized as is consistent with its function as a storm water conveyance.</p> <p>d. The Port will perform an analysis of the appropriate level and method for environmental restoration of the intake/discharge channels associated with the</p> | | | | |

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| | <p>South Bay Power Plan in the environmental review document for the demolition of the power plant.</p> <p>D. South Bay Wildlife Advisory Group: A South Bay Wildlife Advisory Group ("Wildlife Advisory Group") will be formed to advise the Port and City in the creation of the NRMP, cooperative management agreements, Adaptive Management Review (defined below) 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 Port and City, identify priorities for use of these funds and engage in partnering, education, and volunteerism to support the development of the Proposed Project in a manner that effectively protects and enhances the fish, wildlife, and habitats of the area and educates and engages the public.</p> <p>a. Port and City will provide such administrative and staff support to the Wildlife Advisory Group as is necessary to perform the functions and achieve the goals described herein.</p> <p>b. The Wildlife Advisory Group will be comprised of the following: one (1) representative from each the Environmental Health Coalition, San Diego Audubon Society, San Diego Coastkeeper, Coastal Environmental Rights Foundation, Southwest Wetlands Interpretative Association, Surfrider Foundation (San Diego Chapter), and Empower San Diego; two (2) representatives from the Chula Vista Natural Center (one from educational programs and one from programs/operations); up to three (3) representatives from major developers or tenants with projects in the CVBMP (including one from Pacifica Companies, which on completion, may be succeeded by a representative of its homeowner association); one (1) representative from the City's Resource Conservation Commission; one (1) from either Harborside or Mueller elementary school or the School District; Western and Eastern Chula Vista residents selected by the City (one from Northwest one from the Southwest and one from east of I-805); one (1) representative from eco-tourism based business; two (2) individuals appointed by Port; and 6 representatives from Resources Agencies (two from the USFWS, one from Refuges and one from Endangered Species and one (1) each from California Department of Fish and Game, National Marine Fisheries Service, Regional Water Quality Control</p> | | | | |

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| | <p>Board and CCC).</p> <p>c. The Wildlife Advisory Group will meet as needed, but at a minimum of every six months for the first ten (10) years and annually thereafter. The Wildlife Advisory Group will be formed within six months of the filing of the Notice of Determination for the FEIR by the Port.</p> <p>d. The Wildlife Advisory Group will meet at the intervals described above to review the NRMP 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 (x) implementation of the NRMP as needed, (y) Adaptive Management Review and (z) NRMP Amendments.</p> <p>e. The Wildlife Advisory Group will advise the joint powers authority (JPA) on the expenditure of the Community Benefits Fund, subject to the applicable law.</p> <p>E. Education: An environmental education program will be developed and implemented and will include the following:</p> <p>a. The program will continue for the duration of the Proposed Project and will target both residential and commercial uses as well as park visitors.</p> <p>b. The program's primary objective will be to educate Bayfront residents, visitors, tenants and workers about the natural condition of the Bay, the ecological importance of the Proposed Project area and the public's role in the restoration and protection of wildlife resources of the Bay.</p> <p>c. The program will include educational signage, regular seminars and interpretive walks on the natural history and resources of the area, regular stewardship events for volunteers (shoreline and beach cleanups, exotic plant removal, etc.).</p> <p>d. 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:</p> | | | | |

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| | <ul style="list-style-type: none"> i. Coordination of Volunteer programs and events; ii. Coordination of Interpretive and educational programs; iii. Coordination of Tenant, resident and visitor educational programs; iv. Docent educational; and v. Enhancements and restoration. <p>F. Personnel and Funding: Funding for the implementation of the NRMP will be provided by the Port, City and RDA. To meet these obligations, the Port, City and RDA will commit revenues or otherwise provide funding to a 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. Port, City and RDA will ensure the JPA is specifically charged to treat the financial requirements of this Agreement as priority expenditures that must be assured as project-related revenues are identified and impacts initiated. The Port, City and RDA 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:</p> <ul style="list-style-type: none"> 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. <p>*Applies to Significant Impacts 4.8-6 and 4.8-7.</p> | | | | |
| MM 4.8-8 | Prior to construction of the H Street Pier, the Port shall create 0.96 acre of eelgrass habitat to mitigate for the loss of surface water foraging habitat in accordance with the | Port -Prior to | Port | | |

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| | <p>Southern California Eelgrass Mitigation Policy. The creation of eelgrass habitat shall be conducted in accordance with Mitigation Measures 4.9-1 and 4.9-2 in <i>Section 4.9, Marine Biological Resources</i>.</p> <p>*Applies to Significant Impact 4.8-8.</p> | completion of construction | | | |
| MM 4.8-9 | <p>A. Prior to completion of in-harbor work in Phase IV, the Port shall create 1.93 acres of eelgrass habitat. The creation of eelgrass habitat shall be conducted in accordance with Mitigation Measure 4.9-2 in <i>Section 4.9, Marine Biological Resources</i>.</p> <p>B. When project-specific designs are proposed for the remaining project components affecting 1.61 acres of surface water foraging habitat and intertidal mudflats, the mitigation of impacts shall be re-evaluated by the Port during subsequent environmental review pursuant to State CEQA Guidelines Section 15168 to determine accurate net loss and mitigation for the loss of foraging habitat.</p> <p>*Applies to Significant Impact 4.8-9.</p> | <p>Port or Port Tenants -Prior to start of grading</p> <p>Port -Prior to start of grading</p> | <p>Port in Consultation with wildlife agencies</p> <p>Port in Consultation with wildlife agencies</p> | | |

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| MM 4.8-10 | <p>A. Prior to the commencement of grading for development in each phase that impacts riparian habitat or sensitive vegetation communities, the Port or Port tenants, as appropriate, shall prepare and initiate implementation of a restoration plan for impacts to riparian habitat and sensitive vegetation communities in accordance with the mitigation requirements presented in <i>Table 4.8-6</i>.</p> <p>Prior to the commencement of Phase I grading that impacts riparian habitat or sensitive vegetation communities, the Port shall coordinate with the wildlife agencies for the preparation and approval of a detailed restoration plan within the Port's jurisdiction. The restoration plan shall be prepared by a qualified biologist, and the plan shall be approved by the Port. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies.</p> <p>B. Prior to initiating any construction activities in each phase that would affect riparian habitat or sensitive vegetation communities, including clearing and grubbing associated with program-level phases, an updated project-level assessment of potential impacts shall be made based on a specific project design. The Port or project developer(s), as appropriate, shall retain a qualified, Port-approved biologist to update appropriate surveys, identify the existing conditions, quantify impacts, and provide adequate</p> | Developer -Prior to First Clearing, Grubbing, or Grading Permit | City | | |

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| | <p>B. Prior to issuance of any clearing and grubbing or grading permits within the City's jurisdiction that affect riparian habitat or sensitive vegetation communities associated with the program-level development phases, an updated assessment of potential impacts shall be made based on a specific project design. The project developer(s) shall retain a City-approved biologist to update appropriate surveys, identify the existing conditions, quantify impacts, and provide adequate mitigation consistent with the City's MSCP Subarea Plan. This updated assessment shall be submitted to the City for review and approval.</p> <p>C. Prior to issuance of any clearing and grubbing or grading permits within the City's jurisdiction that affect riparian habitat or sensitive vegetation communities, the project applicant shall be required to obtain an HLIT permit pursuant to Section 17.35 of the Chula Vista Municipal Code for impacts to Covered Species and Vegetation Communities protected under the City's MSCP Subarea Plan. *Applies to Significant Impacts 4.8-13 and 4.8-15.</p> | <p>Developer -Prior to First Clearing, Grubbing and Grading Permit</p> <p>Developer -Prior to First Clearing, Grubbing, and Grading Permit</p> | <p>City in Consultation with USACE</p> <p>City in Consultation with USACE</p> | | |
| MM 4.8-12 | <p>A. The Port or Port tenants, as appropriate, shall mitigate for permanent and temporary impacts to USACE jurisdictional waters at the following ratios: 1:1 for permanent impacts to non-wetland waters of the U.S.; 4:1 for impacts to wetlands; and 1:1 for all temporary impacts. A minimum of 1:1 mitigation must be created in order to achieve the no-net-loss requirement of the CWA. <i>Table 4.8-8</i> provides a breakdown of the required mitigation acreages for all USACE impacts within the Port's jurisdiction. Mitigation for impacts from the Bay and Marina components of the Proposed Project will be established through USACE regulations once final designs for this work in Phases II through IV are finalized.</p> <p>Prior to the commencement of grading activities for any projects that impact USACE jurisdictional waters, the Port or Port tenants, as appropriate, shall prepare and initiate implementation of a restoration plan detailing the measures needed to achieve the necessary mitigation. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria</p> | <p>Port or Port Tenants -Prior to First Grading Permit</p> | <p>Port in Consultation with CDFG</p> | | |

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| | <p>may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies.</p> <p>B. Prior to the issuance of the first clearing and grubbing or grading permit for activities that impact USACE jurisdictional waters, the project developer(s) within the City's jurisdiction shall prepare a restoration plan detailing the measures needed to create/restore impacts to USACE jurisdictional waters within the City's jurisdiction in accordance with the acreage identified in <i>Table 4.8-9</i>. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The project developer(s) shall be required to implement the restoration plan subject to the oversight and approval of the City.</p> | Port or Port Tenants -Prior to First Grading Permit | CDFG | | |

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| | <p>C. Prior to issuance of the first clearing and grubbing or grading permit, for activities that impact USACE jurisdictional waters, the Port or Port tenants, as appropriate, and project developer(s) within the City's jurisdiction shall obtain a Section 404 permit from USACE. The permit application process would also entail approval of the restoration plan from the USACE as described above, with regard to areas that fall under the jurisdiction of USACE.</p> <p>*Applies to Significant Impacts 4.8-16 through 4.8-19.</p> | <p>Port or Port Tenants -Prior to First Grading Permit</p> | CDFG | | |
| MM 4.8-13 | <p>The Port or Port tenants, as appropriate, shall mitigate for permanent and temporary impacts to CDFG jurisdictional areas at a 2:1 ratio. <i>Table 4.8-8</i> provides a breakdown of the required mitigation acreages for all CDFG impacts within the Port's jurisdiction.</p> <p>Prior to the issuance of the first grading permit that may impact CDFG jurisdictional areas, the Port or Port tenants, as appropriate, shall prepare and initiate implementation of a restoration plan detailing the measures needed to achieve the necessary mitigation. The plan shall outline the timeline and procedures for restoring/enhancing the potential enhancement/mitigation sites, which include the native buffer areas and the F & G Street Marsh. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including CDFG.</p> | <p>Port or Port Tenants -Prior to start of grading</p> | Port in Consultation with California Coastal Commission | | |

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| | <p>Prior to issuance of the first grading permit that may impact CDFG jurisdictional areas, the Port or Port tenants, as appropriate, shall obtain permits from CDFG. The permit application process would also entail approval of the restoration plan as described above, with regard to areas that fall under the jurisdiction of CDFG. Pursuant to Fish and Game Code 1602, the Port and other applicants are required to obtain a Streambed Alteration Agreement for impacts to streambeds and associated riparian habitat that fall within CDFG's jurisdiction.</p> <p>*Applies to Significant Impact 4.8-21.</p> | | | | |
| MM 4.8-14 | <p>A. Mitigation for permanent direct and indirect (from bridge shading) impacts would be at a 2:1 ratio as detailed in <i>Table 4.8-8</i>.</p> <p>Prior to the commencement of grading activities for projects that impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.</p> | <p>Port or Port Tenants -Prior to start of grading</p> | <p>Port in Consultation with California Coastal Commission</p> | | |

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| | <p>B. Mitigation for permanent direct and indirect (from bridge shading) impacts would be at a 2:1 ratio as detailed in <i>Table 4.8-9</i>.</p> <p>Prior to the issuance of the first grading permit for projects that impact CCC jurisdictional areas, the project applicants within the City's jurisdiction shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The City shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the City in consultation with the regulatory agencies, including the CCC.</p> <p>*Applies to Significant Impacts 4.8-22, 4.8-23, 4.8-32.</p> | <p>Port or Port Tenants -Prior to Approval of Grading Permits</p> | <p>California Coastal Commission</p> | | |
| MM 4.8-15 | <p>Mitigation for permanent direct and indirect (from bridge shading) impacts from circulation road construction/improvements and the riprap removal and bulkhead replacement totaling 0.51 acre would be at a 2:1 ratio as detailed in <i>Table 4.8-8</i>. This would require a total mitigation of 1.02 acres. Mitigation for temporary impacts within Parcel OP-2B from the re-channelization of the Telegraph Canyon Channel would require mitigation at a ratio of 1:1 as detailed on <i>Table 4.8-8</i> for a total of 0.16 acre.</p> <p>Prior to the commencement of grading activities, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC</p> | <p>Port or Port Tenants -Prior to First Grading Permit</p> | <p>Port in Consultation with California Coastal Commission</p> | | |

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| | <p>wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.</p> <p>Prior to approval of grading permits for projects impacting CCC wetlands, the Port or Port tenants, as appropriate, shall obtain permits and/or approvals from CCC.</p> <p>*Applies to Significant Impacts 4.8-24 through 4.8-26.</p> | | | | |
| MM 4.8-16 | <p>Mitigation for temporary impacts from the restoration of the ecological buffer would require mitigation at a ratio of 1:1 as detailed on <i>Table 4.8-8</i>. The ecological buffer area supports 0.05 acre that has been mapped as a CCC wetland and will require 0.05 acre of mitigation. There is an additional 0.04 acre that is mapped as a potential CCC wetland and 1.50 acres that are former industrial areas in the process of remediation. The Port or Port tenants, as appropriate, will need to confer with CCC in order to determine whether the areas of potential jurisdiction, totaling 1.54 acres, actually fall under CCC jurisdiction. If these areas are not subject to CCC jurisdiction, no additional mitigation would be required. If CCC does assert jurisdiction over these areas, the restoration will need to include the creation/enhancement of an additional 1.54 acres of CCC wetlands.</p> | <p>Port or Port Tenants -Prior to First Grading Permit</p> | <p>Port in Consultation with California Coastal Commission</p> | | |

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| | <p>Prior to the issuance of the first grading permit for activities that impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.</p> <p>*Applies to Significant Impact 4.8-27.</p> | | | | |
| MM 4.8-17 | <p>The Port or Port tenants, as appropriate, shall confer with CCC in order to determine whether the 0.58 acre of areas fall under CCC jurisdiction. If these areas are not subject to CCC jurisdiction, no additional mitigation would be required. If CCC does assert jurisdiction over these areas, the Port will need to mitigate the impacts at a ratio of 2:1 as detailed in <i>Table 4.8-8</i> for a total mitigation of 1.16 acres.</p> <p>Prior to the issuance of the first grading permit for projects that impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection</p> | <p>Port or Port Tenants -Prior to First Grading Permit</p> | <p>Port in Consultation with California Coastal Commission</p> | | |

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| | <p>process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.</p> <p>*Applies to Significant Impact 4.8-28.</p> | | | | |
| MM 4.8-18 | <p>Prior to the issuance of the first grading permit for activities that impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands to provide 0.32 acre of mitigation for the 0.16 acre impact to CCC wetlands on Parcels HP-13B and HP-7. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success</p> | <p>Port or Port Tenants -Prior to First Grading Permit</p> | <p>Port in Consultation with California Coastal Commission</p> | | |

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| | <p>criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.</p> <p>*Applies to Significant Impact 4.8-29.</p> | | | | |
| MM 4.8-19 | <p>The Port or Port tenants, as appropriate, shall confer with CCC in order to determine whether the 0.16 acre of areas identified as potentially CCC jurisdictional actually fall under CCC jurisdiction. If these areas are not subject to CCC jurisdiction, no additional mitigation would be required. If CCC does assert jurisdiction over these areas, the Port will need to mitigate the impacts at a ratio of 2:1 as detailed in <i>Table 4.8-8</i> for a total mitigation of 0.32 acre.</p> <p>Prior to the issuance of the first grading permit for projects that impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.</p> <p>*Applies to Significant Impact 4.8-30.</p> | <p>Port or Port Tenants</p> <p>-Prior to First Grading Permit</p> | <p>Port in Consultation with California Coastal Commission</p> | | |
| MM 4.8-20 | <p>The Port or Port tenants, as appropriate, will need to mitigate impacts to the 0.10-acre</p> | <p>Port or Port</p> | <p>Port in Consultation</p> | | |

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| | <p>seasonal pond, mapped as a CCC wetland, at a 2:1 ratio.</p> <p>The Port or Port tenants, as appropriate, shall confer with CCC in order to determine whether the 2.37-acre depressed area that exists where the LNG plant was formerly located, mapped as a potential CCC wetland, falls under CCC jurisdiction. If this area is not subject to CCC jurisdiction, no additional mitigation would be required. If CCC does assert jurisdiction over these areas, the final Phase II design of this parcel must mitigate impacts the 2.37-acre depressed area at a 2:1 ratio.</p> <p>Prior to the issuance of the first grading permit for projects that impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.</p> <p>*Applies to Significant Impact 4.8-31.</p> | <p>Tenants</p> <p>-Prior to First Grading Permit</p> | <p>with California Coastal Commission</p> | | |
| MM 4.8-21 | <p>A. Prior to the commencement of grading activities for project components impacting RWQCB jurisdictional waters, the Port or Port tenants, as appropriate, shall prepare and implement a restoration plan detailing the measures needed to create/restore RWQCB jurisdictional waters in accordance with the acreage identified in <i>Table 4.8-8</i>.</p> | <p>Port or Port Tenants</p> <p>-Prior to start of grading</p> | RWQCB | | |

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| | <p>B. Prior to the issuance of the first grading permit for project components impacting RWQCB jurisdictional waters, the project developer(s) within the City's jurisdiction shall prepare and implement a restoration plan detailing the measures needed to create/restore RWQCB jurisdictional waters in accordance with the acreage identified in <i>Table 4.8-8</i> to the satisfaction of the City. The guidelines for this plan will be developed in consultation with the regulatory agencies.</p> <p>C. Prior to the commencement of grading activities for project components impacting RWQCB jurisdictional waters, the Port or Port tenants, as appropriate, and applicants within the City's jurisdiction shall obtain permits from RWQCB. The permit application process would also entail approval of the restoration plan as described above. Pursuant to the CWA, the Port and other applicants are required to obtain a Section 401 Water Quality Certification permit from RWQCB.</p> <p>D. Prior to the commencement of grading activities for project components impacting RWQCB jurisdictional waters, including clearing and grubbing, the Port or Port tenants, as appropriate, and the project developer(s) within the City's jurisdiction shall consult with the RWQCB to determine whether Waste Discharge Requirements from the RWQCB shall be required for impacts to isolated waters of the State of California.</p> <p>*Applies to Significant Impact 4.8-34.</p> | <p>Developer -Prior to First Grading Permit</p> <p>Port or Port Tenants -Prior to start of grading</p> <p>Port or Port Tenants -Prior to start of grading</p> | <p>City in Consultation with RWQCB</p> <p>City in Consultation with RWQCB</p> <p>City in Consultation with RWQCB</p> | | |
| MM 4.8-22 | <p>A. Prior to issuance of any clearing and grubbing or grading permits for projects that impact City of Chula Vista designated wetlands, the project developer(s) shall acquire mitigation credits or prepare and initiate implementation of a restoration plan for Phase I impacts to mulefat scrub/riparian scrub at a ratio of 2:1 and southern coastal salt marsh at a ratio of 4:1. Mitigation credits shall be secured in a City-approved mitigation bank or other approved location. Verification of mitigation credits or an approved restoration plan shall be provided to the City prior to issuance of any clearing and grubbing or grading permits. Alternatively, completion of Mitigation Measure 4.8-11 will satisfy this mitigation measure as well.</p> <p>The project developer(s) shall prepare and implement a detailed restoration and</p> | <p>Developer -Prior to First Clearing, Grubbing, or Grading Permit</p> <p>Developer</p> | <p>City in Consultation with CDFG</p> <p>City</p> | | |

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| | <p>enhancement plan to the satisfaction of the City for impacts to wetland resources protected under the City's MSCP Subarea Plan. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The City shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the City in consultation with the regulatory agencies.</p> <p>B. Prior to issuance of clearing and grubbing or grading permits for areas that impact jurisdictional waters, the project developer(s) shall provide evidence to the City that all required regulatory permits, such as those required under Section 1602 of the California Fish and Game Code and Section 13260 of the California Water Code, have been obtained.</p> <p>*Applies to Significant Impact 4.8-35.</p> | <p>-Prior to First Clearing, Grubbing, or Grading Permit</p> <p>Developer -Prior to First Clearing, Grubbing, or Grading Permit</p> | City | | |
| MM 4.8-23 | <p>Prior to issuance of any building permits, building plans shall be reviewed by a qualified biologist retained by the developer and approved by the Port or the City, to verify that the proposed building has incorporated specific design features to avoid or to reduce the potential for bird strikes, including but not limited to the following:</p> <p>Lighting</p> <ul style="list-style-type: none"> • No solid red or pulsating red lights shall be installed on or near the building unless | <p>Developer -Prior to First Building Permit</p> | Port or City | | |

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| | <p>required by the Federal Aviation Administration (FAA).</p> <ul style="list-style-type: none"> • 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. • 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. • 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. • 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. • 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. • 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. <p>Glass and Reflection</p> <ul style="list-style-type: none"> • Use of reflective coatings on any glass surface is prohibited. • Buildings shall incorporate measures to the satisfaction of the Port or the City to indicate to birds that the glass surface is solid by creating visual markers and muting reflection. • Project design standards will encourage window stenciling and angling. <p>These measures may include but are not limited to the following:</p> <ul style="list-style-type: none"> • Glass surfaces which are non-reflective • Glass surfaces which are tilted at a downward angle • Glass surfaces which use fritted or patterned glass • Glass surfaces which use vertical or horizontal mullions or other fenestration patterns | | | | |

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| | <ul style="list-style-type: none"> • Glass surfaces which are fitted with screening, decorative grills, or louvers • Glass surfaces which use awnings, overhangs, bris sole, or other exterior sun-shading devices • Glass surfaces which use external films or coatings perceivable by birds • Artwork, drapery, banners, and wall coverings that counter the reflection of glass surfaces or block "see through" pathways. <p>Building Articulation</p> <ul style="list-style-type: none"> • Structure design features that reduce or avoid the potential for bird strikes, such as secondary and tertiary setbacks, 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. • 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 to the extent feasible. • Buildings will 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 should include architectural articulation. • The tallest buildings on Parcel H-3 will be located generally on 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. • Parcels containing surface parking, such as those depicted for the Sweetwater District, will be designed with parking lots nearer Wildlife Habitat Areas. Site plans on parcels adjacent to Wildlife Habitat Areas will maximum distance between structures and such areas. <p>Landscaping</p> <ul style="list-style-type: none"> • 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. • In small exterior courtyards and recessed areas, the building's edge shall be clearly | | | | |

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| | <p>defined with opaque materials and non-reflective glass.</p> <ul style="list-style-type: none"> Interior plants shall be located a minimum of 10 feet away from glass surfaces to avoid or reduce the potential for attracting birds. <p>Public Education</p> <ul style="list-style-type: none"> The owner or operator of each building shall implement an ongoing procedure to the satisfaction of the Port 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. 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 Port 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. <p>Monitoring</p> <ul style="list-style-type: none"> For Phase I projects, the project applicant shall retain a qualified biologist to design a protocol and schedule, in consultation with the U.S. Department of Fish and Wildlife and subject to the approval of the Port 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 Port 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 Port or the City, as appropriate depending on jurisdiction, in coordination with the U.S. Department of Fish and Wildlife, will evaluate whether further action is required, which may include further monitoring. Bird strikes must be monitored in accordance with the NRMP and measures developed to address persistent problem areas. Nighttime lighting in tower buildings must be addressed and evaluated through adaptive management. Minimization of impacts of buildings on birds and the Wildlife Habitat Areas will be a priority in the | | | | |

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| | <p>selection of window coverings, glass color, other exterior materials, and design of exterior lighting and lighting of signs.</p> <p>*Applies to Significant Impacts 4.8-36 and 4.8-37.</p> | | | | |
| MM 4.9-1 | <p>A. Prior to construction of the H Street Pier during Phases II and IV or work within Parcel HW-4, a pre-construction eelgrass survey shall be conducted by a qualified marine biologist to confirm the exact amount of eelgrass to be affected at the time of pile driving operations. The pre-construction survey must be conducted during the period of March through October and would be valid for a period of no more than 60 days, with the exception that surveys conducted in August through October would be valid until the following March 1.</p> <p>B. Prior to construction of the H Street Pier during Phases II and IV or work within Parcel HW-4, the Port shall establish and implement a plan to create new eelgrass habitat. The loss of eelgrass habitat must be mitigated at a 1.2:1 ratio as described in the SCEMP (NMFS 1991, Revision 11). Impacts to approximately 0.4 acre of eelgrass shall require the creation of approximately 0.48 acre of eelgrass to mitigate losses caused by construction of the H Street Pier.</p> <p>C. Prior to or concurrent with the completion of the H Street Pier or work within Parcel HW-4, the Port shall create new eelgrass habitat at a ratio of 1.2:1 for the actual amount of impacts. This shall be done by removing the existing eelgrass currently located at the proposed H Street Pier site and transplanting it at an appropriate location within the filled area of the existing navigation channel, to the satisfaction of a qualified marine biologist.</p> <p>D. Subsequent to construction of the H Street Pier during Phases II and IV or work within Parcel HW-4, a post-construction eelgrass survey shall be conducted by a qualified biologist. The post-construction survey shall be conducted within 30 days of the cessation of construction activities to confirm the exact amount of eelgrass affected. The difference between the pre-construction and post-construction eelgrass surveys shall determine the amount of required mitigation. In addition, the Port shall:</p> <ul style="list-style-type: none"> • Conduct transplant reports following construction (Initial Report). • Conduct monitoring reports at 6, 12, 24, 36, 48, and 60 months post-transplant. | <p>Developer -Prior to construction</p> <p>Port - Prior to construction</p> <p>Developer -Prior to or concurrent with completion of construction</p> <p>Port in coordination with qualified biologist</p> | <p>Port in coordination with qualified biologist</p> <p>Port in coordination with qualified biologist</p> <p>Port in coordination with qualified biologist</p> <p>Port</p> | | |

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| | <p>Specific milestones and criteria for success are directed in the SCEMP along with guidelines for remedial actions if the success criteria are not met (including presence of green sea turtles based on soundings from the existing tagging program), which would require (based on the absence of other mitigating environmental considerations) a Supplementary Transplant Area to be constructed and monitored for an additional 5 years.</p> <ul style="list-style-type: none"> • Initiate mitigation within 135 days of project inception; projects requiring more than 135 days to complete would result in additional mitigation. • Coordinate with Sweetwater Authority to share monitoring reports, as necessary. <p>*Applies to Significant Impacts 4.9-1, 4.9-2, and 4.9-4.</p> | | | | |
| MM 4.9-2 | <p>A. An estimated 83 acres of the existing navigation channel shall be filled to -3 to -5.5 feet MLLW. The fill would modify deep and moderately deep open-water habitat to create approximately 83 acres of shallow-water habitat. This area would provide enough transplantable habitat at a depth ideal for eelgrass in this section of the Bay to mitigate for the loss of eelgrass from the channel realignment and completion of the H Street Pier.</p> <p>B. A mitigation plan with an implementation schedule shall be prepared 30 days prior to any construction or dredge activities. The loss of eelgrass habitat shall be mitigated at a 1.2:1 ratio as described in the SCEMP (NMFS 1991, Revision 11). Based on this formula, impacts to 45.9 acres of eelgrass would require approximately 55.1 acres of eelgrass restoration.</p> <p>C. Prior to the commencement of in-water work on the channel realignment, a pre-construction eelgrass survey shall be conducted to confirm the exact area of impact at the time of dredging and fill operations. The pre-construction survey shall be conducted during the period of March through October and would be valid for a period of no more than 60 days, with the exception that surveys conducted in August through October would be valid until the following March 1.</p> <p>D. Subsequent to dredge and fill operations, a post-construction eelgrass survey shall be conducted by a qualified biologist. The post-construction survey shall be conducted within 30 days of the cessation of construction activities to confirm the exact area of eelgrass</p> | <p>Developer</p> <p>Developer in coordination with a qualified biologist</p> <p>Developer in coordination with a qualified biologist</p> <p>Developer in coordination with a qualified biologist</p> | <p>Port</p> <p>Port</p> <p>Port</p> <p>Port</p> | | |

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| | <p>affected. The difference between the pre-construction and post-construction eelgrass surveys shall determine the amount of required mitigation. In addition, the Port shall:</p> <ul style="list-style-type: none"> • Conduct transplant reports following construction (Initial Report). • Conduct monitoring reports at 6, 12, 24, 36, 48, and 60 months post-transplant. Specific milestones and criteria for success are directed in the SCEMP along with guidelines for remedial actions if the success criteria are not met (including presence of green sea turtles based on soundings from the existing tagging program), which would require (based on the absence of other mitigating environmental considerations) a Supplementary Transplant Area to be constructed and monitored for an additional 5 years. • Initiate mitigation within 135 days of project inception; projects requiring more than 135 days to complete would result in additional mitigation. • Coordinate with Sweetwater Authority to share monitoring reports, as necessary. <p>*Applies to Significant Impact 4.9-3.</p> | | | | |
| MM 4.9-3 | <p>A. Prior to the commencement of harbor improvements on Parcel HW-3, which includes the placement of bulkheads, the Port or Port tenants, as appropriate, shall prepare and initiate implementation of a plan to create new habitat at a ratio of 2:1 for intertidal mudflat and 4:1 for pickleweed. Impacts to approximately 0.03 acre of intertidal mudflat shall require the in-kind creation of approximately 0.06 acre, and less than 0.001 acre of pickleweed shall require creation of approximately 0.004 acre of comparable habitat.</p> <p>B. Restoration shall occur in accordance with <i>Appendix 4.8-12</i>. At the time project specific designs are proposed for the Phase IV harbor reconfiguration, the mitigation for impacts to intertidal mudflat and pickleweed shall be re-evaluated by the Port during subsequent environmental review pursuant to State CEQA Guidelines Section 15168 to identify the total impact area and required mitigation for the loss of intertidal mudflat and pickleweed.</p> <p>C. Restoration shall occur in accordance with Mitigation Opportunities, <i>Appendix 4.8-12</i> to this report, which includes the creation of additional mudflat through the removal of riprap on the Bay shore in the Sweetwater District. As detailed in Mitigation Opportunities, this created habitat would be dominated by pickleweed (<i>Salicornia virginica</i>) with</p> | <p>Port or Port Tenants -Prior to start of harbor improvements</p> <p>Port or Port Tenants -Prior to start of harbor improvements</p> <p>Port or Port Tenants -Prior to start of harbor</p> | <p>Port</p> <p>Port</p> <p>Port</p> | | |

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| | <p>subdominants including saltwort (<i>Batis maritime</i>), fleshy Jaumea (<i>Jaumea carnosa</i>), alkali heath (<i>Frankenia salina</i>), and others as listed in Table 4 of <i>Appendix 4.8-12</i>. Currently, the mitigation opportunities detailed in <i>Appendix 4.8-12</i> are anticipated to be implemented during Phase I. The Port shall verify that the creation of intertidal mudflat satisfies the required mitigation once the final impacts are verified.</p> <p>*Applies to Significant Impact 4.9-5.</p> | improvements | | | |
| MM 4.9-4 | <p>A. Prior to issuance of a permit by USACE for dredge and/or fill operations in the Bay or Chula Vista Harbor, the applicant shall conduct a focused sediment investigation and submit it to USACE and RWQCB for review and approval. The applicant shall then determine the amount of bay sediment that requires remediation and develop a specific work plan to remediate bay sediments in accordance with permitting requirements of the RWQCB. The work plan shall include but not be limited to: dredging the sediment, allowing it to drain, and analyzing the nature and extent of any contamination. Pending the outcome of the analytical results, a decision by RWQCB shall prescribe the requirements for disposition of any contaminated sediment.</p> <p>B. Prior to issuance of a grading permit for marina redevelopment on HW-1 and HW-4, the developer shall submit a work plan for approval by the RWQCB and Port/City that requires the implementation of BMPs, including the use of silt curtains during in-water construction to minimize sediment disturbances, and the confinement of potentially contaminated sediment if contaminated sediment exists. If a silt curtain should be necessary, the silt curtain shall be anchored along the ocean floor with weights (i.e., a chain) and anchored to the top with a floating chain of buoys. The curtain shall wrap around the area of disturbance to prevent turbidity from traveling outside the immediate project area. Once the impacted region resettles, the curtains shall be removed. If the sediment would be suitable for ocean disposal, no silt curtain shall be required. However, if contaminants are actually present, the applicant would be required to provide to the RWQCB and the Port/City an evaluation showing that the sediment would be suitable for ocean disposal.</p> <p>*Applies to Significant Impact 4.9-6.</p> | <p>Applicant -Prior to First USACE Permit</p> <p>Developer -Prior to First Grading Permit</p> | <p>RWQCB in coordination with USACE</p> <p>Port/City and RWQCB</p> | | |
| MM 4.9-5 | For the in-water construction components to be completed in Phase IV, the amount of dredging shall be determined during final design of the marinas and harbor | Port | USACE and other | | |

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| | reconfiguration. Prior to any dredging, the Port shall develop and implement a plan for the dredging and storage of material to the satisfaction of responsible resource agencies, including USACE. The storage and/or landside disposal of dredge material shall be performed in accordance with the provisions of Mitigation Measure 4.6-6 in <i>Section 4.6, Air Quality</i> and all applicable federal, state, and local regulations. *Applies to Significant Impact 4.9-7. | -Prior to dredging activities | responsible resource agencies | | |
| MM 4.9-6 | Prior to issuance of Coastal Development Permits, applicants shall submit a lighting plan and photometric analysis to the Port for review and approval. Lighting of all developed areas adjacent to open water shall be directed away from the water, wherever feasible and consistent with public safety. Lighting fixtures shall provide adequate shielding to protect the aquatic habitat and marine life from night lighting. The lighting plan shall illustrate the location of the proposed lighting standards and type of shielding measures. Low-pressure sodium lighting or the equivalent shall be used if feasible and shall be subject to the approval of the Port. *Applies to Significant Impact 4.9-8. | Applicants -Prior to First Coastal Development Permit | Port | | |
| 4.10 | The Port shall implement a grading, monitoring, and data recovery program to reduce potential impacts to undiscovered buried archaeological resources on the Proposed Project to the satisfaction of the Director of Land Use Planning. Elements of the program will include that only certified archaeologists and Native American monitors are accepted. The project archaeologist shall monitor all areas identified for excavation, including off-site improvements. The monitors shall be present during the original cutting of previously undisturbed deposits. In the event that a previously unidentified potentially significant cultural resource is discovered, the archaeological monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant resource. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared and approved by the County, then carried out using professional archaeological methods. In the event that human bones are discovered, the County coroner shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD) as identified by the Native American Heritage Commission shall be contacted by the project archaeologist to determine proper treatment and | | | | |

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| | <p>disposition of the remains. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the context shall be completed and submitted to the satisfaction of the Director of Land Use Planning.</p> <p>* This measure is not associated with a significant impact related to cultural resources; however, it has been incorporated to ensure appropriate implementation and enforcement.</p> | | | | |
| MM 4.11-1 | <p>Prior to the issuance of any grading permit in the Sweetwater District, the applicant shall retain a qualified paleontologist (defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques) who shall carry out the following mitigation program. Fieldwork may be conducted by a qualified paleontological monitor (defined as an individual who has experience in the collection and salvage of fossil materials) who at all times shall work under the direction of the qualified paleontologist.</p> <ul style="list-style-type: none"> • The paleontologist shall attend all pre-grading meetings to inform the grading and excavation contractors of this paleontological resource mitigation program and shall consult with them with respect to its implementation. • The paleontological monitor shall be on site at all times during the original cutting of previously undisturbed sediments of highly sensitive geologic formations to inspect cuts for contained fossils in the low coastal mesa adjacent to Bay Boulevard in the northeastern portion of the Sweetwater District. The paleontological monitor shall be on site during the original cuts in deposits with a moderate resource sensitivity. • If fossils are discovered, the paleontologist or monitor shall recover them. In instances where recovery requires an extended salvage time, the paleontologist or monitor shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Where deemed appropriate by the paleontologist or monitor, a screen-washing operation for small fossil remains shall be set up. • Recovered fossils, along with copies of all pertinent field notes, photographs, and maps, shall be deposited (with the applicant's permission) in a scientific institution with paleontological collections. A final summary report that outlines the results of the mitigation program shall be completed. This report shall include discussion of the | <p>Applicant on coordination with qualified paleontologist</p> <p>-Prior to issuance of any grading permit</p> | Port or City | | |

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| | <p>methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils.</p> <p>All work shall be completed to the satisfaction of the Port or the City of Chula Vista, as appropriate.</p> <p>*Applies to Significant Impact 4.11-1</p> | | | | |
| MM 4.12-1 | <p>Prior to the issuance of any permit for excavation, demolition, grading, or construction activities in the area described in the relevant permit based on the planned future use, the following shall occur:</p> <p>A. The applicant shall contact the lead regulatory agency (RWQCB/DEH/DTSC) to discuss the appropriate course of action for the area of concern described in the permit based on the planned future site use. Remediation of contaminated soil and/or groundwater in these areas shall meet cleanup requirements established by the local regulatory agency based on the planned future use of the area and shall be protective of human health with regard to future occupants of these areas. The applicant shall submit documentation showing that contaminated soil and/or groundwater in the area covered by the permit shall have been avoided or remediated to meet cleanup requirements established by the local regulatory agencies (RWQCB/DEH/DTSC).</p> <p>B. The applicant shall obtain written authorization from the regulatory agency (RWQCB/DEH/DTSC) confirming the completion of any remediation required for development of the site, exclusive of any on-going monitoring obligations. A copy of the authorization shall be submitted to the Port and City to confirm meeting all requirements acceptable to the governing agency and that the proposed development parcel has been cleaned up or is in process to the satisfaction of the regulatory agency. In the situation where previous contamination has occurred on a site that has a previously closed case or on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the DEH shall be notified of the proposed land use.</p> <p>C. A Soil and Water Management Plan (SWMP) for Phase I activities shall be developed to provide procedures for addressing unknown contamination and subsurface equipment</p> | <p>Applicant -Prior to First Permit for Excavation, Demolition, Grading, or Construction</p> <p>Applicant -Prior to First Permit for Excavation, Demolition, Grading, or Construction</p> <p>Applicant in coordination with a qualified</p> | <p>RWQCB /DEH/ DTSC</p> <p>RWQCB /DEH/ DTSC</p> <p>Port and/or City</p> | | |

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| | <p>(i.e., pipes, tanks) or debris encountered during construction and excavation. A SWMP for subsequent phases shall be prepared prior to construction and excavation or such development. The plan shall be developed by a qualified environmental consultant and shall identify notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater) measures to avoid or reduce impacts associated with hazardous materials contamination to a less than significant impact. The SWMP shall be approved by the Port and/or City prior to commencement of excavation, grading, demolition or construction. A qualified environmental consultant shall monitor excavations, grading, and construction activities in accordance with the plan. Any excess soil generated by construction shall be characterized to determine disposal options.</p> <p>If indications of contamination are encountered during construction, a qualified environmental consultant shall be retained to observe the contamination, consult with the regulatory oversight agency, perform environmental media (soil, soil gas, and groundwater) sampling and analysis as necessary, report the result, and provide recommendations or further action.</p> <p>In areas that have been identified as being contaminated, appropriate observation by a qualified environmental professional and sampling is required to characterize soil prior to off-site disposal. Contaminated soil shall be properly disposed of at an off-site facility. Fill soils shall be sampled to ensure that imported soil is free of contamination.</p> <p>Within one month of completion of cleanup activities, a report summarizing the results of monitoring shall be submitted by the applicant to the satisfaction of the Port and City.</p> <p>D. In the event that grading or construction activities result in the discovery of hazardous waste, the Port and/or City shall ensure compliance with State of California CCR Title 23 Health and Safety Regulation. Excavated soils impacted by hazardous materials or waste shall be characterized and disposed of in accordance with CCR Title 14 and 22. The San Diego RWQCB shall be contacted regarding provisions for possible reuse as backfill of soils impacted by hydrocarbons. Excavated soils shall be lined and covered with an impermeable material to prevent spread of contaminated material.</p> | <p>environmental consultant -Prior to Construction and Excavation</p> <p>Port and/or City</p> | <p>RWQCB /DEH/ DTSC</p> <p>RWQCB /DEH/ DTSC</p> <p>RWQCB</p> | | |

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| | <p>The applicant must have an Industrial Hygienist registered in the State of California on site while working in areas where contamination is encountered. The responsibility of this professional would be to monitor the work site for contamination and to implement mitigation measures as needed to prevent exposure to the workers or public. These measures may include signage and dust control.</p> <p>Dewatering activities during construction shall be limited to the extent practicable and water generated by dewatering shall be tested to determine treatment and disposal options in accordance with all applicable laws and regulations.</p> <p>*Applies to Significant Impacts 4.12-1, 4.12-3, 4.12-7, 4.12-12, 4.12-13, 4.12-17, and 4.12-18.</p> | <p>Applicant</p> <p>Developer</p> | <p>Port and/or City</p> <p>RWQCB</p> | | |
| MM 4.12-2 | <p>Prior to construction, all contractor and subcontractor project personnel shall receive training regarding the appropriate work practices necessary to effectively comply with the applicable environmental laws and regulations, including, without limitation, hazardous materials spill prevention and response measures.</p> <p>Hazardous materials shall not be disposed of or released onto the ground, the underlying groundwater, or any surface water. Totally enclosed containment shall be provided for all trash. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials shall be removed to a hazardous waste facility permitted or otherwise authorized to treat, store, or dispose of such materials.</p> <p>The Port of San Diego shall require that a Business Emergency Plan (BEPP) is prepared for the construction of the Proposed Project, if not covered under their approved SWPPP. The plan shall identify all hazardous materials (e.g., fuels, solvents) that would be present on any portion of the construction area and project site. Contingency analysis and planning shall be presented to identify potential spill or accident situations, how to minimize their occurrence, and how to respond should they occur. The plan shall also identify spill response materials (e.g., absorbent pads, shovels) to be kept at the construction site and their locations.</p> | <p>Developer -Prior to start of construction</p> <p>Applicant in coordination with a qualified consultant -Prior to Construction and Excavation</p> <p>Developer</p> | <p>Port</p> <p>Port</p> | | |

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| | Hazardous materials spill kits shall be maintained on site for small spills. *Applies to Significant Impact 4.12-2. | | Port | | |
| MM 4.12-3 | In-water construction activities shall be conducted in accordance with Mitigation Measure 4.5-4 in <i>Section 4.5, Hydrology/Water Quality</i> . *Applies to Significant Impact 4.12-4 | | | | |
| MM 4.12-4 | In event of removal of USTs, the soil and groundwater within the vicinity of the USTs shall be adequately characterized and remediated, if necessary, to a standard that would be protective of water quality and human health, based on future site use. In areas to be redeveloped, a geophysical survey shall be conducted by the applicant to evaluate if there are any previously unidentified USTs or piping still existing in areas to be redeveloped. In the event that USTs are not identified in the HMTS or undocumented areas of contamination are encountered during grading activities (as indicated by odors, discolored soil, etc.), all work shall cease until appropriate health and safety procedures are implemented pursuant to the applicant's contingency plan. The applicant shall prepare a contingency plan to address contractor procedures for such an event, to minimize the potential for construction delays. In addition, the lead regulatory agency (DEH or RWQCB, depending on the nature of the contamination) shall be notified regarding the contamination. Each agency and program within the respective agency has its own mechanism for initiating an investigation. The applicant shall conduct contamination remediation and removal activities in accordance with pertinent local, state, and federal regulatory guidelines, under the oversight of the appropriate regulatory agency. Parcels contaminated with hazardous materials will be remediated to levels adequate to protect human health and the environment. *Applies to Significant Impact 4.12-5. | Applicant -During grading activities Applicant -During grading activities | Lead Regulatory Agency (DEH or RWQCB) Lead Regulatory Agency (DEH or RWQCB) | | |
| MM 4.12-5 | Prior to the issuance of a demolition permit for buildings scheduled for demolition that have not been surveyed to date for ACMs and LBPs, the applicant shall conduct a survey to determine the locations and amounts of ACMs and LBPs present, as well as other miscellaneous hazardous materials, such as potential mercury-containing thermostats and switches, light ballasts and switches that might contain PCBs, fluorescent light tubes | Applicant -Prior to First Demolition Permit | Port in coordination with lead regulatory agency | | |

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| | <p>that might contain mercury vapor, exit signs that might contain a radioactive source, air conditioning systems, lead-acid batteries and batteries associated with emergency lighting systems, and Freon™-containing refrigeration systems. Should ACMs, LBPs, or other miscellaneous hazardous building materials be encountered in the site structures, the applicant shall obtain a licensed abatement contractor to remove the hazardous materials in accordance with all applicable federal, state, and local laws, regulations, and permitting requirements prior to initiation of demolition activities.</p> <p>Prior to any proposed demolition activities, the applicant shall conduct a thorough inspection of the facilities that have permits to store hazardous materials to confirm whether a release of hazardous materials at these facilities has impacted the underlying soil and/or groundwater. The facilities that currently store hazardous materials are located at 596 Sandpiper Way, 997 G Street, and 979 G Street. If indications of contamination are encountered during demolition, a qualified environmental consultant shall be retained to observe the contamination, consult with the regulatory oversight agency, perform environmental media (soil, soil gas, and groundwater) sampling and analysis as necessary, report the result and provide recommendations for further action.</p> <p>*Applies to Significant Impact 4.12-6.</p> | <p>Applicant in coordination with qualified environmental consultant -Prior to First Demolition Permit</p> | <p>Lead Regulatory Agency (DEH or RWQCB)</p> | | |
| MM 4.12-6 | <p>Prior to construction, remediation activities for known contamination shall be performed to be protective of construction workers on the project site, as required by Mitigation Measure 4.12-1.</p> <p>*Applies to Significant Impact 4.12-7.</p> | <p>Port and City -Prior to construction</p> | <p>Port and City</p> | | |
| MM 4.12-7 | <p>Management of the parks throughout the project site must be required to comply with the Port and City's Integrated Pest Management Policies (IPM). IPM shall be used on all landscaped areas. In addition, fertilizers must be minimized and only non-toxic products used. Runoff from irrigation sprinklers into surface waters must be minimized and use of mulching and drip irrigation, where needed, maximized. Measures shall be employed to ensure that landscape chemicals and wastes do not get into surface waters or habitat areas.</p> <p>*Applies to Significant Impact 4.12-8.</p> | <p>Port and City -Ongoing management of parks</p> | <p>Port and City</p> | | |

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| MM 4.12-8 | For development in the Sweetwater District that would result in exposure of any soil containing pesticides/herbicides, excavation and disposal of the contaminated soils at an appropriately licensed facility shall be conducted as required by applicable law, to reduce potential for future site occupants' exposure. Otherwise, soil capping shall be implemented. Capping could be performed by placement of a clean soil fill layer over the impacted soil, which in turn could be overlain by other surface covers (i.e., turf and other vegetative cover and pavement). *Applies to Significant Impact 4.12-9. | Developer -When grading activities result in exposure of any soil containing pesticides/herbicides | DEH and/or RWQCB | | |
| MM 4.12-9 | At the time project specific designs are proposed for any development in Phases II through IV, a site assessment must be conducted by a qualified expert satisfactory to the City and/or Port to determine concentrations of contaminants in soil, soil gas, and groundwater on the parcel proposed for development. Further site assessment may be required as part of subsequent environmental review pursuant to State CEQA Guidelines. A HHRA, or other means of evaluation, must be prepared for any new development in Phases II through IV, analyzing each parcel proposed for development within the Proposed Project area. If the calculated risk from the HHRA (or other means of evaluation) is considered to be significant for a receptor in a parcel, mitigation measures shall be implemented to reduce the risk to below a level of significance. These measures may include one or both of the following: <ul style="list-style-type: none"> • Remediating the contaminant sources and impacts in the respective media (i.e., soil, soil gas, groundwater) to levels below the health-based remediation criteria. Parcels contaminated with hazardous materials will be remediated to levels adequate to protect human health and the environment. • Implementing institutional and/or engineering controls to eliminate the pathway of concern or attenuate the contaminant exposure to levels below the health-based remediation criteria. *Applies to Significant Impact 4.12-10 | Applicant in coordination with qualified expert -When Project specific designs are proposed Applicant in coordination with qualified expert | City and/or Port City and/or Port | | |
| MM 4.12-10 | Prior to the approval of Design Review for development on Parcels H-3, H-13, H-14, H-15, and HP-5, the applicant shall submit a design plan for the project demonstrating to the satisfaction of the City and/or Port that proposed buildings shall be designed so as to prevent a risk to human health associated with intrusion of CVOC vapors into future | Applicant -Prior to Design Review Approval | Port and/or City | | |

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| | buildings on these parcels. Such design measures may include vapor barriers or passive vent systems. *Applies to Significant Impacts 4.12-11, 4.12-16, 4.12-19, and 4.12-20. | | | | |
| MM 4.12-11 | <p>A. Remediation in soil locations identified as exceeding health-based remediation criteria shall be performed prior to redevelopment as targeted "hotspot" removal with confirmation sampling to demonstrate that the COPCs have been removed and concentrations in remaining soil are less than the remediation criteria.</p> <p>B. Remediation of the areas of HP-5 that contain COPCs at concentrations exceeding remediation criteria shall be completed prior to construction activities depending on the design of proposed development and the potential for workers to be exposed to contamination in these areas.</p> <p>C. Remediation of the areas of HP-5 that contain concentrations of CVOCs may be performed by various methods, including soil vapor extraction and treatment. Any required remediation shall be performed prior to construction activities in order to protect construction workers in these areas. This parcel shall be remediated to levels adequate to protect human health and the environment.</p> <p>*Applies to Significant Impacts 4.12-14 and 4.12-15.</p> | <p>Developer -Prior to redevelopment /construction</p> <p>Developer -Prior to redevelopment /construction</p> <p>Developer -Prior to redevelopment /construction</p> | <p>Port and/or City</p> <p>Port and/or City</p> <p>Port and/or City</p> | | |
| MM 4.13.3-1 | <p>Prior to reconstruction and/or reconfiguration of existing parks within the Project, the Port shall post a public notice at each affected park site at least 30 days prior to commencement of construction activity and maintain the posting throughout reconstruction of each affected park. Said public notice shall identify the duration of park closure and information related to optional locations for public park and recreational facilities.</p> <p>*Applies to Significant Impact 4.13.3-1.</p> | <p>Port -Prior to reconstruction/reconfiguration of parks</p> | Port | | |
| MM 4.13.3-2 | <p>Prior to approval of a building permit for any project within the City's jurisdiction, the applicant shall pay all applicable recreation and park fees, including those set forth in Chapters 3.50 and 17.10 in the City's Municipal Code.</p> <p>*Applies to Significant Impact 4.13.3-2.</p> | <p>Applicant -Prior to Building Permit Approval</p> | City | | |

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| MM 4.13.4-1 | <p>Prior to the issuance of building permits for any residential project, the applicant shall pay required school mitigation fees. As indicated above, the fees set forth in Government Code Section 65996 constitute the exclusive means of both "considering" and "mitigating" school facilities impacts of projects (Government Code Section 65996(a)). They are "deemed to provide full and complete school facilities mitigation" (Government Code Section 65996(b)). Once the statutory school mitigation fee (sometimes referred to as a "developer fee") is paid, the impact would be deemed mitigated as a matter of law.</p> <p>*Applies to Significant Impacts 4.13.4-1 and 4.13.4-2</p> | <p>Applicant</p> <p>-Prior to First Building Permit</p> | City | | |
| MM 4.14.1-1 | <p>To avoid significant construction-related noise impacts, the following measures shall be followed:</p> <ul style="list-style-type: none"> • Construction activity shall be prohibited Monday through Friday from 10:00 p.m. to 7:00 a.m., and Saturday and Sunday from 10:00 p.m. to 8:00 a.m., pursuant to the Chula Vista Municipal Code Section 17.24.050 (Paragraph J). It should be noted, however, that construction may require connections to existing water facilities, both on- and off-site, and may need to occur between the hours of 10:00 p.m. and 6:00 a.m. in order to minimize impacts to existing customers who cannot experience flow restrictions during daytime hours. • All stationary noise generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors. Where practicable, noise-generating equipment shall be shielded from noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, equipment storage, staging, and warm-up areas shall be located as far from noise sensitive receptors as possible. • All construction equipment powered by gasoline or diesel engines shall have sound control devices at least as effective as those originally provided by the manufacturer; no equipment shall be permitted to have an unmuffled exhaust. • Any impact tools used during demolition of existing infrastructure shall be shrouded or shielded, and mobile noise generating equipment and machinery shall be shut off when not in use. • Construction vehicles accessing the site shall be required to use the shortest possible route to and from I-5, provided the route does not expose additional | <p>Developer</p> <p>-During construction</p> | City | | |

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| | <p>receptors to noise.</p> <ul style="list-style-type: none"> Construction equipment shall be selected as those capable of performing the necessary tasks with the lowest sound level and the lowest acoustic height possible to perform the required construction operation. <p>*Applies to Significant Impacts 4.14.1-1 and 4.14.1-2.</p> | | | | |
| MM 4.14.1-2 | <p>Construction-related noise from off-site water improvements shall be limited during the typical breeding season of January 15 to August 31 adjacent to the Sweetwater Marsh NWR, F & G Street Marsh, and the J Street Marsh. The current accepted noise threshold is 60 dB(A) Leq; thus construction activity shall not exceed this level, or ambient noise levels if higher than 60 dB(A) during the breeding season. If construction does occur within the breeding season or adjacent to the marshes, the project developer shall prepare and submit an acoustical analysis to the Port and/or City, which shall determine whether noise barriers would be required to reduce the expected noise levels below the threshold. If noise barriers or construction activities are unable to result in a level of noise below the threshold, construction in these areas shall be delayed until the end of the breeding season.</p> <p>*Applies to Significant Impact 4.14.1-3.</p> | <p>Developer</p> <p>-During construction or if during breeding season prior to construction</p> | Port and/or City | | |
| MM 4.14.1-3 | <p>A. Prior to commencement of grading activities for all Phase I projects, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).</p> <p>B. Prior to commencement of grading activities for all subsequent phases, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).</p> <p>*Applies to Significant Impact 4.14.1-4.</p> | <p>Applicant(s)</p> <p>-Prior to start of grading</p> | Port or City | | |
| MM 4.14.2-1 | <p>Prior to the approval of a building permit for any development in Phases III and IV, the City shall verify that it has adequate sewer capacity to serve the proposed development. In the event the City does not have adequate sewer capacity to serve the proposed development, no building permit shall be approved for the proposed development until</p> | <p>City</p> <p>-Prior to Building Permit Approval</p> | City | | |

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| | the City has acquired adequate sewer capacity to serve the proposed development. *Applies to Significant Impact 4.14.2-1. | | | | |
| MM 4.14.2-2 | <p>To avoid significant construction-related noise impacts, the following measures shall be followed:</p> <ul style="list-style-type: none"> • Construction activity shall be prohibited Monday through Friday from 10:00 p.m. to 7:00 a.m., and Saturday and Sunday from 10:00 p.m. to 8:00 a.m., pursuant to the Chula Vista Municipal Code Section 17.24.050 (Paragraph J). • All stationary noise-generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors. Where practicable, noise-generating equipment shall be shielded from noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, and equipment storage, staging, and warm-up areas shall be located as far from noise sensitive receptors as possible. • All construction equipment powered by gasoline or diesel engines shall have sound control devices at least as effective as those originally provided by the manufacturer; no equipment shall be permitted to have an unmuffled exhaust. • Any impact tools used during demolition of existing infrastructure shall be shrouded or shielded, and mobile noise generating equipment and machinery shall be shut off when not in use. • Construction vehicles accessing the site shall be required to use the shortest possible route to and from I-5, provided the route does not expose additional receptors to noise. • Construction equipment shall be selected as those capable of performing the necessary tasks with the lowest sound level and the lowest acoustic height possible to perform the required construction operation. <p>*Applies to Significant Impact 4.14.2-2.</p> | Developer -During construction | Port or City | | |
| MM 4.14.2-3 | Construction-related noise shall be limited during the typical breeding season of January 15 to August 31 adjacent to the Sweetwater Marsh NWR, F & G Street Marsh, and the J Street Marsh. The current accepted noise threshold is 60 dB(A) Leq; thus construction activity shall not exceed this level, or ambient noise levels if higher than 60 dB(A) during | Developer - During construction or if during breeding | Port or City | | |

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| | the breeding season. If construction does occur within the breeding season or adjacent to the marshes, the project developer shall prepare and submit an acoustical analysis to the Port and the City, which shall determine whether noise barriers would be required to reduce the expected noise levels below the threshold. If noise barriers or construction activities are unable to result in a level of noise below the threshold, construction in these areas shall be delayed until the end of the breeding season. *Applies to Significant Impact 4.14.2-3. | season prior to construction | | | |
| MM 4.14.2-4 | A. Prior to commencement of grading activities for all Phase I projects, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction). B. Prior to commencement of grading activities for all Phase II–IV projects, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction). *Applies to Significant Impact 4.14.2-4 | Applicant -Prior to start of grading Applicant -Prior to start of grading | Port and City Engineer and Director of Public Works Port and City Engineer and Director of Public Works | | |
| MM 4.14.2-5 | A. Prior to the issuance of a Coastal Development Permit for Properties within the Port's jurisdiction and prior to the issuance of a grading permit for properties within the City's jurisdiction, the applicant shall notify the RWQCB of dewatering of contaminated groundwater during construction. If contaminated groundwater is encountered, the project developer shall treat and/or dispose of the contaminated groundwater (at the developer's expense) in accordance with NPDES permitting requirements, which includes obtaining a permit from the Industrial Wastewater Control Program to the satisfaction of the RWQCB. B. Prior to the discharge of contaminated groundwater for all construction activities, should flammables, corrosives, hazardous wastes, poisonous substances, greases and oils and other pollutants exist on site, a pretreatment system shall be installed to pre-treat the water to the satisfaction of the RWQCB before it can be discharged into the sewer system. | Applicant -Prior to First Coastal Development Permit (Port)/First Grading Permit (City) Applicant -During construction | Port, City and RWQCB RWQCB | | |

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| | *Applies to Significant Impact 4.14.2-5. | | | | |
| MM 4.15-1 | <p>Prior to the grading of parcels for specific developments, the applicant shall provide a comprehensive site-specific geotechnical evaluation, including subsurface exploration and laboratory testing showing that individual parcels are suitable for proposed development work and that on-site fill materials and soils can support proposed structures. The applicant shall submit a geotechnical design report to the Port or City, depending on jurisdiction, for approval showing site-specific measures to be employed. As applicable, these measures shall include:</p> <ul style="list-style-type: none"> • Conformance to the California Building Code Seismic Zone 4 Design Parameters, as detailed in Table 1 of the geotechnical study (see Appendix 4.15-1) • Design capable of withstanding strong seismic accelerations • Earthwork procedures, including removal, moisture conditioning, and recompaction of existing fills on the site • Selective grading, densification of the subsurface soils, and/or deep foundations • Removal, moisture conditioning, and compaction of bay deposits/alluvial soils. Deep foundations shall be used for structural support in areas of relatively thick bay deposits/alluvium • Removal or deep burial of expansive soils during grading, moisture conditioning, or specially designed foundations and slabs • Removal, moisture conditioning, and compaction of the topsoil on site. <p>*Applies to Significant Impact 4.15-1 through 4.15-5.</p> | Applicant -Prior to start of grading | Port or City | | |
| MM 4.15-2 | <p>For all phases, the project applicant shall prepare a site specific geotechnical study. Mitigation of potential hazards due to liquefaction may include the densification or removal of the potentially liquefiable soil and placement of surcharge fills within building areas, or the use of deep foundation systems and mat slabs which still provide acceptable structural support should liquefaction occur. Soil densification can be accomplished by surcharging, compaction grouting, vibrocompaction, soil mixing, and deep dynamic compaction. Deep foundation systems may be used to transmit structural loads to bearing depths below the liquefiable zones and may consist of driven piles or drilled piles.</p> <p>*Applies to Significant Impact 4.15-2.</p> | Applicant -Prior to First Building Permit | Port or City | | |

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| MM 4.15-3 | <p>Prior to the grading of parcels for the Pacifica development, the applicant shall adhere to the site-specific geotechnical evaluation prepared for the project or any amendment as approved by the Port/City (<i>Appendix 4.15-5</i>, Geocon Preliminary Geotechnical Investigation prepared for Pacifica Companies (February 2008), Sections 7 and 8 Conclusions and Preliminary Recommendations) which outlines general requirements and specific recommendations regarding soil and excavation, seismic design criteria, grading, consolidation settlement, ground improvement methods, slope stability, temporary slopes and shoring, groundwater and dewatering, shallow and deep foundations, subterranean structures, concrete slabs-on-grade, concrete flatwork, retaining walls and lateral loads, pavement, and drainage and maintenance.</p> <p>*Applies to Significant Impacts 4.15-3 and 4.15-4.</p> | <p>Applicant</p> <p>-Prior to start of grading</p> | Port or City | | |
| MM 4.15-4 | <p>Prior to the grading of parcels for the RCC development, the applicant shall adhere to the site-specific geotechnical evaluation prepared for the project or any amendment as approved by the Port/City (<i>Appendix 4.15-4</i>, Geocon Geotechnical Investigation prepared for Gaylord Hotels (January 2008), Section 6. Conclusions and Recommendations), which outlines general requirements and specific recommendations regarding soil and excavation, seismic design criteria, grading, temporary slopes and shoring, groundwater and dewatering, hotel/convention center/parking structure/flex space foundation, ancillary structure foundation, concrete slabs-on-grade, retaining walls and lateral loads, preliminary pavements, and drainage and maintenance.</p> <p>*Applies to Significant Impact 4.15-5.</p> | <p>Applicant</p> <p>-Prior to start of grading</p> | Port or City | | |
| MM 4.16-1 | <p>Prior to the issuance of certificates of occupancy or building permits, the project applicant shall demonstrate that the Proposed Project complies with Title 24 of the California Energy Efficient Standards for Residential and Nonresidential Buildings. These requirements, along with the following measures, shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:</p> <ul style="list-style-type: none"> • Use of low NO_x emission water heaters • Installation of energy-efficient and automated air conditioners when air conditioners are provided • Energy-efficient parking area lights | <p>Applicant</p> <p>-Prior to First Certificate of Occupancy</p> | Port and City Director of Planning or Building | | |

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| | <ul style="list-style-type: none"> Exterior windows shall be double paned. <p>Implementation of these measures along with the SDG&E efforts for long-term energy supply as outlined in their filing with the CPUC that proposes a mix of conservation, demand response, generation, and transmission (http://www.sdenergy.org/uploads/7-9-04SDG&E_LTRP.pdf) would reduce the potential significant impact to below a level of significance.</p> <p>*Applies to Significant Impact 4.16-1.</p> | | | | |
| MM 4.16-2 | <p>The following standards are intended to be interpreted broadly and with the flexibility to adapt to new energy technology and evolving building construction and design practices. They will apply to and govern development of all individual parcels within the Proposed Project area, except Parcels HP-5, H-13, H-14, and H-15. The term "Development" will mean the development of an individual parcel within the Proposed Project area.</p> <p>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 as described below:</p> <ol style="list-style-type: none"> 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 as of the date of this FEIR. 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 that is in effect at the time a building permit application is submitted for such Development shall apply. The balance of the reduction in annual energy use required will be achieved through the use of any combination of the energy reduction measures described below. To achieve compliance, 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 "Optimized Energy Performance" (Credit EA-/c1) in the US Green Building Council's Leadership in Energy and Environmental Design (LEED) Version 3 system ("LEED Path"). The definition of the term "Baseline" against which | <p>Applicant</p> <p>-Prior to Building Permit Approval</p> | <p>Port and City in Coordination with the District.</p> | | |

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| | <p>energy reduction will be measured will vary depending on the path selected and is further described in Exhibit 3 of the MMRP to this Agreement. Choosing the LEED Path does not require a Development to achieve LEED Certification, but simply uses the methodology of EA-/c1.</p> <p>a. Renewable Energy generated within the boundaries of the Development will be credited toward the energy reduction requirement of Section A 25.2. The term "Renewable Energy" will mean energy derived from the sources described in California Public Resources Code section 25741 (b)1.</p> <p>b. Renewable Energy generated on one or more sites ("Renewable Energy Sites") within the boundaries of the Proposed Project by the Port, City or other third party and fed to the electrical grid or to the Development will be credited toward the energy reduction requirement described above. 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 energy reduction requirement described above. Once allocated to a Development, the amount of energy generated by Renewable Energy Sites so allocated may not be further allocated to another development.</p> <p>c. 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 energy reduction requirement described above under the Title 24 Path and the LEED Path as described in Exhibit 3 of the MMRP.</p> <p>d. 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 energy reduction requirement described above. The Port 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.</p> <p>e. Participation in one of SDG&E's Voluntary Demand Reduction (DR) utility rates will</p> | | | | |

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| | <p>be awarded a waiver for three (3) percent credit against the Baseline to determine compliance with the energy reduction requirement described above.</p> <p>f. 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 energy reduction requirement described above.</p> <p>g. 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 of the MMRP, 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 energy reduction requirement described above; 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 75% of the conditioned area is naturally ventilated.</p> <p>3. 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 energy reduction 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.</p> <p>4. To further incent responsible and sustainable development practices within the boundaries of the Proposed Project, the Port, the City and the Redevelopment Agency will consider voluntary commitments to levels of energy reduction in excess of the energy requirements described above commitment to achievement of a LEED Certification, and/or a "Living Building Challenge" in connection with the selection of respondents in RFP/RFQ processes for developments within the Proposed Project area.</p> <p>5. Within one year following the CCC's approval of a PMP amendment substantially consistent with the Proposed Project, the Port 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:</p> <p>a. Within six (6) months following adoption of the ordinance and every three (3) years thereafter, the Port will conduct an energy efficiency and renewable energy analysis that will:</p> | | | | |

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| | <ul style="list-style-type: none"> i. Assess the feasibility and cost-effectiveness of programs and options to reduce demand on the electric grid from all lands under Port's jurisdiction; and ii. Include, but not be limited to, an assessment of the potential for reduction in energy use on all land under Port'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 Port 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 Port's website and received by the Port's Board of Port Commissioners in a public forum. <p>*Applies to Significant Impact 4.16-1.</p> | | | | |
| MM 4.17-1 | <p>The Redevelopment Agency will use all Low and Moderate Income Housing funds generated from within the Bayfront Redevelopment Project Area on the production of affordable housing units, inside and/or outside of redevelopment areas, for very low, low and moderate income individuals/families only in areas located west of I-805 in the City of Chula Vista.</p> <p>* This measure is not associated with a significant impact related to population; however, it has been incorporated to ensure appropriate implementation and enforcement.</p> | Redevelopment Agency | | | |
| Significant and Unavoidable Impacts | | | | | |
| --- | <p>No feasible mitigation beyond redesign of the project as identified as a project alternative would reduce this impact to view quality. See <i>Chapter 5, Alternatives</i>, for a discussion of design options that would allow for an overall reduction in height and bulk of the proposed development.</p> <p>*Applies to Significant Impact 4.1-4.</p> | — | — | | |
| MM 4.1-3 | <p>Prior to the approval of a building permit for any residential project, the applicant shall pay a PFDIF or equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance.</p> | <p>Applicant</p> <p>-Prior to Building Permit Approval</p> | City | | |

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| | *Applies to Significant Impact 4.1-5. | | | | |
| MM 4.2-8 | <p>The Port and the City shall participate in a multi-jurisdictional effort conducted by Caltrans and 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 with Caltrans standards on the I-5 south corridor from the SR-54 interchange to the Otay River (the "I-5 South Corridor") (hereinafter, the "Plan"). Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on the nexus established in this Draft EIR as well as other mechanisms. The Plan required by this mitigation shall include the following:</p> <ol style="list-style-type: none"> The responsible entities (the Entities) included in this effort will include, but may not be limited to, the City, other cities along I-5, the Port, SANDAG, and Caltrans. Other entities will be included upon the concurrence of the foregoing Entities. The Plan will identify physical and operational improvements to I-5 adjacent to the project area, relevant arterial roads and transit facilities (the Improvements), that are focused on regional impacts and specific transportation impacts from the project, and will also identify the fair share responsibilities of each Entity for the construction and financing for each Improvement. The Plan will include an implementation element that includes each Entity's responsibilities and commitment to mitigate the impacts created by all phases of the Proposed Project. The Plan will set forth a timeline and other agreed upon relevant criteria for implementation of each Improvement. The Plan will identify the total estimated design and construction cost for each Improvement and the responsibility of each Entity for both implementation and funding of such costs. The Plan will include the parameters for any agreed upon fair-share funding to be implemented, that would require private and/or public developers to contribute to the costs, in a manner that will comply with applicable law. In developing the Plan, the Entities shall also consider ways in which the Improvements can be coordinated with existing local and regional transportation and facilities financing plans and programs, in order to avoid duplication of effort and expenditure; however, the existence of such other plans and programs shall not relieve the Entities of their collective obligation to develop and implement the | City, other cities along I-5, the Port, SANDAG, and Caltrans | Port Board of Commissioners and City Council | | |

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| | <p>Plan as set forth in this mitigation measure. Nothing in the Plan shall be construed as relieving any Entity (or any other entity) from its independent responsibility (if any) for the implementation of any transportation improvement.</p> <p>g. The Port shall seek adoption of the Plan before the Port Board of Commissioners and the City shall seek adoption of the Plan before the City Council upon the completion of the multi-jurisdictional effort to develop the Plan. The Port and the City shall report, to their respective governing bodies regarding the progress made to develop the Plan within 6 months of the first meeting of the entities. Thereafter, the Port and the City shall report at least annually regarding the progress of the Plan, for a period of not less than 5 years, which may be extended at the request of the City Council and/or Board of Commissioners.</p> <p>h. The Plan shall also expressly include each Entity's pledge that it will cooperate with each other in implementing the Plan.</p> <p>i. Prior to issuance of certificates of occupancy or building permits for any development of individual projects within the Chula Vista Bayfront Master Plan, the Port and the City shall require project applicants to make their fair share contribution toward mitigation of cumulative freeway impacts within the City's portion of the I-5 South Corridor by participating in the City's Western Traffic Development Impact Fee or equivalent funding program.</p> <p>The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of the mitigation measure.</p> <p>*Applies to Significant Impacts 4.2-12, 4.2-17, 4.2-18, 4.2-29, 4.2-30, 4.2-35 through 4.2-37, and 4.2-46 through 4.2-50.</p> | | | | |
| MM 4.2-10 | <p>Prior to issuance of certificates of occupancy for parcel H-3 or building permits for any development within the City, the Port and the City shall require project applicants to make their fair share contribution toward mitigation of intersection impacts at H Street and E Street within the City's jurisdiction by participating in the City's Western Traffic Development Impact Fee or equivalent funding program.</p> | <p>Applicant(s) -Prior to First Certificate of Occupancy</p> | <p>Port and/or City</p> | | |

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| | <p>The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.</p> <p>However, because implementation of the physical improvements needed to reduce the significant impacts to the affected intersections will require funding from other sources in addition to the WTDIF, such as local, state and federal funds, and such funding is not certain or under the control of the Port or the City, the Port and the City cannot assure the necessary improvements will be constructed as needed or that they will be constructed within any known time schedule. Accordingly, the Proposed Project's impacts to the E Street and H Street intersections affected by an at-grade trolley crossing are considered significant and unmitigated.</p> <p>*Applies to Significant Impact 4.2-19.</p> | | | | |
| --- | <p>No feasible mitigation beyond redesign of the project as identified as a project alternative would reduce this impact to view quality. See <i>Chapter 5, Alternatives</i>, for a discussion of design options that would allow for an overall reduction in height and bulk of the proposed towers.</p> <p>*Applies to Significant Impacts 4.4-1 and 4.4-2.</p> | — | — | | |
| MM 4.6-1 | <p>Prior to the commencement of any grading activities, the following measures shall be placed as notes on all grading plans and shall be implemented during grading of each phase of the project to minimize construction emissions. These measures shall be completed to the satisfaction of the Port and the Director of Planning and Building for the City of Chula Vista (These measures were derived, in part, from Table 11-4 of Appendix 11 of the SCAQMD CEQA Air Quality Handbook, and from SCAQMD Rule 403).</p> <p>See Mitigation Measure 4.6-1 in <i>Section 4.6, Air Quality</i> for a list of Best Available Control Measures for Specific Construction Activities.</p> | <p>Developer</p> <p>-Prior to start of grading</p> | Port and City | | |

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| | *Applies to Significant Impacts 4.6-1 and 4.6-6. | | | | |
| MM 4.6-2 | <p>A. For development within the City's jurisdiction, applicants shall submit an AQIP with any Tentative Maps submitted to the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the project have been implemented to the satisfaction of the Director of Planning and Building for the City. This plan shall demonstrate "the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles traveled." There are two options to meet the AQIP requirement. The applicant shall evaluate the project in accordance with the computer modeling procedures outlined in the City's AQIP Guidelines, including any necessary site plan modifications.</p> <p>B. Prior to the issuance of building permits, the applicant shall demonstrate that the Proposed Project complies with Title 24 of the California Energy Efficient Standards for Residential and Nonresidential buildings. These requirements, along with the following measures, shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:</p> <ul style="list-style-type: none"> • Use of low NO_x emission water heaters • Installation of energy efficient and automated air conditioners when air conditioners are provided • Energy efficient parking area lights • Exterior windows shall be double paned. <p>Although these measures will reduce air quality impacts of the Proposed Project, they would not bring area and operations emissions to a level below the standard established by the SCAQMD and used in this document by the City and Port. Therefore, air quality impacts remain significant and unmitigated.</p> <p>*Applies to Significant Impact 4.6-2.</p> | <p>Applicants -With submittal of Tentative Map</p> <p>Applicant -Prior to First Building Permit</p> | <p>City</p> <p>Port and City</p> | | |
| MM 4.6-3 | <p>A. For development within the City's jurisdiction, the applicants shall submit an AQIP with any Tentative Maps submitted to the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the</p> | Applicants -With submittal of Tentative Map | City | | |

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| | <p>project have been implemented to the satisfaction of the Director of Planning and Building for the City of Chula Vista. This plan shall demonstrate "the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles traveled." There are two options to meet the AQIP requirement. The applicant shall evaluate the project in accordance with the computer modeling procedures outlined in the City's AQIP Guidelines, including any necessary site plan modifications.</p> <p>B. Prior to the issuance of building permits, the applicant shall demonstrate that the Proposed Project complies with Title 24 of the California Energy Efficient Standards for Residential and Nonresidential buildings. These requirements along with the following measures shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:</p> <ul style="list-style-type: none"> • Use of low NO_x emission water heaters • Installation of energy efficient and automated air conditioners when air conditioners are provided • Energy efficient parking area lights • Exterior windows shall be double paned. <p>Although these measures would reduce air quality impacts of the Proposed Project, they would not bring area and operations emissions to a level below the standard established by the SCAQMD and used in this document by the City and Port. Therefore, air quality impacts remain significant and unmitigated.</p> <p>*Applies to Significant Impact 4.6-3.</p> | Applicant -Prior to First Building Permit | Port and City | | |
| MM 4.6-4 | <p>A. For residential, as well as mixed-use/commercial development within the City's jurisdiction, the applicants shall submit an AQIP with any Tentative Maps submitted to the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the project have been implemented to the satisfaction of the Director of Planning and Building for the City of Chula Vista. This plan shall demonstrate "the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles traveled." There are two options to meet the AQIP requirement. The applicant shall evaluate the project in accordance with the</p> | Applicants -With submittal of Tentative Map | City | | |

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| | <p>computer modeling procedures outlined in the City's AQIP Guidelines, including any necessary site plan modifications.</p> <p>B. Prior to the issuance of buildings permits, the applicant shall demonstrate that the Proposed Project complies with Title 24 of the California Energy Efficient Standards for Residential and Nonresidential buildings. These requirements along with the following measures shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:</p> <ul style="list-style-type: none"> • Use of low-NOx emission water heaters • Installation of energy efficient and automated air conditioners when air conditioners are provided • Energy efficient parking area lights • Exterior windows shall be double paned. <p>Although these measures would reduce air quality impacts of the Proposed Project, they would not bring area and operations emissions to a level below the standard established by the SCAQMD and used in this document by the City and Port. Therefore, air quality impacts remain significant and unmitigated.</p> <p>*Applies to Significant Impact 4.6-4.</p> | Applicant -Prior to First Building Permit | Port and City | | |
| MM 4.6-5 | <p>A. For residential, as well as mixed-use/commercial development within the City's jurisdiction, the applicants shall submit an AQIP with any Tentative Maps submitted to the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the project have been implemented to the satisfaction of the Director of Planning and Building for the City of Chula Vista. This plan shall demonstrate "the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles traveled." There are two options to meet the AQIP requirement. The applicant shall evaluate the project in accordance with the computer modeling procedures contained in the City's AQIP Guidelines, including any necessary site plan modifications.</p> <p>B. Prior to the issuance of buildings permits, the applicant shall demonstrate that the</p> | <p>Applicants -With submittal of Tentative Map</p> <p>Applicant</p> | <p>City</p> <p>Port and City</p> | | |

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| | <p>Proposed Project shall comply with Title 24 of the California Energy Efficient Standards for Residential and Nonresidential buildings. These requirements along with the following measures shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:</p> <ul style="list-style-type: none"> • Use of low-NOx emission water heaters • Installation of energy efficient and automated air conditioners when air conditioners are provided • Energy efficient parking area lights • Exterior windows shall be double paned. <p>Although these measures would reduce air quality impacts of the Proposed Project, they would not bring area and operations emissions to a level below the standard established by the SCAQMD and used in this document by the City and Port. Therefore, air quality impacts remain significant and unmitigated.</p> <p>*Applies to Significant Impact 4.6-5.</p> | -Prior to First Building Permit | | | |
| MM 4.13.5-1 | <p>Prior to the approval of a building permit for any residential project, the applicant shall pay a PFDIF or equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance.</p> <p>*Applies to Significant Impacts 4.13.5-1 and 4.13.5-2.</p> | <p>Applicant</p> <p>-Prior to Building Permit Approval</p> | City and applicable school district | | |
| Cumulative Impacts | | | | | |
| MM 6.5-1 | <p>The Port and the City shall participate in a multi-jurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor-level study (hereinafter, the "Plan") 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 (the "I-5 South Corridor"). Local funding sources identified in the Plan shall include fair-share contributions related to private and/or public development based on nexus as well as other mechanisms. The Plan required by this mitigation shall include the following:</p> <p>a. The responsible entities (the Entities) included in this effort will include, but may not be limited to, the City, other cities along I-5, the Port, SANDAG, and Caltrans. Other</p> | Port, City, CALTRANS, and SANDAG | Port and City in coordination with other cities along I-5, SANDAG, and Caltrans. | | |

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| | <p>entities will be included upon the concurrence of the foregoing Entities.</p> <p>b. The Plan will identify physical and operational improvements to I-5 adjacent to the project area, relevant arterial roads, and transit facilities (the Improvements) that are focused on regional impacts and specific transportation impacts from the project and will also identify the fair-share responsibilities of each Entity for the construction and financing for each Improvement. The Plan will include an implementation element that includes each Entity's responsibilities and commitment to mitigate the impacts created by all phases of the Proposed Project.</p> <p>c. The Plan will set forth a timeline and other agreed upon relevant criteria for implementation of each Improvement.</p> <p>d. The Plan will identify the total estimated design and construction cost for each Improvement and the responsibility of each Entity for both implementation and funding of such costs.</p> <p>e. The Plan will include the parameters for any agreed upon fair-share funding to be implemented that would require private and/or public developers to contribute to the costs, in a manner that will comply with applicable law.</p> <p>f. In developing the Plan, the Entities shall also consider ways in which the Improvements can be coordinated with the financing plans and programs of existing local and regional transportation and facilities, in order to avoid duplication of effort and expenditure; however, the existence of such other plans and programs shall not relieve the Entities of their collective obligation to develop and implement the Plan as set forth in this mitigation measure. Nothing in the Plan shall be construed as relieving any Entity (or any other entity) from its independent responsibility (if any) for the implementation of any transportation improvement.</p> <p>g. The Port shall seek adoption of the Plan before the Port Board of Commissioners and the City shall seek adoption of the Plan before the City Council upon the completion of the multi-jurisdictional effort to develop the Plan. The Port and the City shall report to their respective governing bodies regarding the progress made to develop the Plan within 6 months of the first meeting of the entities. Thereafter, the Port and the City shall report at least annually regarding the progress of the Plan, for a period of not less than 5 years, which may be extended at the request of the City Council and/or Board of Commissioners.</p> <p>h. The Plan shall also expressly include each Entity's pledge that it will cooperate with each other in implementing the Plan.</p> | | | | |

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| | <p>i. Prior to issuance of certificates of occupancy or building permits for any development of individual projects within the Chula Vista Bayfront Master Plan, the Port and the City shall require project applicants to make their fair-share contribution toward mitigation of cumulative freeway impacts within the City's portion of the I-5 South Corridor by participating in the City's Western Traffic Development Impact Fee or equivalent funding program.</p> <p>The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of this mitigation measure.</p> <p>*Applies to Significant Impacts 6.5-1, 6.5-2, 6.5-3, 6.5-4, 6.5-5, 6.5-6, 6.5-7, 6.5-8, 6.5-9, 6.5-10, 6.5-14, 6.5-15, 6.5-21, 6.5-22, 6.5-23, 6.5-24 and 6.5-25, which would remain significant after implementation.</p> | | | | |
| MM 6.5-2 | <p>In assessing the impact of the project on the Phase III network, it was determined that H Street between Street A and the I-5 Ramps was already widened in Phase II to accommodate growth in traffic, and it would be difficult to widen more, due to right-of-way constraints. <u>As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impacts 6.5-11 and 12, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</u></p> <p><u>If it is determined that a proposed development will trigger Significant Impact 6.5-11 or 12, then To to accommodate traffic from the project and to provide another route to I-5, the Port applicant, prior to issuance of the first certificate of occupancy for the development, shall extend E Street from the RCC Driveway to west of Bay Boulevard. The segment shall be built as a two-lane Class III Collector, or implement similar improvement(s) which reduce the identified impact to a less than significant level based on the methodologies, thresholds, and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u></p> <p><u>As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City</u></p> | <p>Port Applicant</p> <p>Prior to issuance of the First Building Permit or Final Map for Phase II Project of the development that triggers the impact and the First Certificate of Occupancy</p> | <p>City Engineer Port or City depending on the jurisdiction of the development</p> | | |

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| | <p>Engineer prior to the issuance of either a building permit or final map for a Phase II project. If the applicant is responsible for constructing the improvement, they <u>would-may</u> be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs.</p> <p>This Mitigation would reduce Significant Impacts 6.5-11 and 6.5-12 to below a level of significance.</p> <p>*Applies to Significant Impacts 6.5-11 and 6.5-12.</p> | | | | |
| MM 6.5-3 | <p>Prior to issuance of a certificate of occupancy for any Phase III project, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 6.5-13, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 6.5--13, then prior to the issuance of the first certificate of occupancy, for the development, the Port applicant shall construct an exclusive westbound right-turn lane at the intersection of J Street and I-5 NB Ramps, or similar improvements which reduce the identified impact to a less than significant level based on the methodologies, thresholds, and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</p> <p>As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The lane shall be constructed to the satisfaction of the City Engineer. If the applicant is responsible for constructing the improvement, they <u>would-may</u> be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs.</p> <p>This mitigation would reduce Significant Impact 6.5-13 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-13.</p> | <p>Port Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and <u>the first</u> Certificate of Occupancy for any Phase III Project</p> | <p>City Engineer</p> <p>Port or City depending on jurisdiction of the development</p> | | |
| MM 6.5-4 | <p>Prior to issuance of a certificate of occupancy for any Phase III project, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 6.5-16, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project</p> | <p>Port Applicant</p> <p>Prior to First issuance of the first Building Permit of the development</p> | <p>City Engineer</p> <p>Port or City depending on jurisdiction of the</p> | | |

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| | <p><u>specific analysis is conducted.</u></p> <p>If it is determined that the development will trigger Significant Impact 6.5-16, then prior to the issuance of <u>the first</u> certificate of occupancy for the development, the Port applicant shall widen E street between the RCC Driveway and Bay Boulevard to a two-lane Class II Collector, or similar improvements which reduce the identified impact to a less than significant level based on the methodologies, thresholds, and standards outlined in Section 4.2.3, <u>and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u></p> <p><u>As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. If the applicant is responsible for constructing the improvement, they <u>would may</u> be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs.</u></p> <p>This mitigation would reduce Significant Impact 6.5-16 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-16.</p> | <p><u>that triggers the impact and the first</u> Certificate of Occupancy for any Phase III Project</p> | <p><u>development</u></p> | | |
| MM 6.5-45 | <p>Prior to issuance of a certificate of occupancy for any Phase III project, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 6.5-17, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p><u>If it is determined that the development will trigger Significant Impact 6.5- 17, then prior to the issuance of the first certificate of occupancy for the development, the Port applicant shall widen Street A between H Street and Street C to a four-lane Class I Collector, or similar improvements which reduce the identified impact to a less than significant level based on the methodologies, thresholds, and standards outlined in Section 4.2.3 and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision -</u></p> <p><u>As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. If the applicant is responsible for constructing the improvement, they <u>would may</u> be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified</u></p> | <p>Port Applicant</p> <p><u>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first</u> Certificate of Occupancy for any Phase III Project</p> | <p>City Engineer <u>Port or City depending on jurisdiction of the development</u></p> | | |

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| | <p><u>improvement costs.</u></p> <p>This mitigation would reduce Significant Impact 6.5-17 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-17.</p> | | | | |
| MM 6.5-6 | <p>Prior to issuance of a certificate of occupancy for any Phase III project, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 6.5-18, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 6.5-18, then prior to the issuance of the <u>first</u> certificate of occupancy for the development, the Port applicant shall construct southbound left- and right-turn lanes at the intersection of E Street and Bay Boulevard, or similar improvements which reduce the identified impact to a less than significant level based on the methodologies, thresholds, and standards outlined in Section 4.2.3, <u>and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u></p> <p>As a condition of project approval, the Applicant, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The lane shall be constructed to the satisfaction of the City Engineer. If the applicant is responsible for constructing the improvement, they <u>would may</u> be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs.</p> <p>This mitigation would reduce Significant Impact 6.5-18 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-18.</p> | <p>Port Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and <u>the first</u> Certificate of Occupancy for any Phase III Project</p> | <p>City Engineer Port or City depending on jurisdiction of the development</p> | | |
| MM 6.5-7 | <p>Prior to issuance of a certificate of occupancy for any Phase III project, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 6.5-19, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 6.5-19, then prior to the issuance of the <u>first</u> certificate of occupancy for the development, the Port applicant</p> | <p>Port Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and <u>the first</u> Certificate of</p> | <p>City Engineer Port or City depending on jurisdiction of the development</p> | | |

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| | <p>shall construct an exclusive eastbound right-turn lane at the intersection of J Street and Bay Boulevard, or similar improvements which reduce the identified impact to a less than significant level based on the methodologies, thresholds, and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</p> <p>As a condition of project approval, the Applicant shall, prior to first building permit, provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The lane shall be constructed to the satisfaction of the City Engineer. If the applicant is responsible for constructing the improvement, they would may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs.</p> <p>This mitigation would reduce Significant Impact 6.5-19 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-19.</p> | Occupancy for any Phase III Project | | | |
| MM 6.5-8 | <p>Prior to issuance of a certificate of occupancy for any Phase III project, As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 6.5-20, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 6.5- 20, then prior to the issuance of the first certificate of occupancy, for the development, the Port applicant shall construct an exclusive westbound right-turn lane at the intersection of J Street and I-5 NB Ramps, or similar improvements which reduce the identified impact to a less than significant level based on the methodologies, thresholds, and standards outlined in Section 4.2.3, and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</p> <p>As a condition of project approval, the Applicant shall, prior to issuance of the first building permit, provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. If the applicant is responsible for constructing the improvement, they may be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs. The lane shall be constructed to the satisfaction of the City Engineer.</p> <p>This mitigation would reduce Significant Impact 6.5-20 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-20.</p> | <p>Port Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and the first Certificate of Occupancy for any Phase III Project</p> | <p>City Engineer</p> <p>Port or City depending on jurisdiction of the development</p> | | |
| MM 6.5-9 | <p>Prior to the issuance of certificates of occupancy for any development in Phase IV of the</p> | Port Applicant | City Engineer | | |

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| | <p>development. As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 6.5-26, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 6.5- 26, then prior to the issuance of the <u>first</u> certificate of occupancy, for the development, the Port applicant shall construct an eastbound and westbound through-lane along H Street (as part of roadway segment mitigation) and a westbound right-turn lane at the intersection of H Street and Woodlawn Avenue, or similar improvements which reduce the identified impact to a less than significant level based on the methodologies, thresholds, and standards outlines in Section 4.2.3, <u>and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u></p> <p>As a condition of project approval, the Applicant shall, prior to issuance of the first building permit, provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The additional lanes shall be constructed to the satisfaction of the City Engineer. If the applicant is responsible for constructing the improvement, they <u>would may</u> be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs.</p> <p>This mitigation would reduce Significant Impact 6.5-26 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-26.</p> | <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and <u>the first</u> Certificate of Occupancy</p> | <p>Port or City depending on jurisdiction of the development</p> | | |
| MM 6.5-10 | <p>Prior to the issuance of certificates of occupancy for any development in Phase IV of the development. As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 6.5-27, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p>If it is determined that the development will trigger Significant Impact 6.5-27, <u>then prior to the issuance of the first</u> certificate of occupancy, for the development, the Port applicant shall construct a westbound through- and right-turn lane along H Street at the intersection of H Street and Broadway, or similar improvements which reduce the identified impact to a less than significant level based on the methodologies, thresholds, and standards outlined in Section 4.2.3, <u>and to the satisfaction of the Port. The Port shall consult with the City</u></p> | <p>Port Applicant</p> <p>Prior to First issuance of the first Building Permit of the development that triggers the impact and <u>the first</u> Certificate of Occupancy for any development in Phase IV</p> | <p>City Engineer Port or City depending on the jurisdiction of the development</p> | | |

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| | <p><u>Engineer prior to its final decision.</u></p> <p>As a condition of project approval, the Applicant shall, prior to issuance of the first building permit, provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The lane shall be constructed to the satisfaction of the City Engineer. If the applicant is responsible for constructing the improvement, they <u>would may</u> be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs.</p> <p>With mitigation, this intersection would still operate at LOS [Level of Service] E during the PM peak hour. This is consistent with the result from the Chula Vista Urban Core traffic study, which concluded that no additional mitigation is desired at this location. This mitigation would reduce Significant Impact 6.5-27 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-27.</p> | | | | |
| MM 6.5-11 | <p>Prior to the issuance of certificates of occupancy for any development in Phase IV of the development. As part of the development application, the Project Applicant shall submit to the Port or City, as applicable depending on the jurisdiction that the development is located, a project specific transportation analysis, which shall be reviewed and approved by the applicable agency, at the Applicant's cost, to determine if the traffic associated with the proposed development would trigger Significant Impact 6.5-28, based on the methodologies, thresholds, and standards outlined in Section 4.2.3. The analysis shall compare Existing to Existing Plus Project conditions, where Existing conditions represents the year in which the project specific analysis is conducted.</p> <p><u>If it is determined that the development will trigger Significant Impact 6.5-28, then prior to the issuance of</u> issuance of the <u>first certificate of occupancy for the development</u>, the Port applicant shall construct a dual eastbound left-turn lane along J Street at the intersection of J Street and I-5 NB Ramps, or similar improvements which reduce the identified impact to a less than significant level based on the methodologies, thresholds, and standards outlined in Section 4.2.3, <u>and to the satisfaction of the Port. The Port shall consult with the City Engineer prior to its final decision.</u></p> <p>As a condition of project approval, the Applicant shall, prior to issuance of the first building permit, shall provide a bond, letter of credit or other financial assurance that the improvement will be completed to the satisfaction of the Port in consultation with the City Engineer. The improvement shall be implemented <u>first building permit for the development that triggers the impact.</u> The additional lanes shall be constructed to the satisfaction of the City Engineer. If the applicant is responsible for constructing the improvement, they <u>would may</u> be eligible for BFDIF credit, or potential reimbursement in an amount not to exceed the verified improvement costs.</p> <p>This mitigation would reduce Significant Impact 6.5-28 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-28.</p> | <p>Port Applicant</p> <p>Prior to <u>First issuance of the first Building Permit of the development that triggers the impact and the first</u> Certificate of Occupancy for any development in Phase IV</p> | <p>City Engineer Port or City depending on the jurisdiction of the development</p> | | |
| MM 6.5-12 | All developments within the Master Plan Area shall participate in the Bayfront Development | Applicant | Port and City | | |

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| | <p><u>Impact Fee (BFDIF) Program as a means to mitigate their portion of the identified transportation related impacts, both direct and cumulative.</u></p> <p><u>*Applies to Significant Impacts -4.2-21 through 4.2-45 as well as 6.5-11 through 6.5-28.</u></p> | <u>Prior to First Building Permit</u> | | | |
| MM 6.6-1 | <p>A. View Protection: As a condition for issuance of Coastal Development Permits, buildings fronting on 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. Visual elements above six feet in height shall be prohibited in this zone if the feature would reduce visibility by more than 10 percent. Placement of trees should take into account potential view blockage. This mitigation should not be interpreted to not allow tree masses; however, 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 up 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 groundplane to the extent feasible. All plans shall be subject to review and approval by the Port. All future development proposals shall conform to Port design guidelines and standards to the satisfaction of the Port.</p> <p>B. Height and Bulk: Prior to issuance of Coastal Development Permits for projects within the Port'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. This shall be done to the satisfaction of the Port.</p> <p>C. Height and Bulk: Prior to design review approval for properties within the City'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</p> | <p>Project Developer -Prior to First Coastal Development Permit</p> <p>Project Developer -Prior to First Coastal Development Permit</p> <p>Project Developer -Prior to Design</p> | <p>Port</p> <p>Port</p> <p>City</p> | | |

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| | <p>such as articulated facades, distributed building massing, horizontal banding, 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 the large project components to diminish imposing building edges, monotonous facades and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the City of Chula Vista Planning Director.</p> <p>D. Landscaping: Prior to final approval of Phase I infrastructure design plans, the Port and City shall collectively develop a master landscaping plan for the project's public components and improvements. The plan shall provide sufficient detail to ensure conformance to streetscape design guidelines and that future developers/tenants, as applicable, provide screening of parking areas.</p> <p>Streetscape landscaping shall be designed to enhance the visitor experience for both pedestrians and those in vehicles. Specifically, detailed landscaping plans shall be developed to enhance Marina Parkway, a designated scenic roadway and shall provide, where appropriate, screening of existing industrial uses and parking areas until such time as these facilities are redeveloped.</p> <p>Street landscaping design shall be coordinated with a qualified biologist or landscape architect to ensure that proposed trees and other landscaping are appropriate for the given location. For instance, vegetation planted adjacent to open water/shoreline areas must not provide raptor perches. Landscaping shall be drought tolerant or low water use, and invasive plant species shall be prohibited.</p> <p>E. Landscaping: Prior to approval of a tentative map or site development plan for future residential development, the project developer shall submit a landscaping design plan for on-site landscaping improvements that is in conformance to design guidelines and standards established by the City of Chula Vista. The plan shall be implemented as a condition of project approval.</p> <p>F. Gateway Plan: Concurrent with the preparation of Phase I infrastructure design plans for E and H Street, a Gateway plan shall be prepared for E and H Streets. Prior to issuance of occupancy for any projects within the Port's jurisdiction in Phase I, the</p> | <p>Review Approval</p> <p>Port and City -Prior to Final Approval of Phase I Design</p> <p>Project Developer -Prior to TM/SDP Approval</p> <p>Applicant -Prior to</p> | <p>Port in Coordination with qualified Biologist or Landscape Architect</p> <p>City</p> <p>Port and City's Director of</p> | | |

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| | <p>E and H Street Gateway plan shall be approved by the Port 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.</p> <p>G. Gateway Plan: Concurrent with development of H-13 and H-14, the applicant shall submit a Gateway plan for J Street for City Design Review consideration. Prior to issuance of any building permits, the J Street Gateway plan shall be approved by the Director of Planning and Building in coordination with the Port's Director of Planning. The J Street Gateway plan shall be coordinated with the Gateway plan for E and H Streets.</p> <p>*Applies to Significant Impact 6.6-1, which would remain significant after mitigation</p> | <p>Occupancy</p> <p>Applicant -Prior to First Building Permit</p> | <p>Planning and Building</p> <p>City's Director of Planning and Building in coordination with the Port's Director of Planning</p> | | |
| MM 6.8-1 | <p>Prior to the issuance of any grading permit, the following measures shall be placed as notes on all grading plans, and shall be implemented during grading of each phase of the project to minimize construction emissions. These measures shall be completed to the satisfaction of the Port and the Director of Planning and Building for the City of Chula Vista (these measures were derived, in part, from Table 11-4 of Appendix 11 of the SCAQMD CEQA Air Quality Handbook (SCAQMD 1999)).</p> <p>See Mitigation Measure 6.8-1 in <i>Chapter 6, Cumulative Impacts</i>, for a list of Best Available Control Measures for Specific Construction Activities.</p> <p>*Applies to Significant Impact 6.8-1, which would remain significant and unmitigated after mitigation</p> | <p>Developer -Prior to start of grading</p> | Port and City | | |
| MM 6.8-2 | <p>A. For residential as well as mixed-use/commercial development within the City's jurisdiction, the applicants shall submit an Air Quality Improvement Plan (AQIP) with any Tentative Maps submitted to the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the project have been implemented to the satisfaction of the Director of Planning and Building for the City of Chula Vista. This plan shall demonstrate "the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles</p> | <p>Applicants -With submittal of Tentative Map</p> | City | | |

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| | <p>traveled. There are two options to meet the AQIP requirement. The applicant shall evaluate the project in accordance with the computer modeling procedures outlined in the City's AQIP guidelines, including any necessary site plan modifications.</p> <p>B. Prior to the issuance of building permits, the applicant shall demonstrate that the Proposed Project shall comply with Title 24 of the California Energy Efficient Standards for Residential and Nonresidential buildings. These requirements, along with the following measures, shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:</p> <ul style="list-style-type: none"> • Use of low-NO_x emission water heaters • Installation of energy efficient and automated air conditioners when air conditioners are provided • Energy efficient parking area lights • Exterior windows shall be doublepaned. <p>Although these measures would reduce the air quality impacts of the Proposed Project, they would not bring area and operations emissions to a level below the standard established by the SCAQMD and used in this document by the City and Port. Therefore, cumulative air quality impacts remain significant and unmitigated.</p> <p>*Applies to Significant Impact 6.8-2, which would remain significant and unmitigated.</p> | Applicant -Prior to First Building Permit | Port and City Director of Planning and Building | | |
| MM 6.8-3 | <p>Development of program-level components of the Chula Vista Bayfront Master Plan (Phases I through IV) shall implement measures to reduce GHG emissions. Specific measures may include but are not limited to the following:</p> <p><u>Energy Efficiency</u></p> <ul style="list-style-type: none"> • Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping, and sun screens to reduce energy use. • Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings. • Install light colored "cool" roofs, cool pavements, and strategically placed shade trees. | Applicants -During development of Program level components of the CVBMP | | | |

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| | <ul style="list-style-type: none"> • Provide information on energy management services for large energy users. • Install energy efficient heating and cooling systems, appliances and equipment, and control systems. • Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting. • Limit the hours of operation of outdoor lighting. • Use solar heating, automatic covers, and efficient pumps and motors for pools and spas. • Provide education on energy efficiency. • Renewable Energy • Install solar and wind power systems, solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives. • Install solar panels on carports and over parking areas. • Use combined heat and power in appropriate applications. • Water Conservation and Efficiency • Create water-efficient landscapes. • Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. • Use reclaimed water for landscape irrigation in new developments and on public property where appropriate. Install the infrastructure to deliver and use reclaimed water. • Design buildings to be water-efficient. Install water-efficient fixtures and appliances. • Use gray water. (Gray water is untreated household wastewater from bathtubs, showers, bathroom wash basins, and water from clothes washing machines.) For example, install dual plumbing in all new development, allowing gray water to be used for landscape irrigation. • Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. • Restrict the use of water for cleaning outdoor surfaces and vehicles. • Implement low-impact development practices that maintain the existing hydrologic character of the site to manage stormwater and protect the environment. (Retaining stormwater runoff on site can drastically reduce the need for energy-intensive | | | | |

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| | <p>imported water at the site.)</p> <ul style="list-style-type: none"> • Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project. • Provide education about water conservation and available programs and incentives. • Solid Waste Measures • Reuse and recycle construction and demolition waste (including but not limited to soil, vegetation, concrete, lumber, metal, and cardboard). • Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. • Recover by-product methane to generate electricity. • Provide education and publicity about reducing waste and available recycling services. • Transportation and Motor Vehicles • Limit idling time for commercial vehicles, including delivery and construction vehicles. • Use low- or zero-emission vehicles, including construction vehicles. • 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. • 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). • Provide public transit incentives, such as free or low-cost monthly transit passes. • 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) locked bicycle storage or covered or indoor bicycle parking. • Institute a telecommute work program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences. • Provide information on all options for individuals and businesses to reduce | | | | |

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| | <p>transportation-related emissions. Provide education and information about public transportation.</p> <ul style="list-style-type: none"> The measures identified above and in Mitigation Measures 4.16-2, will substantially reduce GHG emissions, achieving reductions of at least 20 percent below "business as usual." Furthermore, better technology is rapidly developing and may provide further measures in the near future that will avoid conflict with the goals or strategies of AB 32 or related Executive Orders. Once projects are defined within the program phases, further environmental review will be required, at which time the most current measures will be identified and required to be consistent with this mitigation measure and any additional regulations in effect at the time. Implementation of Mitigation Measure 6.8-3, therefore, will avoid a contribution to a cumulatively significant impact and will result in a less than significant impact to global climate change. <p>*Applies to Significant Impact 6.8-3</p> | | | | |
| MM 6.11-1 | <p>A. Prior to construction of any program-level components of the project that impact eelgrass, a pre-construction eelgrass survey shall be conducted by a qualified biologist to confirm the exact extent of the impact at the time of pile driving operations. The pre-construction survey must be conducted during the period of March through October and would be valid for a period of no more than 60 days, with the exception that surveys conducted in August through October would be valid until the following March 1.</p> <p>B. Prior to the construction of any program-level components of the project that impact eelgrass, the Port shall establish and implement a plan to create new eelgrass habitat at a ratio of 1.2:1. The Port shall create new eelgrass habitat by removing the existing eelgrass currently located in the impacted areas and transplanting it at the new location. Identification and planting of the restoration site shall be completed to the satisfaction of the Port prior to commencement of construction.</p> <p>C. Subsequent to construction of any program-level components of the project that impact eelgrass, a post-construction eelgrass survey shall be conducted by a qualified biologist. The post-construction survey shall be conducted within 30 days of the cessation of construction activities to confirm the exact amount of eelgrass affected. The difference between the pre-construction and post-construction eelgrass surveys shall determine the</p> | <p>Port</p> <p>-Prior to construction of any program-level components that would impact eelgrass</p> <p>Port</p> <p>-Prior to construction of any program-level components that would impact eelgrass</p> <p>Port in coordination with a qualified biologist</p> | <p>Port in coordination with a qualified biologist</p> <p>Port in coordination with a qualified biologist</p> <p>Port</p> | | |

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|-------------|---|---|-------------------|--------------------|----------------------|
| | <p>amount of required additional mitigation. In addition, the Port shall:</p> <ul style="list-style-type: none"> • Conduct transplant reports following construction (Initial Report). It would take 1 to 2 years for all of the fine sediment to dissipate in the water column for the movement of such a large amount of sediment. Based on this, eelgrass transplant success would not be possible for 1 to 2 years. Mitigation would be required for additional time delays. • Conduct monitoring reports at 6, 12, 24, 36, 48, and 60 months post-transplant. Specific milestones and criteria for success are directed in the SCEMP along with guidelines for remedial actions if the success criteria are not met, which would require (based on the absence of other mitigating environmental considerations) a Supplementary Transplant Area to be constructed and monitored for an additional 5 years. • Initiate any potential additional mitigation within 135 days of project inception; projects requiring more than 135 days to be completed may result in further additional mitigation. <p>D. If an appropriate mitigation site is not available at the time of construction of the program components which would impact eelgrass, mitigation habitat shall be created through fill or appropriate habitat in the Bay. Any delays to eelgrass planting after the impact occurs would require additional mitigation of 7 percent per month of additional eelgrass.</p> <p>Implementation of Mitigation Measure 6.11-1 would reduce significant cumulative impacts to eelgrass to below significance.</p> <p>*Applies to Significant Impact 6.11-1.</p> | eelgrass | | | |
| MM 6.15.2-1 | <p>Prior to the approval of a building permit for any development in all phases of the Proposed Project, the City shall verify that it has adequate sewer capacity to serve the proposed development. In the event the City does not have adequate sewer capacity to serve the proposed development, no building permit shall be approved for the proposed development until the City has acquired adequate sewer capacity to serve the proposed development. In accordance with Section 15130(a)(3) of the State CEQA Guidelines, a</p> | <p>City -Verify adequate sewer capacity exists prior to Approval of Building Permit</p> | City | | |

CHULA VISTA BAYFRONT MASTER PLAN PROJECT
AMENDED MITIGATION MONITORING AND REPORTING PROGRAM

| Number | Mitigation Measure | Responsible Party and Mitigation Timing | Monitoring Agency | Date of Completion | Date of Verification |
|-------------|---|--|-------------------|--------------------|----------------------|
| | <p>significant cumulative impact would be rendered less than cumulatively considerable, and thus is not significant when the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The requirement for the contribution to provide a fair-share contribution to the provision of the needed sewer service mitigates the cumulative impact to below significance.</p> <p>*Applies to Significant Impact 6.15.2-1</p> | (if City acquires additional sewer capacity for project, applicant to pay fair share of acquisition fee) | | | |
| MM 6.15.6-1 | <p>Prior to the issuance of a building permit, the applicant shall pay all required school mitigation fees.</p> <p>Payment of statutory school fees would ensure that project impacts to school services remain below a level of significance. As indicated above, the fees set forth in Government Code Section 65996 constitute the exclusive means of both "considering" and "mitigating" school facilities impacts of projects (Government Code Section 65996(a)). Once the statutory school mitigation fee (sometimes referred to as a "developer fee") is paid, the impact would be deemed mitigated as a matter of law. Therefore, this mitigation measure would reduce the cumulative impact to schools to a level less than significant.</p> <p>*Applies to Significant Impact 6.15.6-1.</p> | <p>Applicant</p> <p>-Prior to Building Permit Approval</p> | City | | |
| MM 6.15.7-1 | <p>For Phase I residential project, prior to the approval of a building permit, the applicant(s) shall pay a Public Facilities Development Impact Fee (PFDIF) or other equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance.</p> <p>Implementation of Mitigation Measure 6.15.7-1 would provide funds that can be used to construct new facilities, as required, to meet the need resulting from project development. Due to existing library deficiency and inability to demonstrate that fees would fully mitigate, implementation of the measure would not reduce the significant impact to library services to a level below significance.</p> <p>*Applies to Significant Impact 6.15.7-1</p> | <p>Applicant(s)</p> <p>-Prior to Building Permit Approval</p> | City | | |
| MM 6.17-1 | <p>Encourage compact development featuring a mix of uses that locate residential areas within reasonable walking distance to jobs, services, and transit.</p> | Applicant | Port or City | | |

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|--------|---|---|-------------------|--------------------|----------------------|
| | <ul style="list-style-type: none"> • Promote and facilitate transit system improvements in order to increase transit use and reduce dependency on the automobile. • Encourage innovative energy conservation practices and air quality improvements in new development and redevelopment projects consistent with the City's AQIP Guidelines or their equivalent, pursuant to the City's Growth Management Program. <p>Despite the fact that the Project would result in adoption of these conservation measures, the cumulative impact relative to energy supply would remain significant and unmitigated because of the of the uncertainty of the future supply of energy, which is within the responsibility and control of SDG&E and other entities responsible for arranging electric energy supplies, not the Port or the City.</p> <p>*Applies to Significant Impact 6.17-1.</p> | | | | |