

Final Environmental Impact Report National City Bayfront Projects & Plan Amendments

UPD# EIR-2018-232; SCH# 2018121054



VOLUME 1 of 6



September 2022



PORT of
SAN DIEGO
Environment



FINAL ENVIRONMENTAL IMPACT REPORT
for the
National City Bayfront Projects & Plan Amendments

UPD # EIR-2018-232
State Clearinghouse (SCH) #2018121054

Volume 1 of 6

Final EIR

Lead Agency:

San Diego Unified Port District
P.O. Box 120488
San Diego, CA 92112-0488

Contact: Anna Buzaitis, (619) 686-7263

September 2022

Contents

Chapter 1 Introduction.....	1-1
1.1 Contents and Organization of the Final Environmental Impact Report	1-1
1.2 Certification of the Final EIR	1-2
1.3 Project Overview.....	1-3
Chapter 2 Revisions to the Draft EIR.....	2-1
2.1 Introduction	2-1
2.2 Summary of Project Description Revisions	2-1
2.2.1 National City Aquatic Center Coastal Development Permit Amendment	2-1
2.2.2 Pepper Park Expansion	2-2
2.2.3 Revisions to GB Capital Component	2-2
2.2.4 Revisions to Bayshore Bikeway Component.....	2-3
2.2.5 Revisions to City Program – Development Component	2-3
Chapter 3 Comments Received and District Responses	3-1
3.1 Introduction	3-1
3.2 Comments Received on the Draft EIR.....	3-1
3.3 Comment Letters and Responses	3-3
Chapter 4 References	4-1
4.1 Chapter 1, Introduction	4-1
4.2 Chapter 2, Revisions to the Draft EIR.....	4-1
4.3 Chapter 3, Comments Received and District Responses	4-1

Attachment 1 Mitigation Monitoring and Reporting Program

Tables

1-1	Document Organization and CEQA Requirements	1-1
3-1	Agencies, Organizations, and Interested Parties that Submitted Comment Letters on the Draft EIR.....	3-1

1.1 Contents and Organization of the Final Environmental Impact Report

This Final Environmental Impact Report (Final EIR) has been prepared to evaluate the potential environmental impacts that may result from implementation of the National City Bayfront Projects & Plan Amendments (proposed project). The content and format of this Final EIR is designed to meet the requirements of California Environmental Quality Act (CEQA); the State CEQA Guidelines, Article 9, specifically State CEQA Guidelines Section 15132; and the San Diego Unified Port District’s (District’s) Guidelines for Compliance with CEQA (Resolution 97-191). Table 1-1 summarizes the organization and content of the Final EIR.

Table 1-1. Document Organization and CEQA Requirements

Location	Contents
VOLUME 1	
Chapter 1 <i>Introduction</i>	Provides background on the proposed project, the requirements for a Final EIR and other related documents, and the organization of the Final EIR.
Chapter 2 <i>Revisions to the Draft EIR</i>	Includes an overview of the revisions made to the Draft EIR, which were prepared in response to comments received during the public review period for the Draft EIR. A revised version of the Draft EIR, in tracked changes, is included in its entirety in Volume 2 of the Final EIR, and the Final EIR technical appendices are included in Volumes 3–6 of the Final EIR (State CEQA Guidelines Section 15132).
Chapter 3 <i>Comments Received and District Responses</i>	Includes a list of agencies, organizations, and individuals that provided comments on the Draft EIR during the public review period. An additional late comment letter has been added. Each comment is assigned a comment number, which corresponds to a response (State CEQA Guidelines Section 15132).
Chapter 4 <i>References</i>	Includes a list of references used in the Final EIR.
Attachment 1 <i>Mitigation Monitoring and Reporting Program</i>	The Mitigation Monitoring and Reporting Program (MMRP) for the project is included as Attachment 1 to the Final EIR. The MMRP is presented in table format and identifies mitigation measures for the proposed project, the party responsible for implementing the mitigation measures, the timing of implementing the mitigation measures, and the monitoring and reporting procedures for each mitigation measure (State CEQA Guidelines Section 15097).
VOLUME 2	
<i>Revised Draft EIR</i>	Volume 2 of the Final EIR is a revised version of the Draft EIR, identifying changes in the text of the Draft EIR and other information added by the District in response to public comments received (State CEQA Guidelines Section 15132).

Location	Contents
VOLUME 3	
<i>Draft EIR Technical Appendices A–G</i>	Volume 3 of the Final EIR consists of Appendices A through G of the Final EIR (Volume II of the Draft EIR). Appendix Da (Revised Draft Port Master Plan Amendment associated with Balanced Plan) was added to the Final EIR. No other revisions were made to these appendices compared to this volume of the Draft EIR.
VOLUME 4	
<i>Draft EIR Technical Appendices H–J</i>	Volume 4 of the Final EIR consists of Appendices H through J of the Final EIR (Volume III of the Draft EIR). Revisions were made to Appendix H (Marine Biological Resources Report) and Appendix J (Noise and Vibration Data and Calculations). The revisions to Appendices H and J are shown in strikeout / <u>underline</u> . A Historic Property Survey Report was added to the Final EIR as Appendix Ia in response to public comments. No other revisions were made to these appendices compared to this volume of the Draft EIR.
VOLUME 5	
<i>Draft EIR Technical Appendix K</i>	Volume 5 of the Final EIR consists of Appendix K of the Final EIR (Volume IV of the Draft EIR). Revisions were made to Appendix K (Transportation Impact Analysis), related to Comment Letter E (from the California Department of Transportation, District 11).
VOLUME 6	
<i>Draft EIR Technical Appendices L–N</i>	Volume 6 of the Final EIR consists of Appendices L through N of the Final EIR (Volume V of the Draft EIR). No revisions were made to this appendix compared to this volume of the Draft EIR.

1.2 Certification of the Final EIR

The District is the Lead Agency, as defined in State CEQA Guidelines Section 15367, because it has principal responsibility for approving the proposed project. As Lead Agency, the District also has primary responsibility for complying with CEQA. Therefore, the Board of Port Commissioners (Board), as the decision-making body of the District, is required to consider the information contained in the Final EIR prior to approving the proposed project. Specifically, the Board must certify the following.

- The Final EIR has been completed in compliance with CEQA.
- The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project.
- The Final EIR reflects the Lead Agency’s independent judgment and analysis.

Other agencies, such as the City of National City and the California Coastal Commission, may use the information contained in this Final EIR when considering issuance or authorization of any other approvals for the project. The Final EIR, in compliance with Section 15132 of the State CEQA Guidelines, includes the chapters and attachments listed in Table 1-1 above.

1.3 Project Overview

The District, City of National City (City), GB Capital Holdings (GB Capital), and Pasha Automotive Services (Pasha) (collectively, the project proponents) are proposing a project with both landside and waterside development components; an amendment to the District's Port Master Plan (PMP); amendments to the City's Local Coastal Program (LCP), General Plan, Harbor District Specific Area Plan (HDSAP), and Land Use Code (LUC) (Municipal Code Title 18 Zoning) (collectively, the project or proposed project) on approximately 77 acres, consisting of approximately 58 landside acres and 19 waterside acres (project site) within District and City jurisdiction in National City.

Specifically, the proposed project includes the following main components.

- Changes to land and water use designations in the District's PMP (National City Marina District Balanced Land Use Plan [Balanced Plan]).
- Construction and operation of a recreational vehicle (RV) park, modular cabins, dry boat storage, an expanded marina, and up to four hotels, primarily within the District's jurisdiction (GB Capital Component).
- Construction and operation of a rail connector track and storage track within the District's jurisdiction (Pasha Rail Improvement Component).
- Closure of Tidelands Avenue between Bay Marina Drive and 32nd Street, as well as West 28th Street between Tidelands Avenue and Quay Avenue, within the District's and City's jurisdictions and redesignation of the area to Marine-Related Industrial in the District's PMP (Pasha Road Closures Component).
- Construction and operation of Segment 5 of the Bayshore Bikeway within the District's and City's jurisdictions (Bayshore Bikeway Component).
- Construction and operation of hotel, restaurant, retail, and/or a combination of tourist/visitor-serving commercial development north of Bay Marina Drive within the City's jurisdiction (City Program – Development Component).
- PMP Amendment (PMPA) to clarify jurisdictional land use authority, redesignate land uses, and balance commercial and maritime uses (PMPA Component).
- Amendments to the City's LCP, General Plan, HDSAP, and LUC that would include changes to jurisdictional boundaries; changes to subarea boundaries; and changes to land use, specific plan, and zone designations (City Program – Plan Amendments Component).

The proposed Balanced Plan includes a PMPA and corresponding LCP amendment (LCPA) to correct jurisdictional land use maps and clarify the land use authority, redesignate land uses, and balance commercial and maritime uses. The Balanced Plan was created in response to a public planning process to identify a reconfiguration of land uses to optimize recreational, maritime, and commercial uses within the National City Marina District, which is the area generally north of Sweetwater Channel and west of the wildlife refuge (Paradise Marsh). Implementation of the Balanced Plan would clearly delineate maritime land use boundaries from potential recreational and commercial land use boundaries while allowing operational efficiencies to increase at the National City Marine Terminal (NCMT) and maintaining sensitivity to the function and sustainability of the Paradise Marsh, as well as public access and recreation in an expanded Pepper Park. The Balanced Plan proposes to accomplish this through the reconfiguration of roadways, a new rail connection,

reconfiguration of commercial recreation and maritime-related land uses, the expansion of Pepper Park, and preservation of habitat buffers for the adjacent wildlife refuge.

The Balanced Plan, most of the GB Capital Component, the Pasha Rail Improvement Component, most of the Pasha Road Closures Component, and a portion of the Bayshore Bikeway Component are all within the District's jurisdictional boundaries. Consequently, changes proposed by these components would require a PMPA and are referred to collectively as the Port Master Plan Amendment Component (or PMPA Component), and include the following.

- Incorporation of the Balanced Plan, most of the GB Capital Component, the Pasha Rail Improvement Component, and the alignment of the Bayshore Bikeway into the PMP.
- Removal of the Street designation for the street closures associated with the Pasha Road Closures Component and redesignation of these areas (with the exception of the area within the City's jurisdiction) as Marine-Related Industrial.
- Addition of approximately 12.4 acres of the Balanced Plan, located mostly on the GB Capital site east of the mean high tide line and owned in fee by the District, into the PMP.

Most of the proposed Bayshore Bikeway Component and the entire proposed City Program – Development Component are within the City's jurisdiction. Consequently, the City Program – Plan Amendments would consist of the following:

- Removal of approximately 12.4 acres of the Balanced Plan, located mostly on the GB Capital site east of the mean high tide line and owned in fee by the District, from the City's General Plan, LCP, HDSAP, and LUC to reflect changes in land use and jurisdictional authority.
- Incorporation of seven parcels north of Bay Marina Drive and adjacent rights-of-way into the City's HDSAP.

2.1 Introduction

The Final EIR includes changes to the description of the proposed project that was analyzed in the Draft EIR. These changes consist of the elimination of certain components of the proposed project that will result in a reduced or smaller version of the proposed project in this Final EIR. The revisions to the project description that affect these changes, including the reason for those revisions, are summarized below. Other modifications to the Draft EIR may have resulted from public and agency comments received on the Draft EIR, or they have been made for purposes of clarification. Project revisions, as well as other modifications or clarifications, are shown in ~~strikeout~~/underline format (i.e., additional text is shown as underlined, and deleted text is shown in ~~striketrough~~) in the text of the Volume 2 of the Final EIR. To the extent that the project description revisions affect the environmental analysis included in the Draft EIR, revisions to the environmental analysis are also shown in ~~strikeout~~/underline format. Although it is the District's intention to delete all text in the environmental analysis that related to the components of the proposed project that are being eliminated, some references to the eliminated components may inadvertently remain in the text. With the exception of Appendix H, which removed "aquaculture" from the GB Capital Component, the technical appendices were not revised to eliminate components of the project. Those elements eliminated from any further project consideration are listed below. Regardless, the project description revisions reduce the scope of the project analyzed in the Draft EIR and do not alter the conclusions of the environmental analysis such that new significant environmental impacts have been identified or additional mitigation measures are required, nor do they constitute significant new information. If anything, the Draft EIR consists of a more conservative analysis due to an overstatement of impacts from a larger project than is being presented to the Board in the Final EIR. Other modifications to the Draft EIR may have resulted from comments received on the Draft EIR or they were required for purposes of clarification and do not alter the conclusions of the environmental analysis, nor do they constitute significant new information. Section 2.2 describes the project components that have been eliminated or changed as a result of public comments or at a project proponent's request.

2.2 Summary of Project Description Revisions

Through the public process, project proponents have requested certain components be removed from the project description, as described below.¹

2.2.1 National City Aquatic Center Coastal Development Permit Amendment

Originally, the City requested certain modifications be made to the National City Aquatic Center Coastal Development Permit (CDP). At the time of the request, the City was operating the aquatic

¹ While the text of the Final EIR reflects these changes, not all the figures reflect the changes.

center. However, the City no longer operates the aquatic center and has requested that no changes be made to the CDP. Accordingly, the proposed project no longer proposes elimination of the following existing operational restrictions in the National City Aquatic Center CDP.

- Class sizes are limited to a 1:6 instructor-to-student ratio.
- Water equipment rentals (e.g., kayaks, rowboats) must be docent supervised.
- Participation in aquatic center programming shall not be denied based on the financial ability/inability to pay.
- Existing buoys in Sweetwater Channel, south of Pier 32 Marina, are in place to prevent encroachment into the adjacent refuge.
- Most aquatic center participants will arrive in groups by bus.

The previously proposed revisions to the National City Aquatic Center CDP were included in Section 3.4.1.5, *Proposed Use Modifications to National City Aquatic Center and Relocation of Buoys*, of the Draft EIR. The relocation of the buoys has been moved to the GB Capital Component, as it will be needed to implement the waterside improvements proposed by the GB Capital Component. Therefore, Section 3.4.1.5 has been eliminated from the project description.

2.2.2 Pepper Park Expansion

The eastern portion of the proposed Pepper Park expansion is within the existing GB Capital leasehold for the Pier 32 Marina and would not be able to be developed as park until that lease expires on January 31, 2047, unless GB Capital proposes a new use on their site, as is the case here. Additionally, GB Capital is proposing to use a portion of the proposed Pepper Park expansion as a pathway for forklifts that will transfer boats from the proposed dry boat storage to and from the water via a proposed pier platform (also part of the GB Capital Component). In order to accommodate both the part of the park expansion and GB Capital's proposed dry boat storage operation, the District proposes for the Pepper Park expansion footprint to extend 18 feet east of the existing park's eastern boundary (see Figure 3-4a) (and on GB Capital's current leasehold); and then the subsequent 24 feet to the east will remain as a Commercial Recreation land use designation (and on GB Capital's current leasehold) and be used as an access pathway associated with GB Capital's dry boat storage operation. The area that is proposed to remain as a Commercial Recreation land use designation is approximately 0.2-acre, and as such the northernmost part of the proposed park expansion (north of the existing Pepper Park parking lot) will be expanded by an additional 0.2-acre, as shown in Figure 3-4b. The total park expansion will remain at 2.5 acres. These revisions have been made to Section 3.4.1.2, [Balanced Plan] *Public Access Improvements*.

The option to potentially relocate Granger Hall to Pepper Park has been eliminated from the Balanced Plan Component. Therefore, Section 3.4.1.3, *Proposed Pepper Park Expansion and Reconfiguration*, has been revised to eliminate that option.

2.2.3 Revisions to GB Capital Component

GB Capital has requested, at the suggestion of the District, to eliminate the aquaculture component, which may cause incompatibilities with the recreational uses and sensitive areas surrounding the project site. Accordingly, Section 3.4.2.1, *Phase 1*, has been revised to remove proposed allocation of

waterside area for future development of infrastructure to support aquaculture in Sweetwater Channel.

Further, as stated above, the relocation of the buoys in Sweetwater Channel has been added to the GB Capital Component, as relocation of the buoys is needed to implement the waterside improvements proposed by the GB Capital Component. Relocation of the buoys was included in Section 3.4.1.5 *Proposed Use Modifications to National City Aquatic Center and Relocation of Buoys*, of the Draft EIR; however, in the Final EIR, the proposed relocation of the buoys has been moved from Section 3.4.1.5 to Section 3.4.2.1, *Phase 1* [of the GB Capital Component], of the project description.

The parking and drive aisle that was proposed east of the marina has been eliminated and the parking will be accommodated within the District's jurisdiction on the GB Capital Component site.

2.2.4 Revisions to Bayshore Bikeway Component

During circulation of the Draft EIR, the City identified the proposed preferred Bayshore Bikeway route as Route 3. Consequently, Section 3.4.5, *Bayshore Bikeway Component*, has been revised to eliminate Route 1 and Route 2 from consideration.

2.2.5 Revisions to City Program – Development Component

During the public comment period of the Draft EIR, it came to the City's and the District's attention that Bay Marina Drive, from Interstate 5 west to the National City Marine Terminal, is designated a Strategic Highway Network (STRAHNET) Connector by the Department of Defense. The STRAHNET is a system of roads necessary for emergency mobilization and the peacetime movement of goods to support the military. Therefore, the potential closure, or narrowing, of Bay Marina Drive (at Marina Way) to through vehicular traffic is being eliminated from consideration. Section 3.4.6, *City Program – Development Component* has been revised to remove the potential closure, or narrowing, of Bay Marina Drive (at Marina Way) to through vehicular traffic per the City's request.

Chapter 3

Comments Received and District Responses

3.1 Introduction

The Draft EIR was available for public review for 50 days beginning on September 29, 2021, and ending on November 17, 2021. The District posted an electronic version of the Draft EIR on the District’s website, a hard copy was sent to the City of National City Library, and a hard copy was available for review at the District’s Administration Building at 3165 Pacific Highway, San Diego, CA 92101. A Notice of Availability was posted with the County Clerk on September 29, 2021; posted on the District’s website; and mailed to various agencies, organizations, individuals, and known interested parties. All requisite documents, including the Notice of Completion form, were sent to the State Clearinghouse on September 29, 2021.

3.2 Comments Received on the Draft EIR

The District received 22 comment letters on the Draft EIR during the public review period, and one additional late comment letter was received on September 9, 2022. Topics included air quality and health risks; biological resources; greenhouse gas (GHG) emissions and climate change; hydrology and water quality; noise; sea level rise; transportation, circulation, and parking; and cumulative impacts. Table 3-1 lists the agencies, organizations, and interested parties that provided comment letters. Each comment letter was assigned a letter (e.g., Comment Letter A), and each issue that was raised within each comment letter was assigned a consecutive number that corresponds to a response number (e.g., Response to Comment A-1).

Table 3-1. Agencies, Organizations, and Interested Parties that Submitted Comment Letters on the Draft EIR

Letter	Agency/Organization	Dated	Received	Page
Federal Agencies				
A	United States Fish and Wildlife Service	01/14/22	01/14/22	3-3
State Agencies				
B	California Department of Fish and Wildlife	12/22/21	12/22/21	3-22
C	California Public Utilities Commission	10/26/21	10/26/21	3-61
D	California Coastal Commission	11/23/21	11/23/21	3-67
E	California Department of Transportation, District 11	11/17/21	11/17/21	3-86
Regional and Local Agencies				
F	City of National City	11/17/21	11/12/21	3-97
G	City of National City	12/16/21	12/16/21	3-107
H	San Diego Association of Governments	11/12/21	11/12/21	3-111
I	Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency	11/12/21	11/12/21	3-115
J	Sweetwater Authority	11/16/21	11/16/21	3-121

Letter	Agency/Organization	Dated	Received	Page
Organizations				
K	Save Our Heritage Organization	11/17/21	11/17/21	3-129
L	San Diego County Archaeological Society, Inc.	11/14/21	11/14/21	3-155
M	Environmental Health Coalition	11/12/21	11/12/21	3-156
N	GB Capital	11/16/21	11/16/21	3-166
O	Lozeau Drury, LLP	11/16/21	11/16/21	3-184
Individuals				
P	Calzada, Silvia	11/15/21	11/15/21	3-186
Q	Chavez, Lorena	11/17/21	11/17/21	3-189
R	Garcia, Margarita	11/17/21	11/17/21	3-191
S	Gaxiola, Carmen	11/17/21	11/17/21	3-193
T	Medina, Adriana	11/17/21	11/17/21	3-194
U	Medina, Karla Nava	11/16/21	11/16/21	3-196
V	Moreno, Margarita	11/17/21	11/17/21	3-197
W	Villaneuva, Conchita	11/17/21	11/17/21	3-198
X	Godshalk, Ted, and Margaret Avalos Godshalk	9/9/22	9/9/22	3-199

3.3 Comment Letters and Responses

Anna Buzalis

From: Heather Kramp
Sent: Friday, January 14, 2022 3:31 PM
To: Anna Buzalis
Subject: FW: National City Bayfront Development

Please see Sandy Vissman's comments below. Thanks!

From: Vissman, Sandy <sandy_vissman@fws.gov>
Sent: Friday, January 14, 2022 2:39 PM
To: Heather Kramp <hkramp@portofsandiego.org>
Subject: National City Bayfront Development

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Heather,

A-1 Below are staff comments on The DEIR for the National City Bayfront Projects and Plans Amendments. Thank you for your consideration of these comments. Please let me know if you or Anna would like to discuss.

A-2 After review of the *Draft Environmental Impact Report for the National City Bayfront Projects and Plans Amendments* (DEIR) we offer the following staff-level comments and recommendations to assist you in the finalization of plans and development of a final Environmental Impact Report (final EIR). Review of the *Chula Vista Bayfront Natural Resources Management Plan*, and incorporation of similar conservation measures into the National City Bayfront Projects and Plans Amendments (Project) and final EIR would help reduce the potential for indirect impacts from anticipated development. Although much of the proposed development associated with the Project will occur within previously disturbed areas, the Project will significantly increase recreational development and activities on land and water adjacent to sensitive habitats at Sweetwater National Wildlife Refuge (Refuge).

Special Status Animal Species

A-4 The DEIR does not include a table that depicts special status animal species within the Project area. In the final EIR, please include a table of special status animal species that may be directly or indirectly affected by the Project, including species within the Project footprint, and species that use habitat adjacent to the Project footprint, but may be indirectly affected by the Project. The Project footprint is adjacent to federally listed species habitat, including light-footed Ridgway's rail (*Rallus longirostris levipes*; rail) habitat, western snowy plover (*Charadrius nivosus nivosus*; snowy plover) foraging habitat, and California least tern (*Sternula antillarum browni*; least tern) foraging habitat within the Sweetwater River. The Project footprint is within 500 feet of snowy plover designated Critical Habitat Subunit 55E, the Sweetwater National Wildlife Refuge, D-Street Fill (<https://www.govinfo.gov/content/pkg/FR-2012-06-19/pdf/2012-13886.pdf#page=1>) and within 750 feet of least tern nesting habitat. Increases in boating activity, pedestrian activity, pets, lighting, and noise could affect these adjacent habitats. We recommend that the final EIR acknowledge potential indirect impacts to the least tern and rail associated with: structural changes (e.g. addition of buildings and structures) along the shoreline that create perches for raptors and corvids; potential for disturbance associated with anticipated increased recreational use of the Sweetwater River; and potential for disturbance associated with in-water or shoreline construction activities. We recommend that the final EIR include minimization measures to reduce the potential for impacts to species that inhabit terrestrial and marine habitat adjacent to the Project footprint, including incorporation of design elements and development guidelines that: 1) reduce the potential for raptor and corvid nesting and perching; 2) educate visitors and regulate recreational use in the Sweetwater River mouth; 3) identify construction windows that avoid the avian breeding season, where appropriate.

Access to Refuge

The comments and responses to the U.S. Fish and Wildlife comment letter have been reviewed by ICF's biologist, Makela Mangrich, and MTS' biologist Robert Mooney. The responses incorporate both Ms. Mangrich's and Mr. Mooney's biological analysis as provided in the revised EIR.

Response to Comment A-1

This comment is an introductory comment from the United States Fish and Wildlife Service (USFWS) noting that staff comments are being provided on the Draft EIR for the proposed project. The comment also states after review of the Draft EIR, they offer the following staff-level comments and recommendations to assist in the finalization of plans and development of a Final EIR. The comment does not raise any environmental issues requiring a response pursuant to CEQA.

Response to Comment A-2

The comment states that review of the Chula Vista Bayfront Natural Resources Management Plan (NRMP), and incorporation of similar conservation measures into the proposed project and Final EIR, would help reduce the potential for indirect impacts from anticipated development.

The NRMP is a 50-year, non-regulatory resource management plan applicable to all development within the over-500-acre Chula Vista Bayfront (CVB) project area. The District co-authored the NRMP with the City of Chula Vista and it was finalized in 2016. The comment does not specify any specific conservation measures that should be incorporated from the NRMP. Some of the NRMP measures recommendations are specific to the Chula Vista Bayfront project area (e.g., J Street Marsh and Salt Pond), and others are already generally reflected in the Draft EIR for the National City Bayfront project. Conservation measures from the NRMP that are also included within the National City Bayfront project include the following:

- Using buffers between development and sensitive salt marsh/wetland habitats, as described in the Balanced Plan project description (Section 3.4.1.2 of the Draft EIR). One of the features of the Balanced Plan would be the inclusion of a habitat buffer from the delineated wetlands west

of the Wildlife Refuge (Paradise Marsh) and a building setback from the western edge of the Wildlife Refuge (see Figure 3-6). This habitat buffer is also included in the City of National City's Harbor District Specific Area Plan (HDSAP). A minimum 200-foot building setback from the eastern edge of the GB Capital Component would also be maintained.

- Providing compensatory mitigation for permanent, direct impacts on sensitive natural communities, as further detailed in **MM-BIO-10**.
- Minimizing water quality impacts, as required by state and federal law and by installing silt curtains during pile installation, as stipulated in **MM-BIO-7**.
- Minimizing impacts on sea turtles, marine mammals, seabirds, and special-status/sensitive plants and animals, etc. in accordance with **MM-BIO-1** through **MM-BIO-13**.

Upon reviewing the NRMP as requested by the USFWS, the intent of the NRMP is consistent with the information, analysis, and mitigation measures included in this Final EIR. As such, no changes to the Draft EIR are necessary, and no further response is required pursuant to the CEQA.

Response to Comment A-3

The USFWS mentions that the proposed project will increase development activities on land and water adjacent to sensitive habitats at Sweetwater National Wildlife Refuge (Refuge). This statement is consistent with the information, analysis, and mitigation measures in the Draft EIR and no changes to the Draft EIR are necessary, and no further response is required pursuant to the CEQA.

Response to Comment A-4

The comment states that the Draft EIR does not include a table that describes special-status animal species within the proposed project area. Table 4.3-4 of the Draft EIR provides a summary of all special-status wildlife species that have a potential to occur within the proposed project site and area and that may be directly or indirectly affected by the proposed project. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to the CEQA.

Response to Comment A-5

The comment lists species that could be affected by the proposed project. All special-status species mentioned in this comment have been analyzed for their potential to occur within Table 4.3-4. Impacts and mitigation, as

applicable, have also been included within Section 4.3.4.3 of the Draft EIR. As such, this comment is consistent with the information, analysis, and mitigation measures in the Draft EIR regarding impacts on special-status wildlife species. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment A-6

The comment specifies that the proposed project may have the potential to affect sensitive habitats by increased boating activities, pets, lighting, and noise.

This statement is consistent with the information, analysis (see Section 4.3.4.3, analysis on lighting, vessel noise, and vessel strikes, and increased recreational activity), and mitigation measures (see also **MM-AES-8, MM-BIO-8**) in the Draft EIR. Additionally, the project description for the GB Capital Component and Pepper Park has been clarified as follows.

For the GB Capital Component in Section 3.4.2.1, *Phase 1*:

- Educational signage and educational opportunities related to existing nearby sensitive habitat would be located throughout the GB Capital Component and “no trespassing” or “no entry” signs would be located along the eastern portion of the site. Fencing would be erected along the eastern portion of the GB Capital Component at key locations. Anti-perching spike strips (e.g., nixalite) would be placed on all buildings and structures, including light posts. Furthermore, all pets would be leashed in the RV areas or where the cabins are proposed.

For the Pepper Park Component in Section 3.4.1.3, *Proposed Pepper Park Expansion and Reconfiguration*:

- Educational signage on the existing nearby sensitive habitat would be located throughout the component and anti-perching spike strips (e.g., nixalite) would be placed on all buildings and structures.

These project features would keep out recreational users and pets from sensitive habitat areas.

Additionally, the proposed CB Capital Component parking and access road proposed to be located east of the District’s jurisdiction within the area that allows for low impact uses has been moved within the District’s jurisdiction and on the GB Capital Component site further away from the refuge area and wetlands.

Therefore, no additional changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment A-7

This comment recommends that the EIR acknowledge potential indirect impacts on the California least tern and light-footed Ridgway's rail associated with structural changes (e.g., addition of buildings and structures) along the shoreline that create perches for raptors and corvids, potential for disturbance associated with anticipated increased recreational use of Sweetwater Channel, and potential for disturbance associated with in-water or shoreline construction activities.

Please see Response to Comment A-6 regarding project description clarifications related to educational signage, fencing, anti-perching spike strips, and pets. These project features would decrease or eliminate the chances for perches and increased recreational use.

In response to this comment, Section 4.3, *Biological Resources* (specifically Section 4.3.4.3), of the Draft EIR has been updated to clarify that the structural changes associated with the project would not result in nest predation to western snowy plover, California least terns, and light-footed Ridgway's rail that is substantially greater than baseline conditions.

The following language has been added to Section 4.3.4.3 (p. 4.3-56 of the revised Draft EIR; Volume 2 of this Final EIR):

The addition of buildings and other structures, such as the fence along the Bayshore Bikeway Component and new landscaping, has the potential to increase predation by corvids and raptors. This has the potential to affect most passerines, including the special-status western snowy plovers and California least terns that are known to nest approximately 350 feet south of the proposed project area within the Sweetwater National Wildlife Refuge. These structures may also increase the chances that Ridgway's rail would experience predation, but to a lesser extent because this species is much less commonly present in open water habitats due to their more secretive nesting and foraging behaviors. Because the proposed project area is already primarily an urbanized environment, there are already numerous structures and mature trees on which corvids and raptors can perch. Furthermore, most corvids and raptors do not necessarily require perching locations to seek out nests to predate and can predate nests effectively from aerial vantage points. As a result, impacts on these species from nest predation are not expected to be substantially greater than under baseline conditions, and impacts would be less than significant.

Moreover, the Existing Site Conditions for the project (Section 2.3.3 of the Draft EIR) has been clarified to better describe the existing landscape at

Pepper Park and the Pier 32 Marina to identify the current condition, which includes ornamental mature trees:

Pepper Park, which is included in the Balanced Plan project area, is a publicly accessible park at the southern terminus of Tidelands Avenue, to the west of the marina. Pepper Park provides picnic areas, children's play equipment, a boat launch, walking paths, a fishing pier, and a parking lot. Several mature trees line the perimeter of the park and are dispersed throughout the park. The National City Aquatic Center is also within Pepper Park. The aquatic center provides recreational access to the Bay for activities such as kayaking and rowing, and also provides environmental education courses.

[...]

To the north of the marina, on the landside portion of the marina (south of 32nd Street), several buildings provide marina-related services: administrative offices, boater services (laundry, boat maintenance services, showers/bathrooms, storage, etc.), and a restaurant. Several mature trees are located along its northern edge and mature trees and taller landscaping along its western edge near Pepper Park. In addition, mature trees and taller landscaping is currently located east of Pier 32 Marina, on the eastern edge of the proposed GB Capital Component, near Paradise Marsh. These parcels also accommodate outdoor amenities for marina users, including a swimming pool, putting green, and barbecue areas. Large electrical towers are located east of the marina. In addition, a public walking/biking path is south of 32nd Street. Parking lots are south of 32nd Street, and along the western side of the marina, generally north/northeast of the aquatic center. Parcels within the northeastern portion of the Balanced Plan area, east of Marina Way, include undeveloped open space west and upslope of Paradise Marsh. The parcels west of Marina Way and north of 32nd Street provide open storage lots for marine terminal operations (primarily for imported cars that arrive at NCMT before being transported to other destinations), as does the parcel to the southeast of the 32nd Street and Tidelands Avenue intersection.

As shown in the photographs below, Pepper Park has mature trees located throughout the park and parking lot, including at the water's edge, and Pier 32 Marina has mature trees along its northern edge and mature landscaping along its eastern edge. The large electrical towers east of the marina are also shown.

Pepper Park





Existing Marina







Hence, the existing conditions already include taller trees that may accommodate nesting and perching. Additionally, the Pier 32 Marina already includes nixalite on its buildings and structures. Landscaping is proposed to match the existing landscaping, and nixalite will be used on structures (see the clarified project description in Chapter 2, *Revisions to the Draft EIR*). These conditions will not change with implementation of the proposed project, and hence, less-than-significant impacts would occur related to perching and nesting. Additional analysis on the potential for perdition by corvids and raptures from additional perching opportunities has been added to the Final EIR.

Additionally, the Draft EIR identified significant impacts on nesting birds as a result of the construction of the project (Bayshore Bikeway component) and includes mitigation measures to reduce impacts to below a level of significance (see **Impact-BIO-3** and **MM-BIO-3**, and **Impact-BIO-5** and **MM-BIO-5**). The Biological Survey and Wetland Delineation Report (Appendix G) and Draft EIR found that “California least tern are not present within the project site” and “there are no sandy beaches and extremely limited and isolated tidal flats for nesting California least terns and extremely limited open water for foraging California least terns” and therefore, they are not expected to breed (see Draft EIR pages 4.3-22 and 4.33-14). However, to take a conservative approach, the analysis and **Impact-BIO-3** have been revised as follows:

Effects on Nesting Special-Status Avian Species

Belding’s Savannah Sparrow and, Light-Footed Ridgway’s Rail, and California Least Tern

The GB Capital Component and the Bayshore Bikeway Component ~~Route 1 and~~ Route 3 occur directly adjacent to salt marsh habitats that could support Belding's Savannah sparrow and light-footed Ridgway's rail. Construction-related noise and anthropogenic disturbance could result in nest or chick abandonment.

While the potential for least tern nesting is extremely low as there are no sandy beaches and extremely limited and isolated tidal flats for nesting California least terns and extremely limited open water for foraging California least terns, construction-related noise and anthropogenic disturbance could result in nest or chick abandonment in the unlikely event such breeding occurs on the project site.

These potential impacts would be significant (**Impact-BIO-3**).

[...]

Impact-BIO-3: Impacts on Nesting Special-Status Salt Marsh Avian Species (GB Capital Component and Bayshore Bikeway Component ~~Route s 1 and 3~~). Noise-generating impacts resulting from project construction activities (e.g., grading, site preparation) in close proximity to salt marsh habitats supporting Belding's Savannah sparrow or light-footed Ridgway's rail and in-water construction near low-potential California least tern nesting habitat (although very low probability to occur) could cause nest or chick abandonment. These impacts would be a violation of the MBTA or CFGC. Therefore, this impact would be potentially significant.

Additionally, **MM-BIO 3** has been revised as follows:

MM-BIO-3: Avoid Construction within 300 Feet of Marsh Endemic Avian Species During the Breeding Season (GB Capital Component, and Bayshore Bikeway Component ~~Route 1 and~~ Route 3).

All project construction activities occurring within 300 feet of salt marsh habitat (e.g., portions of Bayshore Bikeway Component ~~Route 1 and~~ Route 3 and some of the GB Capital Component) shall take place outside of the light-footed Ridgway's rail and Belding's Savannah sparrow breeding season (i.e., February 15–September 15); no construction work shall occur within 300 feet of the marsh during this time period.

To ensure protection of California least terns nesting at the D Street colony, project proponents shall avoid impact pile driving during the

least tern nesting season. The nesting season for California least terns is defined here as April 1 through September 15.

Because in-water construction will not occur during the California least tern beading season, **MM-BIO-7** has been revised to remove the following language:

~~Permittee shall ensure that if in-water construction is performed during the tern nesting season that turbidity is monitored during in-water construction. If the in-water work area is 20 percent more turbid than ambient conditions, the Permittee shall cease work immediately until the turbidity dissipates within the work area. If the turbidity cannot be dissipated within the work area, the Permittee shall install a silt curtain to control the turbidity during in-water construction.~~

Pursuant to Section 15088.5 of the State CEQA Guidelines, **MM-BIO-3** reduces the impact to below a level of significance even though an increase in the severity the previously identified significant impact (construction impacts of special-status avian species) would occur and no recirculation is required.

The Draft EIR includes an impact analysis of the project's proposed increase in recreational use of Sweetwater Channel. More specifically, Section 4.3.4.3 includes an impact analysis of vessel strikes, vessel noise, and biofouling; that impact analysis determined that the project's increase in recreational use of Sweetwater Channel would result in less-than-significant impacts. See also Response to Comment A-6 regarding clarifications to the project description.

A-9 Under existing conditions, Refuge staff are able to access northern portions of the Refuge via an access road along the southeastern edge of the Project area. Please identify this access road in the final EIR with assurance that limited access for Refuge staff will continue.

Section 3.4.1.5 Proposed Use Modifications to National City Aquatic Center and Relocation of Buoys

A-10 The Project includes relaxing the existing operational restrictions at the National City Aquatic Center. The Project would expand the allowed uses at the National City Aquatic Center and likely increase the number of people that use the facility. The existing operational restrictions (e.g. limitations on watercraft rentals, etc.) were implemented to protect the adjacent sensitive resources, and we have concerns that the proposed relaxation of the existing operational restrictions (e.g. limitations on class size and requirements for instructors, allowing unsupervised boat rentals) will allow for a significant increase in unsupervised small boats travelling in waters adjacent to sensitive intertidal mudflats that support foraging snowy plovers and other shorebirds and the least tern nesting area. If recommend that existing operational restrictions continue to reduce the potential for unsupervised small boat operators to stray into sensitive habitat areas and disrupt wildlife. If existing operational restrictions are relaxed, as suggested in the DEIR, we

A-11 recommend that the final EIR identify minimization measures (e.g. extensive public education and outreach, buoys marking in-water buffer around adjacent sensitive habitat, signage, enforcement) to reduce the potential for significant recreational impacts.

A-12 The Project also includes moving the existing buoys located south of Pier 32 Marina that delimit the current boundary for watercraft access in the Sweetwater River. The buoys would be moved to allow non-motorized watercraft to access the Sweetwater River to the east side of the San Diego Gas & Electric Company (SDG&E) property and former railroad bridges. These buoys were sited at the existing location to protect sensitive resources, and we are concerned that moving them further upstream in the Sweetwater River will increase the potential for impacts to sensitive wildlife and habitats. We recommend that the existing buoys be retained in their current location in Sweetwater Channel to

A-13 prevent encroachment into the adjacent refuge. The DEIR notes that the proposed location would still mark the entry into the Refuge, however the shoreline of the Refuge to the east of the existing buoys would have reduced protection with the proposed relocation of the buoys.

Section 3.4.2.3 Parking and Landscaping

A-14 We recommend that the 200-foot building setback buffer pertain to all hardscape development, including parking areas. This would preclude the additional 60 additional parking spaces that are currently proposed on a parcel east of the existing marina within the 200-foot building setback buffer.

A-15 The Project would incorporate native plantings, non-invasive ornamental plants, and drought-tolerant, low-maintenance plants. Landscaping should be planned to reduce the potential for perching by raptors and corvids that prey upon birds that inhabit the adjacent salt marsh, intertidal habitat and nearby least tern nesting area. For example, shorter stature shrubs or sub-shrubs, rather than taller trees that could provide perches, should be used for landscaping in the Pepper Park and Parcel B-6 areas, as well as other parcels that provide line-of-sight view to the nearby sensitive habitat.

Section 3.4.2.1 Phase 1 Landside Improvements

A-16 The project includes construction of modular cabins along the eastern edge of the marina, adjacent to sensitive wetland habitats of Sweetwater National Wildlife Refuge. The DEIR does not identify minimization measures regarding potential incursion into the refuge by pets or people staying in the cabins or hotels, once operational. Given the intensity of development planned as part of the Project and the anticipated increase in recreational use and human activities, we recommend the final EIR identify mechanisms to limit recreational trespass (e.g. fences, signage, park ranger personnel) and pet incursion into the adjacent wetlands.

A-17 **Waterside Improvements** The Project proposes to significantly increase the potential for recreational activity in the mouth of the Sweetwater River by: 1) constructing modular cabins along the jetty on the north bank of the river; 2) constructing and maintaining up to 20 moorings in Sweetwater River Channel; and 3) constructing a 620-foot long floating dock with 30 fingers to accommodate 50 boats. Together, these facilities could significantly increase the level of human activity, lighting, trash, and noise within the river mouth and adjacent to the San Diego National Wildlife

Response to Comment A-8

The comment requests that additional minimization measures, including incorporation of design elements and development guidelines, are added to the Final EIR that would reduce the potential for raptor or corvid nesting and perching, educate visitors, regulate use in the Sweetwater River, and identify construction windows that avoid the breeding season. Please see Responses to Comments A-6 and A-7.

Additionally, pursuant to Special Provisions #7 and #8 of the existing Coastal Development Permit (CDP) for the National City Aquatic Center, the aquatic center has an education and outreach program, including a brochure, that provides education on sensitive resources, the importance of the refuges, and conserving wildlife in the Bay; also, signage is located in the vicinity to prevent encroachment onto the Refuge. Further, per Special Provision #1 of the CDP for the Pier 32 Marina, (District Document No. 50600), the Pier 32 Marina currently has “No Entry” [into the marsh] signs posted along the perimeter of the marina in order to discourage unauthorized landings along the sensitive shoreline areas; these signs will remain on the site in the future.

MM-BIO-3, MM-BIO-4, and MM-BIO-5 limit construction during the nesting season for various avian species. No further revisions to the Draft EIR are required.

Response to Comment A-9

The commenter states that under existing conditions, staff are able to access northern portions of the Refuge via an access road along the southeastern edge of the project area, and requests identification of this access road in the Final EIR with assurance that limited access for USFWS Refuge staff will continue.

The District acknowledges the importance of having such access. As a result of this comment, the GB Capital Component has been revised to exclude any development within this area, including parking and any portion of its driveway. Parking and the driveway will be relocated within the District’s jurisdiction on the GB Capital Component site.

In response to this comment, the following text has been added to Section 3.4.1.2 of the Project Description:

Any vehicle parking or drive aisle associated with the GB Capital Component would occur within the District’s jurisdiction and on the

GB Capital component site but outside of the buffer areas and the 200-foot building setback.

Response to Comment A-10

The commenter expresses concern that relaxation of operational restrictions at the National City Aquatic Center will significantly increase access to intertidal mudflats that support foraging snowy plovers and other shorebirds and the least tern nesting area. The existing operational restrictions that are referenced in this comment include: (1) water equipment rentals (e.g., kayaks rowboats) must be docent supervised, and (2) class sizes are limited to a 1:6 instructor-to-student ratio.

The City of National City originally requested that such restrictions be lifted as part of the proposed project. The City has since abandoned this project component (see Chapter 2, *Revisions to the Draft EIR*). However, as part of the GB Capital Component, the buoys would be relocated, as discussed in the clarified project description.

Nonetheless, moving the buoys within the Sweetwater River upstream as part of the proposed project – GB Capital Component – would not allow any additional access to intertidal mudflats on the south side of the river because there are no intertidal mudflats south of the where the buoys will be moved. This area is a rip-rap reinforced slope leading to an upland scrub habitat next to a gated access road that buffers the upland scrub from the rip-rap; hence, there is a large buffer area between the channel and the habitat that would require extensive effort to traverse. The buoys would be placed in such a way as to preclude access to the Paradise Marsh Refuge to the east of the proposed project area as well. See also Response to Comment A-6 regarding the addition of “no entry” signage and educational opportunities as part of the GB Component. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment A-11

The comment requests that existing operational restrictions at the National City Aquatic Center (as referenced in Response to Comment A-10) be kept in order to continue to reduce the potential for unsupervised small boat operators to stray into sensitive habitat areas and disrupt wildlife. The comment further states that if those existing operations restrictions are relaxed, as proposed in the Draft EIR, that the Final EIR identify minimizing measures such as conducting extensive public education and outreach, adding buoys marking in-water buffer around adjacent sensitive habitat, adding signage, and enforcement, to reduce the potential for significant impacts on sensitive marsh and intertidal mud flats stemming from recreational activities.

Please see the Chapter 2, *Revisions to the Draft EIR*, and Response to Comment A-10. With abandonment of this project feature, no impacts from relaxation of the aquatic center CDP conditions would occur as was analyzed in the Draft EIR.

Response to Comment A-12

This comment states concerns about the project's proposed relocation of buoys farther upstream in Sweetwater Channel, potentially increasing impacts on sensitive wildlife and habitats. The commenter recommends that the existing buoys be retained in their current location in Sweetwater Channel to prevent encroachment into the adjacent refuge. As shown on Figure 3-8 of the Draft EIR, the buoys are proposed to be placed in such a way as to not encroach into the Refuge and preclude access to the Paradise Marsh Refuge (east of the project site), as well as the Refuge area south of Sweetwater Channel. Additionally, see Response to Comment A-6 for clarification of the proposed project, including education and signage, and Response to Comment A-10 regarding the relocation of buoys.

No changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment A-13

This comment states that the project's proposed relocation of the buoys to farther upstream in Sweetwater Channel would provide reduced protection to the Refuge shoreline east of the existing buoys.

As stated in Responses to Comments A-8, A-10, and A-11, existing measures and procedures are in place to protect the Refuge from

adjacent uses. For example, per Special Provisions #7 and #8 of the existing CDP for the National City Aquatic Center, the aquatic center has an education and outreach program, including a brochure, that provides education on sensitive resources, the importance of the refuges, and conserving wildlife in the Bay; also, signage is located in the vicinity to prevent encroachment onto the Refuge. Further, per Special Provision #1 of the CDP for the Pier 32 Marina (District Document No. 50600), the Pier 32 Marina currently has “No Entry” [into the marsh] signs posted along the perimeter of the marina in order to discourage unauthorized landings along the sensitive shoreline areas. These signs will remain on the site in the future. In addition, as shown on Figure 3-8 of the Draft EIR, the buoys are proposed to be placed in such a way as to preclude access to Paradise Marsh Refuge (east of the project site), as well as the Refuge area south of Sweetwater Channel. Moreover, as discussed in Response to Comment A-6, the project will include education and signage. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment A-14

The commenter recommends that the 200-foot building setback buffer pertain to all hardscape development, including parking areas. The comment further states this would preclude the additional 60 parking spaces that are proposed on a parcel east of the existing marina within the 200-foot building setback buffer.

As stated in Section 3.4.1.2 of the Draft EIR, the Balanced Plan Component includes a 100-foot habitat buffer from the delineated wetlands west of the Sweetwater National Wildlife Refuge (Paradise Marsh) and a 200-foot building setback from the western edge of the Wildlife Refuge (see Figure 3-6 of the Draft EIR). This is consistent with the current City of National City, LCP, HDSPA. The project does not propose any development in delineated wetlands (see Policy 3.3.2(e)). Moreover, the GB Capital Component will maintain a 100-foot buffer from the delineated wetlands and Paradise Marsh (see Policy 3.3.3.1(a)). Consistent with Policy 3.3.3.1(e), no habitable structures are within 200 feet of the Refuge or Paradise Marsh, and consistent with Policy 4.2 of the HDSPA, a 200-foot building setback must be maintained and buildings cannot encroach within the 200-foot buffer area from the Refuge. As originally envisioned in the Draft EIR, vehicular parking and low-impact non-motorized uses such as public access trails and bike paths could be

located between the habitat buffer (100 feet from Refuge) and building setback (200-feet from the Refuge).

Based on this USFWS comment, the GB Capital Component has been revised to move any parking or driveways out of area. The parking and any driveways will shift west within the District's jurisdiction and on the GB Capital Component site. The GB Capital site plan is conceptual in nature and more detailed design will occur prior to any issuance of a CDP. Edits to the Final EIR have been made accordingly.

Response to Comment A-15

The commenter notes that the project would incorporate native plantings, noninvasive ornamental plants, and drought-tolerant, low-maintenance plants. The commenter explains landscaping should be planned to reduce the potential for perching by raptors and corvids that prey upon birds that inhabit the adjacent salt marsh, intertidal habitat, and nearby least tern nesting area.

Please see Responses to Comments A-6 and A-7.

Response to Comment A-16

The commenter notes that the project includes construction of modular cabins along the eastern edge of the marina, adjacent to sensitive wetland habitats of Sweetwater National Wildlife Refuge. The commenter also mentions that the Draft EIR does not identify minimization measures regarding potential incursion into the Refuge by pets or people staying in the cabins or hotels, once operational, and comments that, given the intensity of development planned as part of the project and the anticipated increase in recreational use and human activities, USFWS recommends that the Final EIR identify mechanisms to limit recreational trespass (e.g., fences, signage, park ranger personnel) and pet incursion into the adjacent wetlands.

Please see Response to Comment A-6. Additionally, per Special Provision #1 of the CDP for the Pier 32 Marina (District Document No. 50600), the Pier 32 Marina currently has "No Entry" [into the marsh] signs posted along the perimeter of the marina in order to discourage unauthorized landings along the sensitive shoreline areas. These signs will remain on the site in the future.

Therefore, no additional changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment A-17

This comment states the project proposes to significantly increase the potential for recreational activity in the mouth of Sweetwater Channel, which could significantly increase the level of human activity, lighting, trash, and noise within the river mouth and adjacent to the Refuge, and potentially disrupt sensitive wildlife, contribute to increased presence of predators, and impact eelgrass and fisheries. The comment recommends the District adopt Alternative 2, No Waterside Development in Sweetwater Channel Alternative, or reduce the scale of the proposed waterside improvements. Finally, the comment states that if waterside improvements are implemented, the commentor recommends in-water construction occurs between September and March to avoid the California least tern nesting season, and that project design incorporate fencing, signage, enforcement, or other measures to prevent recreational and pet impacts on adjacent sensitive wildlife habitat.

Please see Responses to Comments A-6 and A-7. The District is committed to minimizing impacts on sensitive habitats. For example, the project includes **MM-AES-8** to require the GB Capital Component implement lighting that has a correlated color temperature that emits less high-frequency blue light, which is less likely to disrupt wildlife behaviors. Further, existing measures are in place to educate recreationalists at the National City Aquatic Center and Pier 32 Marina, and these measures will continue after implementation of the proposed project. For example, under Special Provisions #7 and #8 of the existing CDP for the National City Aquatic Center, the aquatic center has an education and outreach program, including a brochure, that provides education on sensitive resources, the importance of the refuges, and conserving wildlife in the Bay; also, signage is located in the vicinity to prevent encroachment onto the Refuge. Per Special Provision #1 of the CDP for the Pier 32 Marina (District Document No. 50600), the Pier 32 Marina currently has “No Entry” [into the marsh] signs posted along the perimeter of the marina in order to discourage unauthorized landings along the sensitive shoreline areas. These signs will remain on the site in the future. Additionally, the project description for the GB Capital Component and Pepper Park has been clarified, as stated in Response to Comment A-6. Therefore, no additional changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

The Final EIR has also been revised to restrict pile driving and to avoid the California least tern nesting season. Impacts on eelgrass, regardless

of the origin of the impacts, are covered in the EIR through adherence to the California Eelgrass Mitigation Policy, which requires multiple surveys to evaluate eelgrass health and determine the appropriate level of mitigation.

A-17 cont. | Refuge, and potentially disrupt sensitive wildlife, contribute to increase presence of predators, and impact eelgrass and fisheries. We recommend avoiding these incremental impacts to adjacent habitats by eliminating (as suggested in Alternative 2), or reducing the scale of the proposed waterside improvements. If waterside improvements are implemented, we recommend that in-water construction occur during the months of September-March to avoid the California least tern nesting season, and that project design incorporate fencing, signage, enforcement or other measures to prevent recreational and pet impacts on adjacent sensitive wildlife and habitat. We are interested in further discussion with you regarding means of reducing the scale and potential impacts of proposed waterside improvements to sensitive wildlife and habitat.

A-18 | Thank you for considering our comments. We look forward to further coordination with you regarding conservation of the sensitive plants and animals that inhabit the Sweetwater River and the Refuge.

Response to Comment A-18

This concluding comment from the USFWS thanks the District for considering the comments included above and noting that they look forward to further coordination with the District regarding conservation of the sensitive plants and animals that inhabit the Sweetwater River and the Refuge.

No changes to the Draft EIR are required as a result of this comment.

DocuSign Envelope ID: 3F58DA97-75B7-4E5B-A40A-2F5587F1186E

Comment Letter B



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 22, 2021

Anna Buzaitis
San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101
ABuzaiti@portofsandiego.org

Subject: National City Bayfront Projects and Plan Amendment, Draft Environmental Impact Report (DEIR), SCH #2018121054

Dear Ms. Buzaitis:

B-1

The California Department of Fish and Wildlife (CDFW) has reviewed the San Diego Unified Port District's DEIR for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW provided a comment letter, dated January 21, 2019, on the Notice of Preparation of the DEIR.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

B-2

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may also need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 *et seq.*) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), the Project Proponent may seek related take authorization as provided by the Fish and Game Code.

¹ CEQA is codified in the California Public Resources Code in section 21000 *et seq.* The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

The comments and responses to the California Fish and Wildlife comment letter have been reviewed by ICF's biologist, Makela Mangrich, and MTS' biologist Robert Mooney. Ms. Mangrich and Mr. Mooney have reviewed the responses below.

Response to Comment B-1

This comment is an introductory comment from the California Department of Fish and Wildlife (CDFW) noting that CDFW has reviewed the District's Draft EIR for the project pursuant to CEQA and the State CEQA Guidelines. CDFW provided a comment letter, dated January 21, 2019, on the Notice of Preparation of the Draft EIR. The commenter provides comments and recommendations regarding those aspects of the project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

The comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR.

Response to Comment B-2

The comment provides background information about CDFW, stating the agency is California's Trustee Agency for fish and wildlife resources, is a CEQA Responsible Agency, and is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The commenter also states they may also need to exercise regulatory authority as provided by the Fish and Game Code, and as proposed, for example, the project may be subject to CDFW's lake and streambed alteration regulatory authority.

This comment is an introductory comment and does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. The specific comments raised following this introduction are listed separately along with the District's individual responses. Note that CDFW has been added as a Responsible Agency under Section 1.3.1.

DocuSign Envelope ID: 3F58DA97-75B7-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 2 of 20

PROJECT DESCRIPTION SUMMARY

Proponent: While the San Diego Unified Port District (District) acts as the Lead Agency under CEQA for the Project, for purposes of this letter, CDFW refers to the District, City of National City (City), GB Capital Holdings (GB Capital), and Pasha Automotive Services (Pasha) collectively as the Project Proponents.

Objective: The Project has both landside and waterside development components; an amendment to the District's Port Master Plan (PMP); amendments to the City's Local Coastal Program (LCP), General Plan, Harbor District Specific Area Plan (HDSAP), Land Use Code (LUC) (Municipal Code Title 18 Zoning), and Bicycle Master Plan.

Specifically, the Project includes the following main components.

- The National City Marina District Balanced Land Use Plan (Balanced Plan) involving changes to land and water use designations in the District's PMP.
- The GB Capital Component, which would include construction and operation of a recreational vehicle (RV) park, modular cabins, dry boat storage, up to four hotels, and an expanded marina, primarily within the District's jurisdiction.
- The Pasha Rail Improvement Component, which would involve construction and operation of a rail connector track and storage track within the District's Jurisdiction.
- The Pasha Road Closures Component, which would result in closure of Tideland Avenue between Bay Marina Drive and 32nd Street, as well as West 28th Street between Tideland Avenue and Quay Avenue, within the District's and City's jurisdictions and redesignation of the area to Marine-Related Industrial in the District's PMP.
- The Bayshore Bikeway Component, which would consist of construction and operation of Segment 5 of the Bayshore Bikeway within the District's and City's jurisdictions.
- The City Program – Development Component, which would include construction and operation of hotel, restaurant, retail, and/or a combination of tourist/visitor-serving commercial development north of Bay Marina Drive and the potential closure or narrowing of Bay Marina Drive west of Marina Way to through vehicular traffic within the City's jurisdiction.
- The PMPA Component, which would utilize a PMP Amendment (PMPA) to clarify jurisdictional land use authority, redesignate land uses, and balance commercial and maritime uses.
- The City Program – Plan Amendments Component, which would involve amendments to the City's LCP, General Plan, HDSAP, LUC, and Bicycle Master Plan that would include changes to jurisdictional boundaries; changes to subarea boundaries; and changes to land use, specific plan, and zone designations.

Location: The Project occurs on approximately 77 acres, consisting of approximately 58 landside acres and 19 waterside acres. The Project site is in the southwestern portion of the City, primarily within the District's existing jurisdiction but also partially within the City's existing jurisdiction. The Project area is generally bordered by Paradise Marsh (part of the San Diego Bay National Wildlife Refuge/Sweetwater Marsh Unit) to the east, Sweetwater Channel to the south, the National City Marine Terminal and maritime uses to the west, and Civic Center Drive and commercial and industrial uses to the north.

B-3

Response to Comment B-3

The comment summarizes the project description, stating that, while the District acts as the Lead Agency under CEQA for the project, for purposes of the comment letter, CDFW refers to the District, City of National City (City), GB Capital Holdings (GB Capital), and Pasha Automotive Services (Pasha) collectively as the *project proponents*. The commenter further identifies the project objectives and lists the main components of the project. The comment concludes with a description of the project's location.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 3 of 20

B-4 **Biological Setting and Impact Summary:** Various components of the Project would or could potentially have significant temporary and permanent impacts on both marine and terrestrial biological resources and organisms.

Marine Impacts

B-5 Construction of the waterside portion of the GB Capital Component, including new moorings, aquaculture, and docks, would include in-water operations, such as pile driving, which would generate increased noise and ground-disturbing activities within the marine community. Impact-hammer and vibratory-hammer pile-driving activities would potentially generate enough underwater noise to injure (Level A Harassment) or alter behavior (Level B Harassment) of green sea turtle (*Chelonia mydas*; federal Endangered Species Act (ESA)- listed threatened), fishes, and marine mammals, including candidate, sensitive, or special-status species, within Sweetwater Channel.

B-6 Mitigation Measure BIO 7 (MM-BIO-7) in the DEIR would require, prior to construction activities involving impact-hammer and vibratory in-water pile driving, implementation of a marine mammal, fish injury, and green sea turtle monitoring program. For a period of 15 minutes prior to the start of in-water construction, a qualified biologist retained by a Project Proponent (i.e., GB Capital) would monitor around the active pile driving areas to ensure that special-status species were not present.

B-7 Monitors would also monitor for injured fish and stop construction work if there were an observation of concern. In-water pile driving would begin with soft starts, gradually increasing the force of the pile driving to allow marine mammals, green sea turtles and fishes to flee areas adjacent to pile driving activities. In addition, the Project Proponent would ensure that if in-water construction is performed during the California least tern (least tern; *Sterna antillarum brownii*; California Fully Protected Species (FPS), CESA- and ESA- listed endangered) nesting season that turbidity is monitored during in-water construction. If the in-water work area is 20% more turbid than ambient conditions, the Project Proponent would cease work immediately until the turbidity dissipated within the work area. If the turbidity cannot be dissipated within the work area, the Project Proponent would be required to install a silt curtain to control the turbidity during in-water construction.

B-8

B-9 Operation of the waterside portion of the proposed GB Capital Component would include a vessel dock and new boat slips within Sweetwater Channel, moorings, and aquaculture facilities. The dock structures would shade eelgrass (*Zostera marina*; Magnuson-Stevens Fishery Conservation and Management Act (MSA)- designated essential fish habitat (EFH)) habitat area of particular concern (HAPC) growing along the shoreline. Aquaculture facilities might require the use of floating or suspended containment structures. The proposed expanded marina would increase boating operations and storage. Prior to the start of any in-water construction, the Project Proponent would retain a qualified marine biologist to develop an eelgrass mitigation plan in compliance with the California Eelgrass Mitigation Policy. MM-BIO-12 would that require pre-construction and at least two years of post-construction eelgrass surveys be conducted. MM-BIO-13 would require implementation of regulatory agency-approved mitigation to reduce overwater coverage prior to implementation of the Project.

B-10

Terrestrial Impacts

B-11 Construction of the landside portion of the proposed Project, particularly the GB Capital Component, Bayshore Bikeway Component, and City Program – Development Component, would require demolition or grading equipment for site preparation, construction cranes for installation of the hotels, and standard construction equipment, such as earth-moving equipment, concrete trucks, forklifts, and pile drivers. Construction would temporarily disrupt the area due to an increase

Response to Comment B-4

Without identifying any particular potential temporary or permanent significant impacts, the comment states in broad terms that various components would or could have potential significant impacts. No changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment B-5

The commenter references marine impacts in relation to the construction of the waterside portion of the GB Capital Component, including new moorings, aquaculture, and docks, which would include in-water operations, such as pile driving, which would generate increased noise and ground-disturbing activities within the marine community. The Draft EIR identified potentially significant construction impacts associated with in-water pile driving and associated noise, in Section 4.3, *Biological Resources* (see **Impact-BIO-7**), and mitigation measures have been proposed (see **MM-BIO-7** in the revised Draft EIR; Volume 2 of this Final EIR), which reduce construction noise impacts to below a level of significance. Moreover, operational impacts were analyzed in Section 4.3.4.3.

Further, aquaculture has been removed from the GB Capital Component. See Chapter 2, *Revisions to the Draft EIR*, the revised Draft EIR Section 4.3, and the revised marine biological resources assessment (Appendix H). CDFW’s comment does not describe or recommend any specific mitigation measures, actions, programs, or technology that can avoid or mitigate potential impacts that were not already identified within the Draft EIR, and no significant impacts have been identified. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment B-6

The commenter references marine impacts in relation to hammer and vibratory-hammer pile-driving activities that would potentially generate enough underwater noise to injure (Level A Harassment) or alter behavior (Level B Harassment) of green sea turtle (*Chelonia mydas*; federal Endangered Species Act [ESA]-listed threatened), fishes, and marine mammals, including candidate, sensitive, or special-status species, within Sweetwater Channel.

These activities and associated impacts are described in Section 4.3 of the Draft EIR. CDFW's comment does not describe or recommend any specific mitigation measures, actions, programs, or technology that can avoid or mitigate potential impacts that were not already identified within the Draft EIR. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment B-7

The comment references **MM-BIO-7** in the Draft EIR, stating that the measure would require, prior to construction activities involving impact hammer and vibratory in-water pile driving, implementation of a marine mammal, fish injury, and green sea turtle monitoring program. The comment also states that, for a period of 15 minutes prior to the start of in-water construction, a qualified biologist retained by a project proponent (i.e., GB Capital) would monitor around the active pile-driving areas to ensure that special-status species were not present.

This comment is a synopsis of the proposed mitigation measure and does not describe or recommend any specific changes to the mitigation measure. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment B-8

The commenter states that in-water pile driving would begin with soft starts, gradually increasing the force of the pile driving to allow marine mammals, green sea turtles, and fishes to flee areas adjacent to pile-driving activities, mentioning that monitors will additionally monitor injured fish and stop construction work if there are any observations of concern. In addition, the commenter states that the project proponent would ensure that if in-water construction is performed during the California least tern (*Sterna antillarum browni*; California Fully Protected Species; California and federal ESA-listed endangered) nesting season then turbidity would be monitored during in-water construction. The comment also mentions if the turbidity is 20% more turbid than ambient conditions or cannot be dissipated within the work area, the project proponent would be required to cease work immediately until the turbidity dissipated or install a silt curtain to control the turbidity during in-water construction.

Please see Response to Comment A-17 regarding California least tern breeding season. The Final EIR has been revised to restrict pile driving to avoid the California least tern nesting season. This has meant that

language relative to a 20% elevation in turbidity relative to protection of water quality for California least tern has been removed. However, water quality is still protected through implementation of silt curtains. Other than these changes this comment is a synopsis of the proposed avoidance and minimization measures proposed in the Draft EIR and does not describe or recommend any specific changes to the measures. Therefore, no additional changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment B-9

The comment notes that the dock structures would shade eelgrass habitat—eelgrass is a habitat area of particular concern (HAPC) growing along the shoreline—and that operation of the waterside portion of the proposed GB Capital Component would include a vessel dock and new boat slips within Sweetwater Channel, moorings, and aquaculture facilities.

This comment is summarizing the disclosed impacts in the Draft EIR and does not describe or recommend any specific changes to mitigation measures. Therefore, no changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board of Port Commissioners.

Response to Comment B-10

The comment explains that the proposed expanded marina would increase boating operations, and storage and aquaculture facilities might require the use of floating or suspended containment structures. The commenter states that prior to the start of any in-water construction, the project proponent would retain a qualified marine biologist to develop an eelgrass mitigation plan in compliance with the California Eelgrass Mitigation Policy. The commenter then references how **MM-BIO-12** would require that preconstruction surveys and at least 2 years of post-construction eelgrass surveys be conducted, and **MM-BIO-13** would require implementation of regulatory agency-approved mitigation to reduce overwater coverage prior to implementation of the project.

This comment is summarizing the disclosed impacts and proposed mitigation measures in the Draft EIR and does not describe or recommend any specific changes to the mitigation measure. The Final EIR has been revised to remove the aquaculture element. No additional changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

Response to Comment B-11

CDFW's comment is summarizing the disclosed impacts in the Draft EIR and does not describe or recommend any specific changes to the mitigation measure. No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 4 of 20

- B-11 cont. in noise levels, truck traffic, and ground-disturbing activities. Some components of the Project would result in permanent impacts to terrestrial habitats and sensitive animal and plant species.
- B-12 The proposed Project includes construction and operation of Segment 5 of the Bayshore Bikeway. The DEIR analyzes three alignments of the Bayshore Bikeway; however, only one alignment will be selected for implementation. Route 3 is currently the preferred alignment according to the DEIR.
- B-13 Construction of Route 1 or Route 3 could result in indirect or inadvertent impacts resulting in direct mortality of individual estuary seablite (*Suaeda esteroa*: California Native Plant Society (CNPS) Rare Plant Rank 1B.2) plants during construction activities. These impacts would be significant. MM-BIO-1 would ensure that an authorized biologist would be present onsite during construction within or adjacent to suitable habitat for estuary seablite to ensure that avoidance and minimization measures were followed properly.
- B-14 Construction of Bayshore Bikeway Component Route 1, which could result in the permanent loss of 0.03 acre of coastal salt marsh habitat, has the potential to negatively affect the state-listed Belding's savannah sparrow (*Passerculus sandwichensis beldingi*: CESA-listed endangered), observed in the Project area during site surveys; wandering skipper (*Panoquina errans*); Multiple Species Conservation Plan (MSCP) Covered Species), observed directly adjacent to the Project area; and yellow rail (*Coturnicops noveboracensis*; California Species of Special Concern), which has a moderate potential to occur within the salt marsh habitat in Paradise Marsh. These impacts would be significant without mitigation. If Route 1 were selected as the final alignment for the Bayshore Bikeway Component, and if impacts on salt marsh habitat were anticipated, MM-BIO-2 requires the Project Proponent responsible (i.e., the City or Caltrans) to consult with the CDFW to determine the need to seek an Incidental Take Permit (ITP) through Section 2081 of the Fish and Game Code for potential impacts on Belding's savannah sparrow habitat. Compensatory mitigation would be provided at a minimum of a 1:1 ratio in accordance with the ITP requirements.
- B-15 The GB Capital Component and the Bayshore Bikeway (Routes 1 and 3) Component of the Project could produce noise-generating impacts resulting from Project construction activities (e.g., grading, site preparation) near salt marsh habitats supporting Belding's savannah sparrow or light-footed Ridgway's rail (*Rallus longirostris levipes*: FPS; CESA- and ESA-listed endangered) could cause nest or chick abandonment. MM-BIO-3 would prohibit construction work from occurring within 300 feet of the marsh during the light-footed Ridgway's rail and Belding's savannah sparrow breeding season (February 15– September 15).
- B-16 Operation of Bayshore Bikeway Component Route 1 could result in pedestrians or cyclists travelling off-trail, which could result in direct mortality of terrestrial candidate, sensitive, or special-status plant species. MM-BIO-8 would require the Project Proponent to install fencing along the edge of the Route 1 to prevent unauthorized access and trampling into Paradise Marsh.
- B-17 Bayshore Bikeway Component Route 1 and Route 3 and GB Capital Component could involve removal or trimming of suitable roost trees could directly harm roosting bats, resulting in mortality of common or special-status bat species. These impacts could result in large bat mortality events and would be significant absent mitigation. MM-BIO-6 would require surveys for maternal bat roost sites and avoidance of seasonal impacts.
- B-18 Construction of the Park Expansion, Pasha Rail Improvement Component, and Roadway Configuration in the Balanced Plan could result in noise-generating impacts near osprey nests could cause nest or chick abandonment. MM-BIO-4 would avoid all noise-generating construction

Response to Comment B-12

The commenter states the proposed project includes construction and operation of Segment 5 of the Bayshore Bikeway and the Draft EIR analyzes three alignments of the Bayshore Bikeway; however, only one alignment will be selected for implementation. The comment references how Route 3 is currently the preferred alignment according to the Draft EIR.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

Response to Comment B-13

This comment summarizes the disclosed impacts in the Draft EIR and does not describe or recommend any specific changes to the mitigation measure. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment.

Response to Comment B-14

The commenter states the construction of Route 1 or Route 3 of the Bayshore Bikeway Component could result in indirect or inadvertent significant impacts resulting in direct mortality of individual estuary seablite (*Suaeda esteroa*: California Native Plant Society [CNPS] Rare Plant Rank 1B.2) plants during construction activities. The commenter mentions how **MM-BIO-1** would ensure that an authorized biologist would be present onsite during construction within or adjacent to suitable habitat for estuary seablite to ensure that avoidance and minimization measures were followed properly.

Please see Chapter 2, *Revisions to the Draft EIR*, of this Final EIR, which states that Route 3 is the only route that is now part of the project. As described in Chapter 3 of the Draft EIR, "Fencing is proposed along the edge of the bikeway in the area proposed to be downslope/east of Marina Way and west of Paradise Marsh" as part of Route 3. No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board. Further, Route 1 of the Bayshore Bikeway Component is no longer a part of the proposed project and all references to Route 1 of the Bayshore Bikeway Component have been removed from the EIR.

Response to Comment B-15

This comment summarizes the disclosed impacts in the Draft EIR and does not describe or recommend any specific changes to the mitigation measure. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment. Please also see Chapter 2, *Revisions to the Draft EIR*, which states that Route 3 is the only route that is part of the project now.

Response to Comment B-16

This comment is summarizing the disclosed impacts in the Draft EIR and does not describe or recommend any specific changes to the mitigation measure. Please see Chapter 2, *Revisions to the Draft EIR*, which states that Route 3 is the only route that is now part of the project. As described in Chapter 3 of the Draft EIR, “Fencing is proposed along the edge of the bikeway in the area proposed to be downslope/east of Marina Way and west of Paradise Marsh” as part of Route 3. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment.

Response to Comment B-17

This comment summarizes the disclosed impacts in the Draft EIR and does not describe or recommend any specific changes to the mitigation measure. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment.

Response to Comment B-18

This comment summarizes the disclosed impacts in the Draft EIR and does not describe or recommend any specific changes to the mitigation measure. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment.

DocuSign Envelope ID: 3F58DA97-75B7-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 5 of 20

B-18 cont. activities during the osprey nesting season (January 15–June 15) or provide 500-foot avoidance buffers from any observed active nest.

B-19 The Pepper Park Expansion, Roadway Configuration in Balanced Plan, GB Capital Component, and Bayshore Bikeway Component Routes 1 and 3 could result in potential disturbance or destruction of nests protected by the Migratory Bird Treaty Act (MBTA). MM-BIO-5 would require avoidance of all vegetation or noise-generating construction activities during the nesting season (February 15–September 15), or, if construction could not be avoided during the nesting season, nesting bird surveys would be required, and construction prohibited within a buffer zone around active nests.

B-20 Construction of the GB Capital Component and Bayshore Bikeway Component Route 1 or Route 3) would have the potential to remove Diegan coastal sage scrub (including restored and baccharis-dominated forms). The potential reduction in Diegan coastal sage scrub would be significant. MM-BIO-10 would require compensation for permanent impacts on Diegan coastal sage scrub habitats at a minimum 1:1 ratio, with compensation occurring as creation, enhancement, or restoration. The compensation could occur through a combination of one or more of the following: onsite enhancement, re-establishment, or creation; or payment into an agency-approved in-lieu fee, mitigation program, or other approved mitigation provider.

B-21 Construction of Bayshore Bikeway Component Route 1 would have the potential to remove coastal salt marsh habitat. If Route 1 were chosen, then MM-BIO-11 requires that, prior to issuance of a Coastal Development Permit, the Project Proponent of Bayshore Bikeway Component would request and participate in stakeholder meetings with applicable regulatory agencies and the District to identify locations within the San Diego region to mitigate impacts on coastal salt marsh habitat. All feasible efforts to avoid impacts on coastal salt marsh would be made during final Project design. If avoidance could not be accomplished, then areas for on-site restoration or enhancement within the Paradise Marsh would be prioritized for the required compensatory mitigation. Typical mitigation ratios for coastal salt marsh habitat are 2:1 to 3:1 depending on site conditions at both the impact site and mitigation site.

B-22 Use of reflective building and glass finishes in hotel development associated with the City Program – Development Component might confuse birds in flight, leading to an increase in strikes. This impact would be potentially significant. Where a building would be taller than three stories, MM-BIO-9 would require an ornithologist (retained by the respective Project Proponent and pre-approved by the District and familiar with local species to review building plans to verify that the proposed building has incorporated specific design strategies that qualify for Leadership in Energy and Environmental Design (LEED) credits, as described in the American Bird Conservancy’s Bird-Friendly Building Design (Sheppard and Phillips 2015) or an equivalent guide to avoid or reduce the potential for bird strikes.

COMMENTS AND RECOMMENDATIONS

B-23 CDFW offers the comments and recommendations below to assist the District in adequately identifying and/or mitigating the Plan’s significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Recommendations may also be included to improve the document.

Response to Comment B-19

This comment summarizes the disclosed impacts in the Draft EIR and does not describe or recommend any specific changes to the mitigation measure. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment.

Response to Comment B-20

This comment summarizes the disclosed impacts in the Draft EIR and does not describe or recommend any specific changes to the mitigation measure. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment.

Response to Comment B-21

This comment summarizes the disclosed impacts in the Draft EIR and does not describe or recommend any specific changes to the mitigation measure. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment. Further, Route 1 is no longer a part of the proposed project, and all reference to Route 1 of the Bayshore Bikeway Component has been removed from the EIR. See Chapter 2, *Revisions to the Draft EIR*.

Response to Comment B-22

This comment summarizes the disclosed impacts in the Draft EIR and does not describe or recommend any specific changes to the mitigation measure. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment.

Response to Comment B-23

This comment is an introductory comment for the section where the commenter begins making recommendations for additional analysis or refinement of the Draft EIR. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. The specific comments raised following this paragraph are addressed below.

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 6 of 20

I. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #1: Seabird Foraging Habitat Impacts—Sweetwater Channel

CDFW reviewed the DEIR, Appendix H and noted the potential special status seabird species listed that may be present within the proposed waterside Project area of Sweetwater Channel. The State fully protected seabird species that occur or have the potential to forage in the Sweetwater Channel Project area include:

- California least tern
- California brown pelican, (brown pelican), (*Pelecanus occidentalis californicus*; FPS)

Issue: The least tern foraging area near their nesting colony at the D Street Fill location will be significantly impacted by the proposed waterside Project due to loss of foraging open water habitat and loss of eelgrass habitat within Sweetwater Channel. The D Street least tern nesting colony may be one of the most successful nesting sites in California, and the least terns have been observed foraging in Sweetwater Channel (CDFW NOP Letter, Jan. 2019). The least tern is migratory and forages on juvenile or small adult fish in San Diego Bay or offshore near their nesting sites. The nearest suitable foraging site and fish nursery habitat with eelgrass close to the D Street nesting colony is Sweetwater Channel entrance, which is considered a sensitive habitat area for bird foraging.

Specific Impacts: According to the DEIR, permanent seabird foraging impacts will occur due to the proposed in-water Project construction within Sweetwater Channel. This includes permanent large area foraging habitat losses of eelgrass and open shallow water due to overwater structure shading and habitat covering. Other potential permanent impacts include general recreational boating activities, boat moorings, and floating shellfish aquaculture equipment. Temporary foraging impacts may include underwater noise and turbidity due to in-water construction.

Why impacts would occur: Permanent and temporary foraging habitat impacts will occur because least terns currently nest on the least tern nesting colony at the D Street nesting site adjacent to Sweetwater Channel and forage in the channel during the breeding and nesting season, which is typically between April 1st and September 15th. Foraging habitat loss impacts would cause the least terns and other sensitive birds that currently use the Sweetwater Channel, for suitable foraging habitat, to seek other suitable foraging areas further away from nests. This could potentially leave the eggs or chicks vulnerable to predation on the D Street nesting site. Additionally, there will be temporary Sweetwater Channel habitat degradation related to pile driving underwater noise, and turbidity.

Permanent Impacts: The proposed in-water Project developments would shade and cover eelgrass and open shallow water habitat causing expected and potential adverse bird foraging impacts that was not fully analyzed and discussed in the DEIR.

Temporary Impacts: During construction of concrete piles there will be underwater noise and turbidity from pile driving which will cause fish and foraging birds to avoid their usual foraging habitat and may cause adverse impacts related to barotrauma injury or death of fish. This may temporarily cause fish used by least terns to be unavailable or scarce during their critical nesting and chick rearing season.

Response to Comment B-24

The comment is written with regards to California least tern (CLT) and California brown pelican (CBP), stating that these state fully protected seabird species occur or have the potential to forage in Sweetwater Channel where project-related waterside and overwater work is proposed. The comment notes that CLT utilizing the D Street nesting colony location will suffer a loss of open water foraging habitat as a result of the project. The comment also notes CLT will be impacted by a loss of eelgrass habitat as a result of the project. The comment also highlights the importance of eelgrass to fish nursery habitat and by extension to CLT and CBP.

The comment correctly notes that the project will result in a loss of open water foraging habitat and impacts on eelgrass. The loss of eelgrass and open water during operation will be fully mitigated in accordance with **MM-BIO-13**, thus avoiding a significant impact on CLT and CBP foraging habitat. Furthermore, **Impact-BIO-7** has been broadened to include all sensitive wildlife species that could be affected by disruption of fish habitat during construction, including CLT and CBP. This impact would be mitigated by implementation of **MM-BIO-7**. It should also be noted that the creation of the Pier 32 Marina (i.e., creating a marina basin from land) meant an increase in open water forage space for CLT utilizing the D Street nesting colony. This means there is a temporal benefit to CLT utilizing the D Street nesting colony until such time as the credit associated with the creation of that open water habitat is utilized.

Response to Comment B-25

This comment identifies the impacts evaluated in the Draft EIR including habitat losses of eelgrass and open shallow water due to overwater structures preventing foraging. The comment also notes increased recreational usage of Sweetwater Channel due to the project and temporary impacts associated with in-water construction noise as noted in the Draft EIR.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment. Please also see Chapter 2, *Revisions to the Draft EIR*, regarding the removal of aquaculture from the proposed project.

Response to Comment B-26

This comment notes that adverse avian foraging impacts would occur that were not fully analyzed and discussed in the Draft EIR. It also notes that underwater noise and turbidity from pile driving may cause adverse impacts due to fish injury or death leading to scarcity during the CLT breeding season.

This comment will be addressed through additional evaluation and analysis to be presented in the Final EIR (see Responses to Comments A-7 and B-31 below).

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 7 of 20

- B-27 **Evidence impacts would be significant:** Based on recent 2018 eelgrass surveys documented in the DEIR (Appendix H), the Sweetwater Channel eelgrass bed area east of the Pier 32 Marina entrance is historically a persistent eelgrass bed offering high quality foraging habitat for fully protected seabirds and other sensitive birds.

Permanent Impacts: After construction of the overwater boat docks, boat moorings, pier platform, and shellfish aquaculture equipment, open water seabird foraging habitat would be permanently covered. According to the DEIR (Appendix H), the eelgrass shading effects of the proposed overwater structure would be expected to cause permanent losses, and/or degradation, of most if not all the existing and persistent eelgrass habitat. Generally, this is expected to degrade the eelgrass ecosystem and marine biodiversity as discussed in the DEIR (Appendix H) regarding impacts to primary and secondary (fish) productivity and bottom-up trophic level impacts. The local ecosystem level impacts would likely reduce fish needed for least tern foraging habitat on a permanent basis if not replaced within Sweetwater Channel in the near vicinity, which is likely not feasible. Offsite mitigation would likely be necessary, making all Sweetwater Channel habitat losses permanent within the local area. Anthropogenic disturbances and sedimentation from permanent increased boating activity, boat moorings, and shellfish aquaculture operation may cause additional eelgrass losses, and degradation of bird foraging habitat. All impacts combined may permanently and significantly reduce high quality seabird foraging habitat near the D Street least tern nesting colony and may reduce the D Street nesting least tern population.
- B-28 **Temporary Impacts:** Generally, fish move away from the source of underwater noise and turbidity during construction, and this is expected to temporarily reduce migratory least tern and resident bird foraging opportunities within the Sweetwater Channel. Underwater noise and fish responses are discussed in detail in the DEIR (Appendix H) regarding barotrauma impacts to fish. During construction of concrete piles, there would be generation of water turbidity from pile driving which is caused by bottom sediment disturbances during construction of any new piles for docks and piers.
- B-29 **Recommended Potentially Feasible Mitigation Measure(s):** CDFW recommends the Final EIR include the following to reduce the risk of adverse foraging impacts to fully protected least terns and Brown pelicans:

Mitigation Measure #1: Add the following additional mitigation measure to the Final EIR: To avoid temporary foraging impacts to least terns during their nesting and breeding season, conduct pile driving outside of least tern breeding and nesting season (typically between April 1st and September 15th). If the least tern nesting season cannot be avoided, then CDFW has further recommendations below.
- B-30 **Recommendation #1:** Add the following additional in-water construction protection measures to the Final EIR: To further avoid and minimize impacts to fully protected and federal or state endangered species, add a least terns and Brown pelican safety zone monitoring and avoidance plan. Each bird species should have mitigation measures specified that will avoid or minimize in-water construction impacts.
- B-31 **Recommendation #2:** To avoid impacts to least tern foraging, marine life, and their habitat, CDFW recommends choosing a feasible Sweetwater Channel waterside development project alternative which will reduce impacts below the level of significant or choose Alternative 2, described in the DEIR, to avoid coverage and shading of open water habitat. The focus for Sweetwater Channel regarding locally sensitive and fully protected birds should include

Response to Comment B-27

This comment further details how eelgrass beds east of the Pier 32 Marina entrance are persistent and offer high-quality foraging habitat for protected seabirds. The comment puts forth that these persistent beds are critical because they are near the D Street nesting CLT population. It postulates that loss of these eelgrass beds cannot be mitigated within the Sweetwater Channel, and therefore the impacts are significant.

The eelgrass beds east of the Pier 32 Marina are not necessarily persistent. They have only been documented in 14% (1 out of 7) of the baywide eelgrass inventories performed between 1993 and 2017. This comment is addressed through additional evaluation and analysis in the Final EIR (additionally, see Responses to Comments A-7 and B-31 below).

Response to Comment B-28

This comment further defines the temporary impacts associated with noise and turbidity. This comment has been addressed through additional evaluation and analysis in the revised Draft EIR (see Response to Comment B-29 below).

Response to Comment B-29

This comment recommends avoidance during California least tern breeding season. Please see Response to Comment A-7.

Response to Comment B-30

This comment recommends additional avoidance measures if the California least tern breeding season cannot be avoided and if the complete avoidance of pile-driving activities during California least tern nesting season cannot be accomplished.

See Response to Comment A-7. Through the revision to **MM-BIO-3**, the recommendation to avoid the California least tern breeding season has been included in the revised Draft EIR. California brown pelican are protected during other times of the year through protection of water quality with the use of silt curtains and the sensitive species monitoring program as required by **MM-BIO-7**.

Response to Comment B-31

This comment is a recommendation to choose a feasible Sweetwater Channel waterside development project that avoids impacts on open water habitats and associated species. The commenter recommends choosing Alternative 2 to avoid coverage and shading of open water

habitat because Alternative 2 would not include waterside development. However, Alternative 2 does not meet the project's objectives to include such development. The commenter states that the focus should be to avoid take of fully protected birds, least tern foraging habitat, which includes both the California least tern (CLT) and California brown pelican (CBP) and minimize foraging habitat impacts, including avoiding or minimizing surface water losses, overwater shading of eelgrass, and boating and marina impacts. The commenter also states the project must avoid or minimize live aboard noise, night lighting, and unauthorized boat landings.

The impact is more substantial for CLT relative to CBP because CLT may have to increase the foraging distance from the D Street CLT nesting colony to capture prey if fish abundance is depressed due to the project. The fish abundance can become depressed through three mechanisms: fleeing due to in-water construction noise, injury or death from pile-driving noise, and lost nursery value through permanent losses to eelgrass.

The District hired MTS to conduct a comprehensive report on potential environmental impacts on open water foraging habitat and species that use open water habitats. The MTS report is found in Appendix H.

The EIR sets forth the severity of impacts and mitigation measures to address the potential impacts. These are summarized here.

As referenced in **MM-BIO-13**, proposed methods for GB Capital to mitigate for increased overwater coverage include reduction in overwater coverage at another location in San Diego Bay, restoration of upland riparian habitats, restoration of submerged aquatic vegetation, water quality-improvement techniques, restoration of soft-bottom habitats, such as mud flats, or use of mitigation bank credits or credits from the U.S. Army Corps of Engineers (USACE) permit for the construction of the marina on historic and later acquired uplands, or paying an in-lieu fee (once a program is developed, but prior to increase in overwater coverage). With respect to using credits, the creation of the existing Pier 32 Marina created open water foraging space that is immediately adjacent to the Sweetwater River Channel and therefore, close to the D Street CLT nesting site. There is residual credit remaining for use by other projects, including this project. The credit related to the USACE permit for the construction of the marina from wetlands is relative to overwater coverage only and does not pertain to eelgrass impacts.

The eelgrass resources mapped in Sweetwater Channel are believed to be ephemeral and not part of a persistent bed. The evidence for this is in the baywide eelgrass inventories performed by the Port of San Diego and the U.S. Navy (U.S. Navy 2020). The cumulative percent eelgrass distribution within the Sweetwater Channel as stated in the most recent eelgrass inventory (in 2020) was 14%. That means that over the past seven baywide eelgrass mapping efforts, eelgrass has been identified in the Sweetwater River Channel during only one of those surveys. The report does not report the survey year in which eelgrass was observed in Sweetwater Channel. It is likely that the recent drought has resulted in eelgrass expansion in recent years because salinity is not being depressed due to low river flow. Regardless, replacement of this ephemeral eelgrass with a persistent eelgrass bed that meets the performance criteria established by the California Eelgrass Mitigation Policy will provide for higher-quality habitat.

Implementation of **MM-BIO-12** would likely result in the creation of a less fragmented eelgrass bed as mitigation for impacts on eelgrass will provide for greater eelgrass habitat value for fishes due to a lessening of “edge effects.” An edge effect is a change in community structure that occurs at the boundary between differing habitats. The patchy eelgrass present in the Sweetwater River Channel has a higher perimeter relative to the eelgrass area if compared to a contiguous eelgrass bed of similar area. This means lower connectivity and potentially lower nursery habitat value for fishes with greater levels of predation as predators can work the edges and more readily catch prey. The goal of any mitigation site is to minimize the total area required to achieve the goal. This would mean identifying and creating a suitable space to create relatively contiguous eelgrass habitat. The provision of a contiguous eelgrass bed with higher levels of connectivity will provide for enhanced fisheries production, which will provide for enhanced beneficial uses associated with wildlife in south San Diego Bay, including the CLT and CBP.

Although the above points were considerations in the evaluation presented in the Draft EIR, they are not explicit within the Draft EIR. Therefore, Section 4.3 of the Draft EIR has been revised to clarify these considerations in support of the analysis included in the Draft EIR; these text revisions to Section 4.3 are included in the revised Draft EIR. The Draft EIR further states that the District is required to perform water quality monitoring if in-water construction is performed during the nesting season to reduce potential impacts to below a level of

significance. If turbidity is elevated then work must cease until turbidity is controlled. The Draft EIR makes the determination that this requirement is sufficient to make the impact on foraging habitat less than significant without need for additional mitigation measures.

Additionally, with regards to noise, the Draft EIR determination was that given the urban nature of the project site and surroundings, noise is unlikely to deter foraging or impact foraging success through dislocation of prey species.

Lighting associated with the GB Capital Component (e.g., lighting at the RV sites, the modular cabins, the new retail uses, expansion of the marina, on the hotels) would add new light sources to the nighttime lighting landscape in the National City waterfront area, which could disrupt wildlife behaviors (i.e., high-frequency blue light has been shown to disrupt natural circadian rhythms in wildlife [and humans] leading to disruption in sleep and wildlife behaviors). This introduction of lighting was found to be a significant impact (**Impact-BIO-10**). **MM-AES-8** would be implemented during operation of the GB Capital Component to reduce the potential impact on wildlife behaviors from lighting to below a level of significance.

Also see Response to Comment A-6, which clarifies additional project features for the GB Capital Component and the Pepper Park Component, including signage, fencing, and education.

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 8 of 20

B-31 cont. | avoidance of take and avoidance and minimization of foraging habitat impacts. This would include avoiding and minimizing surface water losses, overwater shading of eelgrass, as well as boating and marina impacts discussed below. Additionally, it is important to avoid and minimize impacts related to live aboard noise, night lighting, and unauthorized boat landings on the bird nesting and Refuge areas. The DEIR identifies Project Alternative 2 as the "no water side development" alternative to avoid all degradation and losses of eelgrass and open water foraging habitat.

COMMENT #2: Pile Driving Impacts and Sound Criteria

B-32 | **Issue:** CDFW reviewed Appendix H of the DEIR that analyzed underwater noise and turbidity impacts within the Sweetwater Channel. The proposed waterside Project will generate temporary underwater noise and turbidity from pile driving construction of 79 concrete piles for Sweetwater Channel new boat docks, new pier platform, and for the existing marina expansion. There is potential of significant barotrauma impacts to fish and invertebrates which will occur from the proposed use of impact hammers. CDFW relies on guidance from the Fisheries Hydroacoustic Working Group for setting sound pressure level safety criteria for fish resources, and for pile driving projects. The agreed upon criteria consists of sound pressure levels (SPL) of 206 decibels (dB) peak and 187 dB (or 183 dB for fish less than 2 grams body weight) accumulated sound exposure level (SEL) for all listed fish within a project area. Impacts to marine organisms from underwater sound are influenced by the SELs, SPLs, sound frequency, and depth and distance from the sound output source. CDFW prefers the use of the vibratory hammer for pile driving and recommends against using a dynamic or impact hammer. Additional information on in water sound level criteria can be found at: <https://dot.ca.gov/programs/environmental-analysis/biology/hydroacoustics>

Specific Impacts: Pile driving has potential significant underwater sound pressure effects to fish, marine mammals and sea turtles as discussed in the DEIR.

B-33 | **Why impacts would occur:** During installation of concrete piles, there would be underwater noise created from pile driving which will cause altered foraging behaviors of fish, marine mammals, and sea turtles. Fish may temporarily avoid their usual foraging habitat during pile driving. Adverse fish impacts may occur due to higher levels of sound pressure from impact hammers causing potential barotrauma injury or death of fish.

B-34 | **Evidence impacts would be significant:** The biological technical report of the DEIR (Appendix H), indicates pile driving impacts to fish and other marine life are likely to cause at least temporary impacts from lower levels of sound pressure, and in some cases may cause adverse impacts to fish related to elevated levels of sound pressure. No significant impacts to other marine life are expected with implementation of biological monitoring and buffer zones. Additionally, the DEIR states that underwater sound pressure waves could result in fish temporarily avoiding the construction area, and cause mortality of some coastal pelagic fish.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the Final EIR include the following to reduce the risk of adverse impacts from pile driving activities.

B-35 | **Recommendation #3:** Additional fish impacts mitigation measures for concrete pile driving activities should be included in the Final EIR to further avoid and minimize direct impacts to marine fish, and indirect fish nursery impacts to Sweetwater Channel and the existing eelgrass ecosystem. A fish protection plan such as a Marine Fish Species Impact Avoidance and Minimization Plan (Plan) for pile construction impacts should be developed. The Plan should

Response to Comment B-32

This comment summarizes that underwater noise associated with installation of seven concrete piles has the potential to cause significant barotrauma impacts on fish and invertebrates from the use of impact hammers. The comment points out that pile driving has potential significant underwater sound pressure effects on fish, marine mammals, and sea turtles as discussed in the Draft EIR. Impacts are relative to altered foraging behaviors of fish, marine mammals, and sea turtles. Fish may avoid usual habitat during pile driving, and higher levels of sound pressure could cause barotrauma injury or death of fish. The commenter also prefers the use of vibratory hammer for pile driving and recommends against use of dynamic or impact hammer driving.

The Draft EIR identified a significant impact associated with impact-hammer and vibratory-hammer pile-driving activities. Specifically, pile driving would potentially generate enough underwater noise to injure (Level A Harassment) or alter behavior (Level B Harassment) of green sea turtles, fishes, and marine mammals, which is a commonly used methodology for CEQA analyses. However, the analysis showed the potential for Level A Harassment was effectively impractical given the narrow isopleths within which harm would occur. For fishes, peak sound pressures would only harm fish within 1 meter of the activity. The cumulative sound energy capable of injuring fish would require all of the modeled pile strikes to occur within 24 hours, and the fish would have to remain within 21 to 61 meters to experience harm. The range is based on the size of the fishes and the type of piles being driven. For marine mammals and sea turtles, the isopleths for Level A Harassment were even lower. Hence, the findings of the analysis were that monitoring would be sufficient to ensure protection from Level A Harassment.

Additionally, noise-generating impacts resulting from project construction activities that cause fish to flee the project area could mean increased foraging distance for California least terns resulting in lowered nest success for California least terns using the D- Street nesting colony. The increased turbidity due to suspension of marine sediments during pile driving (impact, vibratory, jetting) or other sediment-disturbing activities can reduce the ability of fish-feeding marine birds to capture prey. See **Impact-BIO-7** in the revised Draft EIR. This potential for impact on California least terns has been addressed by modifying the mitigation measures to restrict pile driving to the non-nesting season. While this measure does not provide similar protection for other avian

species such as California brown pelican during the non-nesting season, the potential for impact is less than significant because California brown pelican do not have the same type of foraging site fidelity as nesting California least terns do as they must stay close to their nest site. To lessen this impact to below a level of significance, **MM-BIO-3** and **MM-BIO-7** will be implemented.

Response to Comment B-33

This comment states that pile driving has potentially significant impacts and will cause altered foraging behaviors of fish, marine mammals, and sea turtles. The Draft EIR includes an analysis of the potential impacts on fish, marine mammals and sea turtles and finds a potential significant impact may occur. This analysis has been clarified in the revised Draft EIR to add additional details but does not change the impact conclusion.

Response to Comment B-34

This comment summarizes the analysis in the biological technical report in Appendix H and notes that no significant impacts on marine mammals and sea turtles are expected with implementation of biological monitoring and buffer zones as identified in the Draft EIR. Further, the comment notes that the temporary avoidance of habitat and the potential for mortality of fishes are argued to require additional recommendations and mitigation measures.

This comment summarizes the disclosed analysis and information in the Draft EIR and does not describe or recommend any specific changes to the Draft EIR. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment. This comment is related, however, to additional comments below, and additional evaluation and analysis has been presented in the revised Draft EIR (see Responses to Comments B-35 through B-38 below) regarding these issues.

Response to Comment B-35

This comment recommends an additional mitigation measure in the Draft EIR related to pile driving and recommends that a fish protection plan, such as a Marine Fish Species Impact Avoidance and Minimization Plan, be required. The plan should focus on the recommended mitigation measures discussed in Responses to Comments B-36 and B-37, below, and include guidance from the Fisheries Hydroacoustic Working Group.

The analysis relative to sound levels in the Draft EIR used the guidance from the Fisheries Hydroacoustic Working Group. **MM-BIO-7** has been clarified to require a fish protection plan similar to Marine Fish Species Impact Avoidance and Minimization Plan. The clarified **MM-BIO-7** also includes: the utilization of pile jetting or vibratory methods (vibratory methods subject to additional measures below) to reduce the daily number of pile strikes to the extent practicable and must use fewer than 750 pile strikes per day to set pilings. The need for a monitoring plan and a monitor is retained in this mitigation measure to ensure protection of resources. The noise modeling was conservative and identified potential impacts. Planning and monitoring are intended to ensure impacts are less than significant. The planning and construction will have to balance the cumulative noise impacts associated with vibratory methods against the peak noise levels of impact driving and the receptors present.

If underwater noise is causing an observable impact on any sensitive species, as determined by the biological monitor, the biological monitor must stop in-water construction or may require a bubble curtain to be placed around pilings during impact driving to reduce the intensity of underwater sound pressure levels.

A silt curtain will be placed around the pile-driving activity to restrict the distribution of turbidity associated with the resuspension of marine sediments. The silt curtain will be placed such that it does not drag on the bottom or contact eelgrass resources. In addition, the project proponent will have a qualified contractor prepare and implement a water quality monitoring plan for the District's review and approval to ensure that turbidity outside of the silt curtain does not increase more than 20% above ambient conditions during pile driving. No further changes are required.

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 9 of 20

B-35 cont. include, at a minimum, the below stated mitigation measures, and include the use of the guidance from the Fisheries Hydroacoustic Working Group for setting sound pressure level safety criteria for fish resources.

B-36 **Mitigation Measure #2:** Underwater Noise. Feasible underwater noise dampening mitigation measures should be used for pile driving such as noise dampening blocks, air bubble curtains and/or coffer dam methodologies as applicable for concrete pile driving in addition to the proposed Project methods of soft starts and wildlife safety zones (buffers).

B-37 **Mitigation Measure #3:** Underwater Noise. All concrete piles should be driven with a vibratory hammer to the maximum extent feasible. If an impact hammer is required for pile driving, then underwater sound monitoring is recommended. If the hydroacoustic sound levels generated exceed the Interim Criteria for Injury to Fish (peak sound exposure level (SEL) of 206 decibels (dB) and accumulated SEL of 187 dB SEL threshold for fish over 2 grams and 183 dB for fish under 2 grams), (Interim Criteria 2008), then additional sound pressure wave mitigation is recommended to reduce the sound levels below maximum.

B-38 **Mitigation Measure #4:** Turbidity and Sedimentation. The DEIR indicates that the Project Proponent will use silt curtains to minimize turbidity only if turbidity monitoring results indicate a silt curtain is necessary. While we do understand this mitigation measure is somewhat protective to water quality and eelgrass, CDFW recommends that silt curtains be installed prior to, and during all pile driving activities. This mitigation recommendation is more protective for the sensitive Sweetwater Channel and eelgrass habitats that are adjacent to the proposed Project pile driving location for the new dock.

COMMENT #3: Native Eelgrass and Open Water Habitat Impacts

B-39 **Issue #1:** The proposed in-water portion of the Project will have potentially significant indirect impacts from shading of eelgrass cover (1.88 acres), potential eelgrass habitat (3.49 acres), and direct impacts from coverage of an undetermined area of open water habitat within Sweetwater Channel. The indirect loss of 3.49 acres of potential eelgrass habitat was identified, but not discussed in the DEIR as needing compensatory mitigation. The potential eelgrass habitat should be mitigated in addition to the 1.88 acres of eelgrass cover (See eelgrass habitat compensation measures and recommendations below).

B-40 **Issue #2:** The proposed Project may have additional significant adverse Sweetwater Channel soft bottom and eelgrass impacts from temporary in-water construction work, and permanent boating operation impacts for the remaining life of the Project that were not fully addressed in the DEIR.

B-41 **Issue #3:** The proposed Project may have additional significant adverse Sweetwater Channel soft bottom and eelgrass impacts from the proposed shellfish aquaculture facility.

B-42 **Specific Impacts:** As stated in the DEIR, eelgrass observed east of the Pier 32 Marina entrance within Sweetwater Channel during the 2018 eelgrass survey will be shaded and open water habitat will be covered by the proposed waterside Project. The Project Proponent proposes overwater structures to include new boat docks, boat moorings, pier platform, and shellfish aquaculture floating equipment. All overwater structures will cause reduction of open surface water habitat, and shading of channel water, eelgrass cover, potential eelgrass habitat (unvegetated), and soft bottom.

Response to Comment B-36

This comment recommends requiring noise dampening mitigation measures such as dampening blocks, bubble curtains, and/or coffer dam methods for concrete pile driving in addition to the soft starts and wildlife safety zones already specified in the Draft EIR.

Use of dampening devices was not specified as a mitigation measure in the Draft EIR because they reduce the energy being imparted to the piling. However, per the comment’s recommendation, **MM-BIO-7** has been revised. See Response to Comment B-35.

Response to Comment B-37

This comment includes a recommendation for pile-driving mitigation, which would require the use of a vibratory hammer to the maximum extent feasible, instead of an impact hammer for underwater construction. If an impact hammer is required, then underwater sound monitoring is recommended. If sound pressure levels specified by Fisheries Hydroacoustic Working Group are exceeded, additional sound pressure mitigation is recommended to reduce sound levels below thresholds. The commenter does not offer what these additional noise mitigation actions to reduce sound might be.

Vibratory hammer or pile jetting will be used to the maximum extent possible to set piles with an impact hammer being used to achieve proper embedment as necessary (see Response to Comment B-35). This is typical practice, but the language has been clarified in the revised Draft EIR to ensure that impact pile driving is restricted to no more than 750 pile strikes per day. The requirement for a monitoring plan and a monitor is retained to ensure protection of resources. The noise modeling was conservative and identified potential impacts. Planning and monitoring are intended to ensure impacts are less than significant. The planning and construction will have to balance the cumulative noise impacts associated with vibratory methods against the peak noise levels of impact driving and the receptors present.

Response to Comment B-38

In this comment, the commenter recommends requiring the use of silt curtains with installation occurring prior to and during pile driving. Please see Response to Comment B-35.

Response to Comment B-39

This comment states that the in-water project components will have potentially significant indirect impacts from shading of eelgrass and potential eelgrass habitat and direct impacts on open water habitat. The comment states that the indirect loss of a portion of the 3.49 acres of potential eelgrass habitat was not discussed in the Draft EIR in the section discussing eelgrass compensatory mitigation.

The California Eelgrass Mitigation Policy (CEMP) does not have compensatory mitigation requirements for “potential eelgrass habitat.” The CEMP specifies that, “the elevated starting mitigation ratio should be applied to the area of impact to vegetated eelgrass cover only.” The CEMP requires the mapping of non-vegetated eelgrass habitat (essentially a 5-meter buffer around vegetated beds). This non-vegetated eelgrass habitat is recognized as having value that is potentially greater than non-vegetated habitat further removed from vegetated eelgrass beds. This is because of factors (such as the provision of organic carbon) that are present beyond the bed boundaries. However, it is not appropriate to use the non-vegetated habitat area as a means to establish mitigation because the value is highly subject to inflation based on bed fragmentation. Fragmentation of any habitat is generally viewed as negative. For instance, fragmentation of forests leads to a reduction in biodiversity. In the current context, the fragmented eelgrass beds present in the Sweetwater Channel have a lower relative ecological value relative to an otherwise contiguous eelgrass bed yet have an inflated non-vegetated eelgrass habitat cover due to the mapping requirement. Note that the 3.49 acres of impact has been reduced with the removal of the aquaculture element (see Response to Comment B-48).

In addition, this comment is related to additional comments below, and additional evaluation and analysis has been presented in the revised Draft EIR (see Responses to Comments B-50 through B-55) regarding these issues.

Response to Comment B-40

In this comment, the commenter indicates that impacts on eelgrass and soft-bottom habitats associated with temporary in-water construction work was not fully addressed. Additionally, the commenter indicates that permanent long-term boating operation impacts were not fully addressed. The comment does not provide recommendations or mitigation measures associated with that note.

To address this comment, the language of **MM-BIO-12** in the revised Draft EIR has been clarified to require contractor education regarding the presence and sensitivity of eelgrass beds. This education will include providing the contractor with a map that depicts the location of eelgrass within the work area, instructing the contractor to use the minimal propeller thrust necessary when working in shallow water to avoid dislodging eelgrass or generating excessive turbidity, and instructing the contractor to not place anchors or spuds over portions of the seafloor that support eelgrass.

The comment also mentions increased boating activities and potential impacts on eelgrass (aka potential for vessel strikes). Vessel strikes were discussed in Section 4.3.4.3, specifically on pages 4.3-50 and 4.3-51, of the Draft EIR, and that analysis states that the current speed limits for all of south San Diego Bay provide protection relative to the potential for vessel strikes. Additionally, the language in the revised Draft EIR has been revised to clarify that the current speed limits protect eelgrass and soft-bottom communities from propeller wash. In the unlikely event that eelgrass disturbance were to occur, it would be detected by the monitoring required under **MM-BIO-12** and mitigated in accordance with the same mitigation measure. Therefore, potential vessel strike and operational propeller wash impacts are less than significant.

Response to Comment B-41

In this comment, the commenter states that the project may have additional significant adverse soft-bottom and eelgrass impacts from the proposed shellfish aquaculture facility.

Please see Chapter 2, *Revisions to the Draft EIR*. Aquaculture has been removed from the GB Capital Component. Therefore, this comment is no longer applicable.

Response to Comment B-42

This comment summarizes specific impacts on eelgrass from proposed overwater structures.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. The comment does, however, list the shading of potential eelgrass habitat (unvegetated) as one of the habitat types that would be shaded. This element was noted as a deficiency under Comment B-39 and is addressed above in the Response to Comment B-39. Note that the comment also mentions multiple sources of shading, including shellfish aquaculture. As

noted above under Responses to Comments B-5 and B-10, aquaculture (part of the GB Capital Component) has been removed from the project description, and the Final EIR has been revised to remove analysis of aquaculture impacts. This comment is related to additional comments below, and additional evaluation and analysis has been provided in the revised Draft EIR (see Responses to Comments B-50 through B-55) regarding these issues.

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 10 of 20

B-43 | Additionally, there will be potentially permanent and temporary eelgrass impacts generated from boating and in-water construction. This may include indirect effects such as underwater noise, water turbidity, sedimentation, propeller wash, and boat wakes resulting in bank erosion. Direct effects may include physical soft bottom disturbances such as anchoring, propeller cuts, and pile driving during construction.

B-44 | Shellfish aquaculture impacts: Shellfish aquaculture may permanently impact eelgrass by increasing sedimentation, turbidity, shading, and accumulation of debris underneath aquaculture equipment.

B-45 | **Why impacts would occur:** According to the DEIR impact assessment, all the eelgrass within Sweetwater Channel will be adversely impacted by the proposed Project due to shading, and general boating activities. Eelgrass is a plant that utilizes photosynthesis for growth, and its survival depends on sunlight reaching the bottom of the Sweetwater Channel. The DEIR states there will be an assumed total eelgrass area loss of 1.88 acres based on a 2018 eelgrass survey. Most of the eelgrass exists along the shoreline where the new boat dock would be located with an additional portion of eelgrass found throughout the Sweetwater Channel where the boat moorings and aquaculture facility are proposed. Additionally, there are 3.49 acres of unvegetated, potential eelgrass habitat mapped as seen in Figure 3 of Appendix H, some of which will be permanently impacted due mainly to new overwater structure shading.

B-46 | Adverse or temporary eelgrass habitat impacts may occur from in-water dock construction, mooring, and increased boating including turbidity, sedimentation, anchor and propeller cuts, and boat wake effects.

B-47 | Shellfish aquaculture facilities potentially cause impacts to eelgrass growing underneath or adjacent to the facility operations. This may include indirect effects such as sedimentation, turbidity, shading, and accumulation of debris underneath aquaculture equipment all of which could displace or degrade eelgrass habitat.

B-48 | **Evidence impacts would be significant:** The loss of 1.88 acres of eelgrass cover and 3.49 acres of unvegetated, potential eelgrass was identified in the DEIR and is considered a significant impact by CDFW. Eelgrass is a sensitive and rare habitat that is highly productive as a juvenile fish nursery, and used by adult fish and invertebrates for foraging, spawning, and shelter. Eelgrass beds are also considered a "special aquatic site" and given protections by the Clean Water Act. Additionally, the importance of eelgrass protection and restoration, as well as the ecological benefits of eelgrass, is identified in the California Public Resources Code (PRC §35630). Guidance for eelgrass impact avoidance, minimization, and compensatory mitigation as well as guidance for eelgrass mitigation banking is provided by the California Eelgrass Mitigation Policy (CEMP), (NOAA, 2014). (https://media.fisheries.noaa.gov/dam-migration/cemp_oct_2014_final.pdf).

B-49 | Shellfish aquaculture facilities floating over eelgrass beds will shade the eelgrass bed below and adjacent areas which may have potentially significant impacts as indicated by the DEIR, (Appendix H). Shellfish aquaculture can have other potentially significant impacts such as generating additional benthic nutrients, eelgrass sedimentation, and equipment debris which may fall to the bottom covering eelgrass and benthic sediments. On the other hand, there can be eelgrass and water quality benefits from shellfish aquaculture.

Response to Comment B-43

This comment describes specific permanent and temporary, direct and indirect impacts on eelgrass from boating and in-water construction.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. This comment is related, however, to Comment B-40, above. To address Comment B-40, language has been added to highlight this potential impact in the revised Draft EIR, and contractor education has been included as a component of **MM-BIO-12** to avoid impacts associated with construction. Additionally, boating activities, such as vessel strikes, were analyzed in the Draft EIR. Related to vessel strikes, vessel noise, and biofouling, the Draft EIR found less-than-significant impacts. For propeller wash and wakes associated with increased operational use, the Final EIR has been revised as noted in the Response to Comment B-40 above. For propeller wash during construction, **MM-BIO-12** in the revised Draft EIR has been clarified to require the following:

MM-BIO-12: Provide Contractor Education, Utilize Ecological Moorings, and Develop an Eelgrass Mitigation and Monitoring Plan in Compliance with the California Eelgrass Mitigation Policy (GB Capital Component). Prior to the start of any in-water construction, the project proponent shall retain a qualified marine biologist to provide contractor education relative to the presence and sensitivity of eelgrass beds. The contractor shall be provided with a map that depicts the location of eelgrass within the work area. The contractor shall be instructed to use the minimal propeller thrust necessary when working in shallow water to avoid dislodging eelgrass or generating excessive turbidity. The contractor shall also be instructed not to place anchors or spuds over portions of the seafloor that support eelgrass.

The proposed vessel moorings shall use ecologically sensitive mooring systems that minimize contact with the ocean bottom, to reduce scouring impacts. Examples of these systems include flexible lines with anchors that are permanently embedded into the bottom. The GB Capital Component shall include educational materials to boat operators describing how ecological moorings work and specifying that boat operators shall utilize the ecological moorings.

Response to Comment B-44

This comment describes potential impacts from the aquaculture facility, including increased sedimentation, turbidity, shading, and accumulation of debris.

Please see Chapter 2, *Revisions to the Draft EIR*. Aquaculture has been removed from the GB Capital Component. Therefore, this comment is no longer applicable.

Response to Comment B-45

This comment summarizes the impacts discussed in the Draft EIR related to eelgrass from shading and boating activities within Sweetwater Channel.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Note that with the removal of the aquaculture element (see Chapter 2, *Revisions to the Draft EIR*), the marine biological assessment was updated, and the potential analysis of impacts on eelgrass was reduced from 1.88 acres to 1.32 acres. This comment is related, however, to additional comments below, and additional evaluation and analysis has been provided in the revised Draft EIR (see Responses to Comments B-50 through B-55).

Response to Comment B-46

This comment summarizes the impacts discussed in the Draft EIR related to eelgrass from in-water dock construction, mooring, and boating activities within Sweetwater Channel. Although not discussed specifically in the Draft EIR, impacts from boat wakes on eelgrass habitats have been addressed in the revised Draft EIR.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. This comment is related, however, to additional comments below and additional evaluation and analysis has been provided in the revised Draft EIR (see Responses to Comments B-50 through B-55) regarding these issues.

Response to Comment B-47

This comment summarizes why impacts would occur on eelgrass from aquaculture activities within the Sweetwater Channel.

Please see Chapter 2, *Revisions to the Draft EIR*. Aquaculture has been removed from the GB Capital Component. Therefore, this comment is no longer applicable.

Response to Comment B-48

This comment specifies that the commenter believes that significant impacts will occur on both 1.88 acres of eelgrass and 3.49 acres of unvegetated potential eelgrass from shading and boating activities.

This comment references the 1.88 acres of impact noted in the marine biological assessment incorporated by reference in the Draft EIR. The marine biological assessment has been updated to reduce the 1.88 acres of eelgrass impact to 1.32 acres after removal of the aquaculture element and implementation of a refined impact analysis. The comment does not raise specific issues relating to the impact analysis.

The comment references the 3.49 acres of unvegetated, potential eelgrass habitat identified in the Draft EIR and marine biological assessment as having potential for impact. That value has been updated to 1.71 acres after removal of the aquaculture element and preparation of a refined impact analysis. The comment does not raise specific issues relating to the impact analysis. Note that the relevance of analyzing the impact on the unvegetated, potential eelgrass habitat is provided above (see Response to Comment B-39).

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. This comment is related, however, to comment B-39 above which did raise a specific issue to the completeness of the analysis in the Draft EIR. Please see additional related comments below, and additional evaluation and analysis has been provided in the revised Draft EIR (see Responses to Comments B-50 through B-55) regarding these issues, specifically compensatory mitigation requirements for unvegetated potential eelgrass.

Response to Comment B-49

This comment includes the commenter's opinion that impacts from aquaculture such as creation of benthic nutrients, sediment, and equipment debris could occur on eelgrass from shellfish aquaculture activities within Sweetwater Channel and also that there may be potential benefits from shellfish aquaculture on eelgrass and water quality.

Please see Chapter 2, *Revisions to the Draft EIR*. Aquaculture has been removed from the GB Capital Component. Therefore, this comment is no longer applicable.

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 11 of 20

- B-50 **Recommended Potentially Feasible Mitigation Measure(s):** CDFW recommends incorporating the following mitigation measures and recommendations into the Final EIR to avoid and minimize the impacts to eelgrass habitats, and open water habitat.

Recommendation #4: CDFW recommends an eelgrass and open water habitat Mitigation, Monitoring and Reporting Plan (MMRP) be developed in collaboration with CDFW and other agencies and be included in the Final EIR. CDFW also recommends adding alternatives for in-water project designs which would avoid adverse impacts. CDFW also recommends that comprehensive baseline eelgrass and open water surveys be conducted and the results added to the Final EIR. Additionally, eelgrass and open water habitat mitigation site locations and alternatives should be discussed in the Final EIR. Once final designs are completed, CDFW recommends that the MMRPs and Final EIR include a habitat loss/gain analysis summary table indicating area of habitat losses, and how each loss of eelgrass, potential eelgrass habitat, and open surface water habitat will be mitigated. Prior to finalizing the MMRPs for the proposed in-water Project, a plan for avoiding Eelgrass Shading and Open Water Coverage should be developed and included in the MMRP to identify tentative habitat impact avoidance and minimization measures to be finalized prior to in-water construction.
- B-51 **Recommendation #5:** CDFW recommends Project Alternative 2 (no in-water development) be chosen as the proposed Project to avoid the significant habitat impacts of Sweetwater Channel, a habitat area considered sensitive and of high quality by CDFW. If Project Alternative 2 is chosen, this would avoid loss of significant areas of valuable eelgrass and open shallow water habitat due to overwater structure shading and coverage. CDFW has identified this area as sensitive because of the significant area of extant eelgrass and bird foraging habitat used by sensitive birds, some of which are fully protected.
- B-52 **Recommendation #6:** The proposed Project will likely have direct and indirect construction and operational eelgrass habitat impacts that may not show up shortly after construction. CDFW recommends at least two or more annual eelgrass monitoring and impact analysis surveys should be conducted.
- B-53 **Recommendation #7:** If transplanting of eelgrass is required for eelgrass compensatory mitigation, a Scientific Collecting Permit (SCP) from CDFW will be required prior to harvest and transplanting activities. The SCP may include conditions such as donor bed surveys, limits on number and density of turions collected, methods for collection and transplanting, notification of activities, and reporting requirements. Please visit the CDFW's SCP webpage for more information: <https://wildlife.ca.gov/Licensing/Scientific-Collecting>.
- B-54 **Mitigation Measure #5:** Eelgrass and open water habitat impacts should be avoided, minimized, and unavoidable impacts compensated on site, and in-kind if feasible. The eelgrass MMRP and the Final EIR should include several alternative eelgrass mitigation site locations to compensate for expected losses of eelgrass cover (1.88 acres as of 2018), potential eelgrass habitat (3.49 acres as of 2018), and open water habitat. Actual losses of these habitats should be determined and compensated after construction is complete.
- B-55 **Mitigation Measure #6:** The proposed Project should avoid and minimize the area of overwater structure covering open water habitat and shading of eelgrass beds to the maximum extent feasible. Additionally, the MMRP as recommended above, should include, at a minimum, the following mitigation measures:

Response to Comment B-50

This comment includes the commenter’s recommendations for additional measures to minimize impacts on eelgrass from the proposed project. Specifically, this comment recommends that an eelgrass and open water habitat Mitigation Monitoring and Reporting Plan be developed with CDFW, and that an alternative for in-water project design be included in the Final EIR. The commenter also recommends additional surveys be performed and added to the Final EIR, and that mitigation site locations and alternatives be discussed in the Final EIR and a habitat loss/gain analysis summary table be included along with how each loss of eelgrass, potential eelgrass habitat, and open water habitat will be mitigated once final design is completed. Moreover, the commenter asks that a plan for avoiding eelgrass shading and open water coverage be developed and included in the eelgrass and open water habitat Mitigation Monitoring and Reporting Plan to identify impact avoidance and minimization measures.

With respect to the requested eelgrass and open water habitat Mitigation Monitoring and Reporting Plan, it would be premature to develop a mitigation plan at this time. Adherence to the CEMP is required and additional resource agency consultation during the permit process would occur, which would include evaluation of any mitigation plan (as required by CEMP) as part of permit applications.

With regards to an alternative for in-water project design, Alternative 2 eliminates in-water development. **MM-BIO-12** has been revised to add the following requirements:

The eelgrass mitigation plan shall use updated eelgrass monitoring data to establish the amount of eelgrass present, and that data shall be collected within 6 months of the first draft of the mitigation plan. Additionally, the mitigation plan shall provide a summary of all mitigation sites considered during the evaluation and provide the rationale for the chosen mitigation site(s). A mitigation site must be secured prior to in-water construction that would affect eelgrass. Finally, the plan shall also include a habitat loss/gain analysis table and any changes to the losses or gains shall be captured in revisions to the mitigation plan as additional surveys as specified below are performed. To the extent practical, the mitigation shall attempt to achieve the creation of a contiguous eelgrass bed with eelgrass density at or above that present within the patchy eelgrass beds

present within the Sweetwater River Channel. This will provide for enhanced fisheries benefit and therefore benefit to fish-foraging avian species such as California least tern. The mitigation plan shall be provided with permit applications required under the Rivers and Harbors Act (Section 10) and CWA (Section 401, Section 404), which would require supplemental resource agency consultation during the permitting process.

MM-BIO-12 requires that the mitigation plan be updated as necessary following the required 2 years of eelgrass monitoring surveys as specified in the CEMP for projects with the potential for temporally protracted impacts.

Response to Comment B-51

The commenter recommends Alternative 2 be selected as the proposed project to avoid the significant habitat impacts of Sweetwater Channel, a habitat area considered sensitive and of high quality by CDFW. The comment further notes that if Alternative 2 is chosen, loss of significant areas of valuable eelgrass and open shallow water habitat due to overwater structure shading and coverage would be avoided. The commenter identifies this area as sensitive because of the significant area of extant eelgrass and bird foraging habitat used by sensitive birds. The commenter's preference for adoption of Alternative 2 will be passed on to the Board of Port Commissioners. The State CEQA Guidelines require that an EIR present a range of reasonable alternatives to a project, or to the location of a project, that could feasibly attain a majority of the basic project objectives, but that would avoid or substantially lessen one or more significant environmental impacts of the project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice. An EIR need not consider every conceivable alternative to a project. Alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the basic project objectives, are not feasible, or do not avoid or substantially lessen any significant environmental effects (State CEQA Guidelines, Section 15126.6I). As such, the Draft EIR included a reasonable range of alternatives—evaluating the No Project Alternative scenario and four other alternatives that were carried forward.

As discussed in Chapter 7, *Alternatives to the Proposed Project*, Alternative 2 would slightly reduce impacts associated with biological

resources (i.e., avoiding removal of eelgrass and reducing pile-driving noise impacts on wildlife) compared to the proposed project because of the elimination of construction activities within Sweetwater Channel. However, all other impacts under Alternative 2 would be similar to those of the proposed project. Importantly, Alternative 2 would not meet the project objectives associated with the development and operation of the project.

Alternative 2 would meet a portion of Objectives 2, 3, 4, and 8 by reconfiguring maritime and commercial uses while increasing public access in the project area to eliminate impediments, such as existing roads and non-contiguous land use configurations; fostering the development of high-quality commercial uses and increasing park space and recreational opportunities; and ensuring consistency with the Jurisdictional Runoff Management Program.

No changes to the Draft EIR are required in response to this comment.

Response to Comment B-52

This comment recommends at least 2 years of post-construction eelgrass monitoring.

Monitoring is required under the CEMP for the proposed project and the 2 years of post-construction monitoring is required in **MM-BIO-12** in the Draft EIR. No changes to the Draft EIR are required in response to this comment.

Response to Comment B-53

This comment states that a scientific collecting permit (SCP) will need to be obtained from CDFW if eelgrass mitigation requires harvesting of eelgrass to support a transplant effort.

This is a regulatory requirement that must be conformed with, and, accordingly, no changes to the Draft EIR are required in response to this comment.

Response to Comment B-54

This comment recommends a mitigation measure that requires open water habitat impacts be avoided or minimized, and that unavoidable impacts should be compensated on site and in-kind if feasible. It also references an eelgrass Mitigation Monitoring and Mitigation Plan and states that the Final EIR should include several alternative eelgrass mitigation site locations for lost eelgrass cover and lost potential eelgrass habitat.

The requirement for mitigation relative to potential eelgrass habitat was discussed above (Comment B-39). The relevance of providing a Mitigation Monitoring and Reporting Plan developed with CDFW as part of the Final EIR is provided above (Comment B-50). However, elements of the comment are incorporated in the revised Draft EIR in **MM-BIO-12**, which has been revised to include a requirement that multiple eelgrass mitigation sites be evaluated and that all evaluated sites be included as part of the discussion within the developed mitigation plan and the rationale provided for the chosen site(s). A site will be secured prior to in-water construction taking place that would impact eelgrass. **MM-BIO-13** has been revised to add that, to the extent practical, overwater structures will be placed in a manner that avoids shading or scouring impacts on the seabed. **MM-BIO-12** has also been updated to include language reflecting that a habitat loss/gain analysis summary table be included in the mitigation plan and be updated as additional monitoring surveys are performed.

Response to Comment B-55

This comment includes recommended language for provision of silt curtains, monitoring of turbidity plumes, location of overwater structures outside of eelgrass habitat, and design of boat mooring anchors and installation.

MM-BIO-7 has been revised to also require silt curtains around pile-driving activities. This will also prevent the potential for eelgrass impacts associated with deployment of silt curtains around eelgrass beds by putting the silt curtains at the location of the construction. Additionally, **MM-BIO-13** has been revised to add that, to the extent practical, overwater structures will be placed in a manner that avoids shading or scouring impacts on the seabed. Finally, language has been added to **MM-BIO-12** to require ecological moorings for vessels that avoid bottom scour.

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 12 of 20

B-55
cont.

- to protect Sweetwater Channel habitats from turbidity and sedimentation effects during bottom disturbing construction activity, install silt curtains around eelgrass beds as feasible. Monitor and mitigate turbidity during construction. Restrict the turbidity plume to the smallest possible area;
- locate overwater structures such as aquaculture equipment, boat moorings, docks and all barge anchoring outside of eelgrass habitat; and,
- boat mooring anchor designs and installation should include methods to avoid anchor chain scouring of the soft bottom and eelgrass over the life of the proposed Project.

COMMENT #4: Impacts from Construction of Bayshore Bike Route #1

Issue: If Route 1 is selected as the final alignment for the Bayshore Bikeway Component, construction could result in impacts to coastal salt marsh habitat and Belding's savannah sparrow.

Specific Impacts: Direct impacts on 0.03 acre of southern coastal salt marsh would potentially occur only if the Bayshore Bikeway Component Route 1 alignment were selected. These impacts would result in the potential for direct take of Belding's savannah sparrow, a California endangered CESA-listed species.

B-56

Why impacts would occur: Route 1 would be located at the far eastern edge of the proposed Habitat Buffer, directly adjacent to and above Paradise Marsh. Impacts from this route would occur partially within disturbed areas and native habitats, including coastal sage scrub and coastal salt marsh habitat.

Evidence impacts would be significant: "Endangered species" as defined by CESA means a native species that is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat or change in habitat (Fish & G. Code § 2062). Impacts to Belding's savannah sparrow habitat would likely require the Project Proponent to seek an Incidental Take Permit (ITP) through Section 2081 of the Fish and Game Code for potential impacts on Belding's savannah sparrow habitat and provide mitigation for habitat loss.

The DEIR suggests that impacts to coastal salt marsh habitat would be achieved through restoration or enhancement. The principal shortcoming of most proposed enhancement projects is that they can often result in a net loss of wetland acreage. Only through the restoration of former wetlands or through the creation of new wetlands can no-net-loss be achieved (California Coastal Commission).

Recommended Potentially Feasible Alternative: CDFW recommends incorporating the following recommendation into the EIR to avoid and minimize the impacts to Belding's savannah sparrow.

B-57

Recommendation #8: The DEIR states that Route 3 of the Bayshore Bikeway is currently the preferred route. Route 3 would be located primarily within disturbed areas on the eastern edge of the proposed GB Capital Component and within the western side of the proposed Habitat Buffer and would result in minimal impacts to special-status species and sensitive vegetation communities (i.e., coastal salt marsh, Diegan coastal sage scrub). CDFW recommends Route 3 be chosen as the proposed Project to avoid the potential for significant impacts to the endangered Belding's savannah sparrow, wandering skipper, yellow rail, and sensitive habitats.

Response to Comment B-56

This comment summarizes the commenter's understanding of the potential impacts on native habitats and endangered species resulting from implementation of Route 1 of the Bayshore Bikeway Component.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. However, Route 1 of the Bayshore Bikeway Component has been removed from the proposed project at the request of the project proponent and, as such, all reference to it in the Final EIR has been removed. See Chapter 2, *Revisions to the Draft EIR*.

Response to Comment B-57

The commenter states in this comment that Route 3 of the Bayshore Bikeway Component should be chosen as the final route alignment.

The commenter's preference will be passed along to the decision-makers. Please also see Response to Comment B-56 and Chapter 2, *Revisions to the Draft EIR*, which collectively state that Route 1 and Route 2 of the Bayshore Bikeway Component have been removed from the Final EIR, which leaves Route 3 as the only route included in Final EIR.

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 13 of 20

General Comments

- B-58 1. As discussed in CDFW’s 2019 NOP comment letter, there are additional water quality and anthropogenic impacts that may be potentially significant and should be analyzed and included in the Final EIR with mitigation measures and monitoring plans proposed. These impacts may be generated from the marina expansion and the new boat docks within Sweetwater Channel. Impacts may include boat propeller wash and wake erosional effects, new lighting on boat docks/moorings, increased debris on channel bottom, and ongoing operational airborne/underwater noise and anthropogenic disturbances to wildlife related to boats moored or docked inside the channel. Additional potentially significant water quality impacts within Sweetwater Channel may include, at a minimum, the following:
- Changes in circulation.
 - Changes in temperature and dissolved oxygen.
 - B-59 • Resuspension of suspected sediment pollutants.
 - Long-term reduction in water clarity; and
 - Increased nutrient and toxic pollutant load levels from terrestrial or moored point sources.
- B-60 2. According to the DEIR, Appendix H, Page 16, it is probable that some eelgrass would remain within the Project area after implementation of the boat dock, moorings, and shellfish aquaculture improvements, and any eelgrass that survives could be deducted from the final mitigation. The Appendix H also suggested any excess eelgrass not needed for mitigation could be maintained in an eelgrass bank as eelgrass credits that could then be sold or used to offset eelgrass impacts from other future projects in San Diego Bay. If the District chooses to propose an eelgrass mitigation bank, CDFW recommends that they consult with CDFW and other applicable agencies on whether this excess eelgrass could be used in a mitigation bank. Additionally, CDFW recommends going through the CDFW mitigation bank process. More information on the CDFW mitigation banking process can be found at: <https://wildlife.ca.gov/Conservation/Planning/Banking/Guidelines>.
- B-61 3. The DEIR does not specify a final design or purpose for the proposed aquaculture facility and equipment. The DEIR describes that it will be off-bottom floating containments at the water surface and that the location would be over eelgrass habitat within the Sweetwater Channel. If shellfish aquaculture operation is proposed in the future, then the District should provide complete and detailed information about the final design, locations, purpose, and aquaculture species. Additionally, include marine resources impact avoidance and minimization mitigation measures, and discuss compensatory mitigation. CDFW recommends that the District collaborate early and often with CDFW and other agencies on appropriate designs and locations to avoid and minimize negative impacts to wildlife, and other natural habitats such as eelgrass. Additionally, a CDFW-issued aquaculture registration will be required annually for any future aquaculture operation. More information on the CDFW aquaculture permitting process can be found at: <https://permits.aquaculturematters.ca.gov/Permit-Guide>.
- B-62 4. Disturbance of the bottom sediments from dredging and pile construction may redistribute non-native species that compete with native species. This could cause widespread adverse impacts to eelgrass and the marine ecology. The invasive algae *Caulerpa taxifolia* is listed as a federal noxious weed under the U.S. Plant Protection Act and while deemed eradicated in 2006 is monitored for potential future emergence. Another invasive algae species found recently in Newport Bay is *Caulerpa prolifera*, which is also a potential threat to growth and expansion of native eelgrass beds and other native alga. CDFW recommends including a mitigation measure detailing a pre-construction *Caulerpa spp.* survey to identify potential existence of invasive

Response to Comment B-58

The comment includes general comments, noting there are additional water quality and anthropogenic impacts that may be potentially significant and should be analyzed and included in the Final EIR, with mitigation measures and monitoring plans proposed. The commenter further states these impacts may be generated from the marina expansion and the new boat docks within Sweetwater Channel, and impacts may include boat propeller wash and wake erosional effects, new lighting on boat docks/moorings, increased debris on channel bottom, and ongoing operational airborne/underwater noise and anthropogenic disturbances to wildlife related to boats moored or docked inside the channel.

The responses to these general comments have been provided above, as follows. Operational impacts from boats such as noise, propeller wash, and wakes are addressed in Response to Comment B-40. Operational impacts from lighting are addressed in Responses to Comments A-6, A-17, and B-31. Operational impacts from debris will be addressed through the educational signage that is described in Response to Comment A-6. Disruption to wildlife from recreation is addressed in Response to Comment A-17.

Response to Comment B-59

The comment identifies water quality impacts within Sweetwater Channel, including changes in circulation, changes in temperature and dissolved oxygen, resuspension of suspected sediment pollutants, long-term reduction in water clarity, and increased nutrient and toxic pollutant load levels from terrestrial or moored point sources.

As described in Section 4.8, *Hydrology and Water Quality*, the proposed project is considered a priority development project (PDP) in accordance with the District’s and the City’s Jurisdictional Runoff Management Plans (JRMPS). As a PDP, all project components would be required to implement post-construction best management practices (BMPs) through the preparation and implementation of a project-specific Storm Water Quality Management Plan (SWQMP) for each project component. Such BMPs include the retention and infiltration of storm water into the various layers of low-impact design (LID) feature and/or the native soils below the LID, and evapotranspiration. This minimizes the pollutants that reach the receiving body of water. The proposed project would also include non-structural BMPs such as storm drain stenciling and signage,

properly designed outdoor materials storage areas, properly designed trash storage areas, proof of ongoing BMP maintenance, and other items relevant to operations of the site, such as ongoing boater education materials. See Section 4.8 for more information on these BMPs.

No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

Response to Comment B-60

This comment recommends the District work with CDFW and other applicable agencies if an eelgrass mitigation bank is developed from excess eelgrass that is not impacted from the proposed project.

The District has noted this recommendation and will follow the required processes to develop an eelgrass mitigation bank, following all pertinent requirements and processes.

Response to Comment B-61

This comment specifies that the District should work with CDFW and other agencies on the appropriate design and locations to avoid and minimize negative impacts on wildlife and native habitat from the proposed aquaculture facility. The comment also specifies that a CDFW-issued aquaculture registration will be required annually for any future aquaculture operation.

See Chapter 2, *Revisions to the Draft EIR*. Aquaculture has been removed from the GB Capital Component.

Response to Comment B-62

This comment mentions the potential for invasive species, such as the invasive algae *Caulerpa taxifolia*, to proliferate because of the disturbance of bottom sediments from dredging and pile construction activities and recommends the inclusion of a mitigation measure requiring pre-construction *Caulerpa* surveys.

Preconstruction *Caulerpa* survey requirements are defined under the *Caulerpa* Control Protocol as developed by CDFW and National Oceanic and Atmospheric Administration (NOAA) Fisheries. Through the USACE permitting consultation process, NOAA Fisheries requests that for any benthic disturbing activity performed in the photic zone (water depths where light penetration is sufficient to support marine algae and plants) a *Caulerpa* survey be performed. Given that these surveys are a typical permit condition and will be part of any project-related permits, no changes to the Draft EIR are warranted based on this comment.

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 14 of 20

B-62
cont. *Caulerpa* spp. If any *Caulerpa* spp. are found, including *Caulerpa prolifera*, the observations should be reported to CDFW and other applicable agencies within 24 hours as described in the *Caulerpa* Control Protocol. <https://www.fisheries.noaa.gov/west-coast/habitat-conservation/aquatic-invasive-species-west-coast>.

ENVIRONMENTAL DATA

B-63 CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

B-64 The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

B-65 CDFW appreciates the opportunity to comment on the DEIR to assist the District in identifying and mitigating Project impacts on biological resources.
Questions regarding this letter or further coordination should be directed to (for terrestrial impacts) Meredith Osborne, Environmental Scientist, at Meredith.Osborne@wildlife.ca.gov or (for marine impacts) Loni Adams, Environmental Scientist, at Loni.Adams@wildlife.ca.gov.

Sincerely,
DocuSigned by:


— 0709463339468

David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW

David Mayer, San Diego – David.Mayer@wildlife.ca.gov
Eric Wilkins, San Luis Obispo – Eric.Wilkins@wildlife.ca.gov
Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov
Meredith Osborne, San Diego – Meredith.Osborne@wildlife.ca.gov
Loni Adams, San Diego – Loni.Adams@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

Response to Comment B-63

The comment reminds the District that all special-status species and natural community observations should be reported to the California Natural Diversity Database.

The District has noted this comment and will ensure that these data are submitted to the database.

Response to Comment B-64

The comment states the project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (California Code of Regulations, Title 14, Section 753.5; Fish and Game Code Section 711.4; Public Resources Code Section 21089.)

Pending certification of the Final EIR by the Board, all associated fees for filings and other processes for the project will be paid. This comment does not specifically raise issue with the adequacy of the Draft EIR. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment B-65

This concluding comment from the commenter thanks the District for the opportunity to comment on the Draft EIR and to assist the District in identifying and mitigating project impacts on biological resources.

No changes to the Draft EIR are required in response to this comment.

DocuSign Envelope ID: 3F58DA97-75B7-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 15 of 20

References

NOAA (National Oceanic and Atmospheric Administration) Fisheries, West Coast Region. 2014. California Eelgrass Mitigation Policy and Implementing Guidelines.

Fisheries Hydroacoustic Working Group. 2008. Interim Criteria for Injury of Fish Exposed to Pile Driving Operations: Memorandum. Washington: Federal Highway Administration.

B-66 California Coastal Commission: Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone, Chapter Two - An Overview of Mitigation Processes and Procedures.

Attachments

- A. CDFW Comments and Recommendations

Response to Comment B-66

This comment includes the references page for the comments.

This comment is included in the record for consideration by the Board.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 16 of 20

Attachment A:

CDFW Comments and Recommendations

	Recommendations/Mitigation Measures	Timing	Responsible Party
Mitigation Measure #1	Add the following additional mitigation measure to the Final EIR: To avoid temporary foraging impacts to least terns during their nesting and breeding season, conduct pile driving outside of least tern breeding and nesting season (typically between April 1st and September 15th). If the Least tern nesting season cannot be avoided, then CDFW has further recommendations below.	Prior to release of the EIR	The District
Mitigation Measure #2	Underwater Noise. Feasible underwater noise dampening mitigation measures should be used for pile driving such as noise dampening blocks, air bubble curtains and/or coffer dam methodologies as applicable for concrete pile driving in addition to the proposed Project methods of soft starts and wildlife safety zones (buffers).	During construction	Project Proponent
Mitigation Measure #3	Underwater Noise. All concrete piles should be driven with a vibratory hammer to the maximum extent feasible. If an impact hammer is required for pile driving, then underwater sound monitoring is recommended. If the hydroacoustic sound levels generated exceed the Interim Criteria for Injury to Fish (peak sound exposure level (SEL) of 206 decibels (dB) and accumulated SEL of 187 dB SEL threshold for fish over 2 grams and 183 dB for fish under 2 grams), (Interim Criteria 2008), then additional sound pressure wave mitigation is recommended to reduce the sound levels below maximum.	During construction	Project Proponent
Mitigation Measure #4	Turbidity and Sedimentation. The DEIR indicates that the Project Proponent will use silt curtains to minimize turbidity only if turbidity monitoring results indicate a silt curtain is necessary. While we do understand this mitigation measure is somewhat protective to water quality and eelgrass, CDFW recommends that silt curtains be installed prior to, and during all pile driving activities. This mitigation recommendation is more protective for the sensitive Sweetwater Channel and eelgrass habitats that is adjacent to the proposed Project pile driving location for the new dock.	Prior to construction	Project Proponent

B-67

Response to Comment B-67

This comment is Attachment A: CDFW Comments and Recommendations, which is a summary of the recommendations and mitigation measures proposed by CDFW in their comment letter. The comments and recommendations summarized in Attachment A have been addressed in the responses to their comments above. Edits to the Final EIR have been made to incorporate these recommendations or mitigation measures. More specifically, regarding the row titled Mitigation Measure #1 in the table, refer to Response to Comment A-7. For the row titled Mitigation Measure #2 in the table, refer to Response to Comment B-35. For the row titled Mitigation Measure #3 in the table, refer to Responses to Comments B-35 and B-37. For the row titled Mitigation Measure #4 in the table, refer to Response to Comment B-35. For the row titled Mitigation Measure #5 in the table, refer to Response to Comment B-50. For the row titled Mitigation Measure #6 in the table, refer to Responses to Comments B-35 and B-55, For the row titled Recommendation #1 in the table, refer to Response to Comment B-30. For the row titled Recommendation #2 in the table, refer to Response to Comment B-51. For the row titled Recommendation #3 in the table, refer to Response to Comment B-35. For the row titled Recommendation #4 in the table, refer to Response to Comment B-50. For the row titled Recommendation #5 in the table, refer to Response to Comment B-51. For the row titled Recommendation #6 in the table, refer to Response to Comment B-50. For the row titled Recommendation #7 in the table, refer to Response to Comment B-50. For the row titled Recommendation #8 in the table, refer to Response to Comment B-57.

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 17 of 20

B-67
cont.

Mitigation Measure #5	Eelgrass and open water habitat impacts should be avoided, minimized, and unavoidable impacts compensated on site, and in-kind if feasible. The eelgrass MMRP and the Final EIR should include several alternative eelgrass mitigation site locations to compensate for expected losses of eelgrass cover (1.88 acres as of 2018), potential eelgrass habitat (3.49 acres as of 2018), and open water habitat. Actual losses of these habitats should be determined and compensated after construction is complete.	Prior to release of the EIR During/after construction	The District and Project Proponent
Mitigation Measure #6	The proposed Project should avoid and minimize the area of overwater structure covering open water habitat and shading of eelgrass beds to the maximum extent feasible. Additionally, the MMRP as recommended above, should include, at a minimum, the following mitigation measures: <ul style="list-style-type: none"> To protect Sweetwater Channel habitats from turbidity and sedimentation effects during bottom disturbing construction activity, install silt curtains around eelgrass beds as feasible. Monitor and mitigate turbidity during construction. Restrict the turbidity plume to the smallest possible area. Locate overwater structures such as aquaculture equipment, boat moorings, docks and all barge anchoring outside of eelgrass habitat. Boat mooring anchor designs and installation should include methods to avoid anchor chain scouring of the soft bottom and eelgrass over the life of the proposed Project. 	Prior to release of the EIR Before construction	The District and Project Proponent
Recommendation #1	Add the following additional in-water construction protection measures to the Final EIR: To further avoid and minimize impacts to fully protected and federal or state endangered species, add a least terns and Brown pelican safety zone monitoring and avoidance plan. Each bird species should have mitigation measures specified that will avoid or minimize in-water construction impacts.	Prior to release of the EIR	The District
Recommendation #2	To avoid impacts to least tern foraging, marine life, and their habitat, CDFW recommends choosing a feasible Sweetwater Channel waterside development project alternative which will reduce impacts below the level of	Prior to release of the EIR	The District

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 18 of 20

B-67
cont.

	significant or choose Alternative 2, described in the DEIR, to avoid coverage and shading of open water habitat. The focus for Sweetwater Channel regarding locally sensitive and fully protected birds should include avoidance of take and avoidance and minimization of foraging habitat impacts. This would include avoiding and minimizing surface water losses, overwater shading of eelgrass, as well as boating and marina impacts discussed below. Additionally, it is important to avoid and minimize impacts related to live aboard noise, night lighting, and unauthorized boat landings on the bird nesting and Refuge areas. The DEIR identifies Project Alternative 2 as the "no water side development" alternative to avoid all degradation and losses of eelgrass and open water foraging habitat.		
Recommendation #3	Additional fish impacts mitigation measures for concrete pile driving activities should be included in the Final EIR to further avoid and minimize direct impacts to marine fish, and indirect fish nursery impacts to Sweetwater Channel and the existing eelgrass ecosystem. A fish protection plan such as a Marine Fish Species Impact Avoidance and Minimization Plan (Plan) for pile construction impacts should be developed. The Plan should include, at a minimum, the below stated mitigation measures, and include the use of the guidance from the Fisheries Hydroacoustic Working Group for setting sound pressure level safety criteria for fish resources.	Prior to release of the EIR	The District
Recommendation #4	CDFW recommends an eelgrass and open water habitat Mitigation, Monitoring and Reporting Plan (MMRP) be developed in collaboration with CDFW and other agencies and be included in the Final EIR. CDFW also recommends adding alternatives for in-water project designs which would avoid adverse impacts. CDFW also recommends that comprehensive baseline eelgrass and open water surveys be conducted and the results added to the Final EIR. Additionally, eelgrass and open water habitat mitigation site locations and alternatives should be discussed in the Final EIR. Once final designs are completed, CDFW recommends that the MMRPs and Final EIR include a habitat loss/gain analysis summary table indicating area of habitat losses, and how each loss of	Prior to release of the EIR	The District

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 19 of 20

B-67
cont.

	eelgrass, potential eelgrass habitat, and open surface water habitat will be mitigated. Prior to finalizing the MMRPs for the proposed in-water Project, a plan for avoiding Eelgrass Shading and Open Water Coverage should be developed and included in the MMRP to identify tentative habitat impact avoidance and minimization measures to be finalized prior to in-water construction.		
Recommendation #5	CDFW recommends Project Alternative 2 (no in-water development) be chosen as the proposed Project to avoid the significant habitat impacts of Sweetwater Channel, a habitat area considered sensitive and of high quality by CDFW. If Project Alternative 2 is chosen, this would avoid loss of significant areas of valuable eelgrass and open shallow water habitat due to overwater structure shading and coverage. CDFW has identified this area as sensitive because of the significant area of extant eelgrass and bird foraging habitat used by sensitive birds, some of which are fully protected.	Prior to release of the EIR	The District
Recommendation #6	The proposed Project will likely have direct and indirect construction and operational eelgrass habitat impacts that may not show up shortly after construction. CDFW recommends at least two or more annual eelgrass monitoring and impact analysis surveys should be conducted.	After construction	Project Proponent
Recommendation #7	If transplanting of eelgrass is required for eelgrass compensatory mitigation, a Scientific Collecting Permit (SCP) from CDFW will be required prior to harvest and transplanting activities. The SCP may include conditions such as donor bed surveys, limits on number and density of turions collected, methods for collection and transplanting, notification of activities, and reporting requirements. Please visit CDFW's SCP webpage for more information: https://wildlife.ca.gov/Licensing/Scientific-Collecting .	During/after construction	Project Proponent

DocuSign Envelope ID: 3F58DA97-7537-4E5B-A40A-2F5587F1186E

Anna Buzaitis
San Diego Unified Port District
December 22, 2021
Page 20 of 20

B-67
cont.

Recommendation #8		Prior to release of the EIR	The District and Project Proponent
	<p>The DEIR states that Route 3 of the Bayshore Bikeway is currently the preferred route. Route 3 would be located primarily within disturbed areas on the eastern edge of the proposed GB Capital Component and within the western side of the proposed Habitat Buffer and would result in minimal impacts to special-status species and sensitive vegetation communities (i.e., coastal salt marsh, Diegan coastal sage scrub). CDFW recommends Route 3 be chosen as the proposed Project to avoid the potential for significant impacts to the endangered Belding's savannah sparrow, wandering skipper, yellow rail, and sensitive habitats.</p>		

Comment Letter C

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

GAVIN NEWSOM, Governor



October 26, 2021

Anna Buzaitis
San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101

Sent by email: abuzaiti@portofsandiego.org

Re: **National City Bayfront Projects & Plan Amendments**
SCH 2018121054 — Draft Environmental Impact Report

Dear Ms. Buzaitis:

C-1 The California Public Utilities Commission (Commission/CPUC) has jurisdiction over rail crossings (crossings) in California. CPUC ensures that crossings are safely designed, constructed, and maintained. The Commission's Rail Crossings Engineering Branch (RCEB) is in receipt of the *Draft Environmental Impact Report (DEIR)* for the proposed National City Bayfront Projects & Plan Amendments. The San Diego Unified Port District is the lead agency. The DEIR is prepared in compliance with the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15125.

C-2 The San Diego Port (District), City of National City (City), GB Holdings and Pasha Automotive Services (Pasha) are proposing a project on 77 acres, consisting of approximately 58 landside acres and 19 waterside acres, within the jurisdiction of the District and City. The proposed project is an amendment to the District's Port Master Plan (PMP); amendments to the City's Local Coastal Program (LCP), General Plan, Harbor District Specific Plan (HDSAP), Land Use Code (LUC) and Bicycle Master Plan.

C-3 Currently, trains that service the surrounding industrial properties, National City Maritime Terminal, and Pasha are owned and operated by BNSF. The project proposes the construction and operation of a rail connector track and storage track within the City's jurisdiction to improve Pasha operations (Pasha Rail Improvement Component). The project also proposes of the construction and operation of Segment 5 of the Bayshore Bikeway within the District's and City's jurisdiction (Bayshore Bikeway Component).

C-4 CPUC General Order (G.O.) 88-B establishes criteria for altering existing crossings, including (but not limited to) addition of one track within the existing railroad right-of-way, reconstruction of grade-separated structures, and changes in the type or addition of automatic signaling devices at crossings. The District will be required to submit a G.O. 88-B request for alteration of each existing crossing included in the Project. Requests to alter existing crossings may be approved by RCEB staff, provided completion of request as outlined in G.O. 88-B, Section 5 and consensus among parties.

C-5 G.O. 88-B also establishes cases for which the Authority must apply to the Commission for authorization, including construction of new highway-rail or rail-rail crossings. Refer to the CPUC Rules of Practice and Procedure (www.cpuc.ca.gov/rppj), Rules 3.7–3.11 for new crossing application requirements. You may consult with RCEB staff to determine the need for authorization by G.O. 88-B or by application at each proposed crossing on the corridor.

Response to Comment C-1

This comment is an introductory comment noting that the California Public Utilities Commission (Commission/CPUC) has jurisdiction over rail crossings (crossings) in California. The comment further mentions the CPUC ensures that crossings are safely designed, constructed, and maintained. The Commission's Rail Crossings Engineering Branch (RCEB) is in receipt of the Draft EIR for the proposed project.

The comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR, no changes to the Draft EIR are required, and no further response is required pursuant to CEQA.

Response to Comment C-2

The comment summarizes the project proponents and proposed plan amendments that are part of the proposed project.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment C-3

This comment notes that trains that currently service the surrounding industrial properties, National City Marine Terminal, and Pasha are owned and operated by BNSF. The commenter identifies that the project proposes the construction and operation of a rail connector track and storage track (Pasha Rail Improvement Component) and the construction and operation of Segment 5 of the Bayshore Bikeway within the District's and City's jurisdiction (Bayshore Bikeway Component).

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Therefore, no changes to the Draft EIR are warranted, and no further response is required pursuant to CEQA.

Response to Comment C-4

The commenter references CPUC General Orders (G.O.), explaining the District will be required to submit a G.O. 88-B request for alteration of each existing crossing included in the project, and any requests to alter existing crossings may be approved by the CPUC's RCEB staff, provided completion of request as outlined in G.O. 88-B, Section 5 and consensus among parties.

Whichever agency (e.g., the City or the District) requests the future modifications to an existing railroad crossing, that agency will be required to submit a G.O. 88-B request to the CPUC. This comment is noted for future reference and future coordination with CPUC. In addition, the CPUC has been added to Section 1.3.1, *Agencies Expected to Use this Environmental Impact Report* of the revised Draft EIR (Volume 2 of this Final EIR). No further revisions or response related to this comment are required pursuant to CEQA.

Response to Comment C-5

This commenter notes how G.O. 88-B also establishes cases for which the District must apply to the Commission for authorization, including construction of new highway-rail or rail-rail crossings. The commenter states the District may consult with RCEB staff to determine the need for authorization by G.O. 88-B or by application at each proposed crossing on the corridor. The comment also states minimum vertical and horizontal clearance requirements are outlined in CPUC G.O. 26-D, Section 2, Section 3, and Section 4. Clearance between parallel tracks is governed by G.O. 26-D, Section 5.

Whichever agency (e.g., the City or the District) requests the future modifications to an existing railroad crossing, that agency will be required to submit a G.O. 88-B request to the CPUC. This comment is noted for future reference and future coordination with CPUC. In addition, as stated in Response to Comment C-4, the CPUC has been added to Section 1.3.1 of the revised Draft EIR. No further revisions or response related to this comment are required pursuant to CEQA.

Anna Buzaitis
SCH 2018121054
October 26, 2021

- C-5
cont. | Minimum vertical and horizontal clearance requirements are outlined in CPUC General Order (G.O.) 26-D, Section 2, Section 3, and Section 4. Clearance between parallel tracks is governed by G.O. 26-D, Section 5.
- C-6 | The National City Bayfront Projects and Plan Amendments – Draft Environmental Impact Report defines the following capital projects that impact rail. RCEB provides the following comments for each improvement.
 - Pasha Road Closure Component, Connector Track, Storage Track**
The Pasha Road Closure Component includes the closure of Tidelands Ave between Bay Marina Drive on the north and West 32nd Street on the south as well as West 28th Street between Quay Ave and Tidelands Ave will also be closed.
- C-7 | The proposed connector track will be located on the southern end of Tidelands Ave between the existing at-grade crossing and West 32nd Street. Accompanying the connector track will be a proposed storage track which will run parallel to the connector track on the north side. The proposed storage track will add approximately 2000 feet of train storage, which can accommodate approximately 18 to 20 railcars.
 - There are two existing crossings that lie within the boundaries of the proposed Pasha Road Closure Component: 1) 28th Street Near Quay Ave, DOT # 026914Y, 2) Tidelands Ave north of West 32nd Street, DOT # 026127N as well as the proposed connector track and storage track described above.
- C-8 | The two existing crossing and the two proposed tracks which may be an extension of the existing Tidelands Ave crossing will require Commission authorization. This may be accomplished by a G.O. 88-B request. Please contact RCEB to schedule a field diagnostic meeting with all stakeholders at the crossings. The diagnostic team consists of representatives from the railroads, roadway agencies, local government agencies, CPUC, and private stakeholders.
 - Bayshore Bikeway**
 - Route 1
Route 1 travels along the former railroad ROW to the southern end of the Best Western Marina Gateway Hotel where it turns west to travel along the western side of Marina Way. The route turns east on West 23rd Street and north to McKinley Ave. This proposed route run adjacent to the Bay Marina Dr. railroad crossing, DOT # 026904T.
 - Route 2
Route 2 travels along the existing alignment for Marina Way from West 32nd Street to the southern end of the Best Western Marina Gateway Hotel where it turns east into the hotel parking lot. The route then turns north between the two buildings on the hotel property, cross Bay Marina Drive, then travel north along Cleveland Ave to West 19th Street. The route then turns west at West 19th Street then north on Tidelands Ave. This proposed route run adjacent to the Bay Marina Dr. railroad crossing, DOT # 026904T and will cross the 19th Street railroad crossing, DOT # 026902E, the 19th Street (E/O Tidelands) railroad crossing, DOT # 029608V, and the Tideland Ave (North of 19th St) railroad crossing, DOT # 026125A.
 - Route 3
Route 3 travels between the former railroad ROW and existing Marina Way on the southern end, and along McKinley Ave on the northern end. This route travels along the Bay Marina Dr., between marina Way and McKinley Ave., then turns north on McKinley Ave. The southern portion of this route is consistent with the Bayshore Bikeway location identified in the PMP and the City's Harbor
- C-11 |

Response to Comment C-6

This comment states that the Draft EIR includes projects that impact rail; the subsequent comments in CPUC's letter address their comments on those projects.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Therefore, no changes to the Draft EIR are warranted; however, as noted above in Responses to Comments C-4 and C-5, the CPUC has been added to Section 1.3.1 of the revised Draft EIR. No further revisions or response related to this comment are required pursuant to CEQA.

Response to Comment C-7

This comment summarizes the Pasha Road Closures Component and Pasha's Rail Improvement Component. The commenter states there are two existing crossings that lie within the boundaries of the proposed Pasha Road Closures Component: (1) 28th Street near Quay Avenue, DOT# 026914Y, and (2) Tidelands Avenue north of 32nd Street. The comment also notes that the proposed Pasha Rail Improvement Component will be located on the southern end of Tidelands Avenue between the existing at-grade crossing and 32nd Street.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted. No further revisions or response related to this comment are required pursuant to CEQA.

Response to Comment C-8

In this comment, the commenter notes that the two existing crossings and the two proposed tracks will require CPUC authorization by utilizing a G.O. 88-B request. The commenter also notes that RCEB should be contacted to schedule a field diagnostic meeting with all stakeholders at the crossings, as the diagnostic team consists of representatives from the railroads, roadway agencies, local government agencies, CPUC, and private stakeholders.

Whichever agency (e.g., the City or the District) requests the future modifications to an existing railroad crossing, that agency will be required to submit a G.O. 88-B request to the CPUC and a field inspection as a result. This comment is noted for future reference and future coordination with CPUC. In addition, the CPUC has been added to Section

1.3.1 of the revised Draft EIR. No further revisions or response related to this comment are required pursuant to CEQA.

Response to Comment C-9

This comment describes the alignment of Route 1 of the Bayshore Bikeway Component and the railroad crossing that the route would cross. The comment states this proposed route would run adjacent to the Bay Marina Drive railroad crossing (DOT #026904T).

Please see Chapter 2, *Revisions to the Draft EIR*. Route 1 of the Bayshore Bikeway Project Component has been removed from the project at the request of the project proponent. Therefore, this comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR.

Response to Comment C-10

This comment describes the alignment of Route 2 of the Bayshore Bikeway Component and the railroad crossings that the route would cross. The comment states that the proposed route would run adjacent to the Bay Marina Drive railroad crossing (DOT #026904T) and will cross the 19th Street railroad crossing (DOT #026902E), the 19th Street (E/O Tidelands) railroad crossing (DOT #029608V), and the Tidelands Avenue (North of 19th Street) railroad crossing (DOT #026125A).

Please see Chapter 2, *Revisions to the Draft EIR*. Route 2 of the Bayshore Bikeway Project Component has been removed from the project at the request of the project proponent. Therefore, this comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR.

Response to Comment C-11

This comment describes the alignment of Route 3 of the Bayshore Bikeway Component and the railroad crossing that the route would cross. The commenter notes that the proposed route would run adjacent to the Bay Marina Drive railroad crossing (DOT #026904T).

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted. Therefore, no changes to the Draft EIR are warranted, and no further response is required pursuant to CEQA.

Anna Buzaitis
SCH 2018121054
October 26, 2021

C-11 cont. District Specific Area Plan. This proposed route run adjacent to the Bay Marina Dr. railroad crossing, DOT # 028904T.

C-12 Any alterations or construction to a crossing will require CPUC authorization. This may be accomplished by a G.O. 88-B request. Please contact RCEB to schedule a field diagnostic meeting with all the stakeholders at the crossing. The diagnostic team consists of representatives from the railroads, roadway agencies, local government agencies, CPUC, and private stakeholders.

C-13 Any development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind. New developments may increase pedestrian or vehicular traffic volumes not only on streets and at intersections, but also at nearby rail crossings. Traffic impact studies should analyze rail crossing safety and potential mitigation measures. Safety improvement measures may include the planning for grade separations or improvements to existing at-grade crossings. Examples of improvements may include but are not limited to: addition or upgrade of crossing warning devices, detectable warning surfaces and edge lines on sidewalks, and pedestrian channelization. Pedestrian and bicycle routes should be designed to clearly prohibit and discourage unauthorized access (trespassing) onto the tracks, except at authorized crossings.

C-14

C-15 Please continue to keep RCEB informed of the project's development. If you have any questions, comments, or concerns, please do not hesitate to contact me, at (213) 620-8503, or howard.huie@cpuc.ca.gov.

Sincerely,



Howard Huie
Utilities Engineer
Rail Crossings Engineering Branch
Safety and Enforcement Division

CC: State Clearinghouse, state.clearinghouse@opr.ca.gov
Dionisio Martinez, Dionisio.martinez@bnsf.com

Response to Comment C-12

This comment states that any alterations or construction to a railroad crossing will require CPUC authorization, which may be accomplished by a G.O. 88-B request.

If any project component is in need of a future modifications to an existing railroad crossing, the agency (e.g., the City of National City, or the District) requesting the future modifications to the railroad crossing will be required to submit a G.O. 88-B request to the CPUC. This comment is noted for future reference and future coordination with CPUC. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Therefore, no changes to the Draft EIR are warranted, and no further response is required pursuant to CEQA.

Response to Comment C-13

This comment states any development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind. The comment expresses that new developments may increase pedestrian or vehicular traffic volumes on streets, at intersections, and at nearby rail crossings.

All intersections and roadways near railroad crossings where the project is anticipated to add traffic to were analyzed in the Draft EIR. This analysis is included in the Transportation Impact Analysis in Appendix K. The traffic analysis prepared as part of the proposed project is a programmatic-level analysis that focuses on the overall connectivity and operations of the roadway network. Specific improvements at railroad crossings are to be analyzed at a project-level and coordinated with BNSF, as the District does not have jurisdiction over these facilities. For the City to improve the rail crossing it will have to apply and receive approval from the CPUC. The CPUC as a federal partner to the Federal Railroad Administration is vested with the authority to ensure rail safety. (California Public Utilities Code Section 309.7). Under state law, all improvements to at-grade crossings require a rigorous safety analysis performed by CPUC staff (CPUC Order 72.13). This is a complex and lengthy process and requires highly refined construction documents which would occur at the project implementation stage.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR.

Response to Comment C-14

The comment states traffic impact studies should analyze rail crossing safety and potential mitigation measures. The comment notes safety improvement measures may include the planning for grade separations or improvements to existing at-grade crossings. Examples of improvements may include, but are not limited to, addition or upgrade of crossing warning devices, detectable warning surfaces and edge lines on sidewalks, and pedestrian channelization. The comment expresses that pedestrian and bicycle routes should be designed to clearly prohibit and discourage unauthorized access (trespassing) onto the tracks, except at authorized crossings.

The traffic analysis prepared as part of the proposed project is a programmatic-level analysis that focuses on the overall connectivity and operations of the roadway network. The traffic operations at intersections located near railroad crossings were analyzed from a delay/level of service standpoint. However, specific improvements such as grade separations or upgrading of crossing warning devices at railroad crossings are not part of the analysis as these types of improvements would be analyzed at a project-level under CEQA and coordinated with BNSF; the District does not have jurisdiction over these facilities.

Additionally, in order for the City to improve the rail crossing, it has to apply and receive approval from the CPUC. The CPUC as a federal partner to the Federal Railroad Administration is vested with the authority to ensure rail safety. (California Public Utilities Code Section 309.7). Under state law, all improvements to at-grade crossings requires a rigorous safety analysis performed by CPUC staff (CPUC Order 72.13). This is a complex and lengthy process and requires highly refined construction documents which would occur at the project implementation stage.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR.

Response to Comment C-15

The comment concludes with the CPUC's request to be informed on the project's development.

No changes to the Draft EIR are required as a result of this comment.

Comment Letter D

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

GAVIN NEWSOM, GOVERNOR

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



November 23, 2021

Anna Buzaitis
San Diego Unified Port District
P.O. Box 120488
San Diego, CA 92112
(Sent by email)

Re: California Coastal Commission Comments – National City Bayfront Projects & Plan Amendments Draft Environmental Impact Report

Dear Anna Buzaitis:

Coastal Commission (Commissions) staff appreciates the opportunity to review and provide preliminary comments on the National City Bayfront Projects & Plan Amendments Draft Environmental Impact Report (DEIR), dated September 2021, for the proposed project by the San Diego Unified Port District (District), City of National City (City), GB Capital Holdings (GB Capital) and Pasha Automotive Services (Pasha) (collectively, project proponents). The DEIR contains changes to both landside and waterside development components; an amendment to the District's Port Master Plan (PMP); and amendments to the City's Local Coastal Program (LCP), General Plan, Harbor District Specific Area Plan, Land Use Code, and Bicycle Master Plan (collectively, proposed project) on approximately 77 acres, consisting of approximately 58 landside acres and 19 waterside acres within District and City jurisdiction in National City. Specifically, the proposed project includes the following primary components:

D-1

- Construction of a recreational vehicle (RV) park, modular cabins, dry boat storage, expanded marina, and up to four hotels.
- Construction of a new rail connector track and storage track.
- Closure of Tidelands Avenue between Bay Marina drive and 32nd Street, as well as West 28th Street between Tidelands Avenue and Quay Avenue, and redesignation of the area from Street to Marine-Related Industrial in the PMP.
- Construction/realignment of the Bayshore Bikeway.
- Construction of a hotel, restaurant, retail, and/or a combination of tourist/visitor-serving commercial development north of Bay Marina Drive and the potential closure or narrowing of Bay Marina Drive west of Marina Way to vehicular traffic.
- Amendments to the District's PMP and City's LCP for changes to land and water use designations to balance commercial and maritime uses.

Response to Comment D-1

This comment is an introductory comment providing preliminary comments on the Draft EIR and summarizing the main project components.

The comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Therefore, no changes to the Draft EIR are warranted, and no further response is required pursuant to CEQA.

National City Bayfront DEIR Comments

D-2 These projects are located in the Coastal Zone and will be subject to review by the Commission through future amendments to the District's PMP and City's LCP, as well as coastal development permits that will be appealable to the Commission; therefore, consistency with Coastal Act policies should be incorporated into the environmental review. Development located within the District's jurisdiction on public tidelands should also be reviewed for consistency with the Public Trust Doctrine. In addition, the final EIR should evaluate the project's consistency with the District's Maritime Clean Air Strategy (MCAS) and incorporate mitigation measures specific to the MCAS, as well as the District's Climate Action Plan and City's Climate Action Plan to minimize adverse impacts to air quality. Additional and more thorough project review will be provided as part of ongoing environmental review and the future PMP and LCP amendment processes.

Port Master Plan Update

D-4 It is unclear why the proposed projects located in the District's jurisdiction were not included in the Port Master Plan update (PMPU), which is also currently undergoing environmental review. These proposed National City projects should be designed to be consistent with the bay-wide policies in the PMPU. Similarly, the PMP amendment for this project should contain detailed project information as well as development standards similar to those proposed in the PMPU for other planning districts, including but not limited to building heights, development setbacks, habitat setbacks, public access provisions, mobility/transit provisions, view corridors, water quality provisions, lower cost visitor-serving overnight accommodation requirements, and mitigation measures to avoid or minimize coastal resource impacts.

Sensitive Habitat

D-5 Habitat buffers from the adjacent wildlife refuge should be maximized. To preserve and protect environmentally sensitive areas located in Paradise Marsh, a minimum 100 ft. buffer adjacent to the wetland habitat should be required to protect the ecological function of sensitive wetland habitat. Even low impact uses, such as the Bayshore Bikeway, public access trails and parking, should be located outside the minimum 100 ft. habitat buffer, although these types of uses could be located in the proposed 200 ft. building setback. It is unclear whether the wetland delineation identifies one-parameter wetland habitat (e.g., evidence of one of the three following wetland parameters: wetland hydrology, hydric soils, or hydrophytic vegetation), which is how the Commission identifies wetland habitat. The DEIR should clarify the extent of Commission-jurisdictional wetlands onsite and use the inland extent of Commission-jurisdictional wetlands as the start of the 100 ft. wetland buffer. In addition, lighting adjacent to Paradise Marsh should be avoided or minimized. Finally, given the proximity to the wildlife refuge and Sweetwater Channel, all landscaping should be limited to native, drought-tolerant species.

D-9 One of the objectives of the project is to expand aquaculture potential on District tidelands; however, the use of non-native species could adversely impact bay habitats and native populations as a result of the naturalization of non-native species. Therefore, aquaculture projects should be limited to only native species. In addition, aquaculture projects should be

Response to Comment D-2

The comment states that the projects are located in the Coastal Zone and will be subject to review by the Commission through future amendments to the District's PMP and City's LCP, as well as CDPs that will be appealable to the Commission; therefore, consistency with Coastal Act policies should be incorporated into the environmental review. The commenter also mentions that any development located within the District's jurisdiction on public tidelands should also be reviewed for consistency with the Public Trust Doctrine.

Within the District's jurisdiction, only projects listed as appealable in Section 30715 of the Coastal Act will be appealable to the California Coastal Commission (CCC). The project's consistency with Chapters 3 and 8 of the Coastal Act is provided in Table 4.9-3 of the Draft EIR. In addition, any project located on District property is required to be consistent with the Public Trust Doctrine. If the Board of Port Commissioners certifies the Final EIR and approves the project, analysis for consistency with the Public Trust Doctrine will be made at that time. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Therefore, no changes to the Draft EIR are warranted, and no further response is required pursuant to CEQA.

Response to Comment D-3

The comment states that the Final EIR should evaluate the project's consistency with the Maritime Clean Air Strategy (MCAS) and incorporate mitigation measures from the MCAS, as well as the City's and District's Climate Action Plan (CAP).

The MCAS is a strategic planning document, adopted by the Board on October 12, 2021, that identifies short- and long-term goals and objectives intended to facilitate achievement of a clean, sustainable, and modern seaport. MCAS is aspirational and non-binding, and to be pursued through a variety of means—both known and unknown, and subject to feasibility and technological advances. Additionally, as the MCAS is a strategy plan, implementation of the MCAS is subject to future Board actions, as well as regular check-ins on a variety of topics including feasibility of implementation. It should be noted that MCAS was found exempt from CEQA review pursuant to State CEQA Guidelines Section 15262 (Feasibility and Planning Studies). Section 15262 exempts projects "involving only feasibility or planning studies for possible future

actions which the agency, board, or commission has not approved, adopted, or funded....” Use of this exemption allows for the avoidance of costly environmental review under CEQA when a study—here, the MCAS—does no more than contain preliminary, non-binding recommendations. Hence, the MCAS is an aspirational plan that does not contain binding requirements.

This is supported by the Truck Transition Plan, which states: “the MCAS is not a regulation or a binding strategy” rather it “established an aspirational goal to have no internal combustion engine trucks (ICETs) serving the Port’s marine terminals by 2030.” (Truck Transition Plan, page 1, available at www.portofsandiego.org/mcas.) Additionally, the Truck Transition Plan is non-binding and no projects are required to implement it. (Truck Transition Plan, p. 2 (“Moreover, like the MCAS, this Plan is non-binding, and consequently, no particular project is required to comply or be consistent with this Plan.”)). See also the recorded meeting of Board of Port Commissioners on June 14, 2022, Items 13 and 14 (the Board discussed the Truck Transition Plan and its non-binding nature, as well as a health risk assessment and the comprehensive goal of reducing air pollution).

In alignment with MCAS’s Vision Statement, “Health Equity for All,” the MCAS is intended to guide future District decision-making and “provide a planning framework for potential future actions that may be implemented to achieve the goals and objectives identified in the MCAS.” The MCAS also recognizes that various means may be employed or pursued by the District to reduce emissions (including the adoption of regulatory standards, purchase of equipment, or strategic partnerships). Accordingly, an individual project does not necessarily impede or obstruct achievement of the MCAS’s goals or the ability of the District to consider, approve, and implement projects and/or initiatives toward achievement of the MCAS goals and objectives. The MCAS also explains, for instance, that it “is also anticipated that technological advances will result in additional options for implementation toward achievement of near-term goals and objectives.” To that end, the MCAS represents a strategy to be pursued by the District, through a variety of future means, measures, projects, and initiatives, but is not binding on the District or permittees. As such, the MCAS goals and measures are crafted as “to-be-implemented,” if feasible and through future binding actions, by the District, but not on a project-by-project basis (see, e.g., preparation of transition plans, coordination with stakeholders, working with the air

pollution control district and California Air Resources Board, and other measures). Nevertheless, to provide full informational disclosure and public participation, the Final EIR includes an analysis of whether the proposed project would conflict with or obstruct implementation of the MCAS in Section 4.2, *Air Quality and Health Risk*, of the revised Draft EIR (Volume 2 of this Final EIR).

Furthermore, as discussed in the Final EIR, the proposed project would incorporate mitigation measures from the City's and District's CAPs (Draft EIR pages 4.6-33 through 4.6-47). As such, the proposed project would not conflict with or obstructed implementation of the City's and District's CAPs (Draft EIR pages 4.6-49 through 4.6-56).

As noted in Section 4.2 of the revised Draft EIR, no inconsistencies with the MCAS have been identified that would result in a significant impact on the environment or require mitigation measures.

Response to Comment D-4

The comment is regarding the Port Master Plan Update (PMPU) and questions why the project components located in the District's jurisdiction were not included in the PMPU, which is also currently undergoing environmental review. The comment further states the proposed National City projects should be designed to be consistent with the baywide policies in the PMPU, and similarly, the Port Master Plan Amendment for this project should contain detailed project information as well as development standards similar to those proposed in the PMPU for other planning districts, including, but not limited to, building heights, development setbacks, habitat setbacks, public access provisions, mobility/transit provisions, view corridors, water quality provisions, lower-cost visitor-serving overnight accommodation requirements, and mitigation measures to avoid or minimize coastal resource impacts.

The PMPU is a separate and distinct project from the proposed project. The PMPU excludes the National City Bayfront Planning District (PD 5) and the Chula Vista Bayfront Planning District (PD 6). These planning districts are dictated by the existing certified PMP and are found in Appendix B of the Draft PMPU. Therefore, the existing PMP development standards and definitions apply to these planning districts. Additionally, there is no requirement that the PMP be amended all at once. In fact, the California Coastal Act allows for portions of the PMP be amended separately (see Public Resources Code Sections 30715, 30716 (allowing

for a portion of a port master plan to be certified and amended). The Draft EIR included the PMPU in the list of cumulative projects.

The proposed Port Master Plan Amendment includes detailed project information for the proposed project, including public access corridors to provide visual and physical access, and a 100-foot-wide habitat buffer and 200-foot-wide building setback from the Refuge.

Response to Comment D-5

The comment requests that all development be restricted within 100 feet of Paradise Marsh, including the Bayshore Bikeway Component.

Revisions have been made in the Final EIR to remove the Bayshore Bikeway Component Routes 1 and 2 from further consideration in the Final EIR (see Chapter 2, *Revisions to the Draft EIR*). Route 3 of the Bayshore Bikeway Component is proposed to be located approximately 10 feet west of Paradise Marsh at the most constrained location and will include fencing along the sections that are closest to the sensitive wetland habitats to reduce impacts from unauthorized access. Further, installation of a fence as part of Route 3 is consistent with the City's Marshland Preservation Policy 4 (from the City's Local Coastal Program Land Use Plan), which states that: "New development, including roadways, adjacent to wetlands, shall provide physical barriers, such as fencing or landscaping with noninvasive species, to discourage intrusion of pedestrians, vehicles or domestic animals into the marsh." The City's LCP also provides that: "Appropriate buffers shall be determined for any new development on property adjacent to the wetlands in the OSR zone, with concurrence of the State Department of Fish and Game. A 100-foot distance from the edge of the wetland shall generally provide an appropriate buffer. The required distance may be increased or decreased based on consultation with the Department of Fish and Game. A buffer area less than 100 feet wide may be permitted, depending upon the analysis of the specific site proposed for development." As part of the final design efforts for Bayshore Bikeway – Segment 5 (i.e., Route 3 of the Bayshore Bikeway Component), the City has consulted with CDFW regarding the 100-foot buffer from the wetlands. CDFW has indicated that the bikeway can be built in the 100-foot buffer if appropriate fencing is installed between the bikeway and the marsh.

In addition, and as described in Section 3.4.1.2, *Public Access Improvements*, in Chapter 3, *Project Description*, of the Draft EIR, the proposed project would include implementation of the Balanced Plan.

One of the features of the Balanced Plan is the inclusion of a habitat buffer from the delineated wetlands west of the Wildlife Refuge (Paradise Marsh) and a building setback from the western edge of the Wildlife Refuge (see Figure 3-6 in the Draft EIR). The vegetation communities in and adjacent to this habitat buffer are shown in Figure 4.3-1 of the Draft EIR. A minimum 200-foot building setback from the western edge of the Wildlife Refuge would also be maintained. Low-impact, non-motorized uses, such as public access trails and bike paths, could be located between the habitat buffer and building setback. No vehicle parking would occur in this area between the habitat buffer and building setback. The GB Capital Component has been revised to remove any parking or driveway from the setback areas.

See also Response to Comment A-14 above.

Response to Comment D-6

This comment requests clarification as to how the wetland delineation was conducted to confirm that the CCC's one-parameter wetland guidance was followed when the wetland delineation was completed. As documented in the Biological Resources Technical Report (Appendix G of the Draft EIR), CCC jurisdiction was based on presence of any one of the three wetland parameters: soils, vegetation, and hydrology. The current mapping for the habitat buffer is based on the inland edge of the CCC wetlands and, as such, no changes to the Draft EIR are required.

Response to Comment D-7

This comment requests that lighting adjacent to the marsh be avoided or minimized. As described in Section 3.4.2.3, low-level lighting that is sensitive to the adjacent refuge and wetlands will be used for the GB Capital Component, which is proposed adjacent to the Paradise Marsh. In addition, as part of the Final EIR, Section 3.4.5 has been revised to clarify that the Bayshore Bikeway Component would also include lighting for security purposes. This lighting will have a correlated color temperature equal or less than 2,700 Kelvins and will minimize light spillage into adjacent properties and land uses. This requirement would be a condition of any CDP for the Bayshore Bikeway.

Response to Comment D-8

This comment requests that native, drought-tolerant plantings be used in the proposed project. As described in Section 3.4.2.3, the GB Capital Component would incorporate native plantings, noninvasive ornamental plants, and drought-tolerant, low-maintenance plants that are well adapted to bayfront conditions. No changes to the Draft EIR are warranted, and no further response is required pursuant to CEQA.

Response to Comment D-9

The commenter requests that only native species be used for aquaculture, and that aquaculture projects should be avoided in areas where they would have the potential to directly or indirectly (e.g., shading) impact sensitive species, such as eelgrass. Please see Chapter 2, *Revisions to the Draft EIR*. Aquaculture has been removed from the GB Capital Component pursuant to the request of the project proponent.

National City Bayfront DEIR Comments

- D-9 cont. | avoided in areas where they would have the potential to directly or indirectly (e.g., shading) impact sensitive species, such as eelgrass.
- D-10 | The waterside improvements have the potential to result in the loss of existing eelgrass habitat due to overwater coverage or shading. As such, alternatives to the expansion of the Pier 32 Marina into Sweetwater Channel should be evaluated to avoid or minimize adverse impacts to eelgrass, an essential fish habitat.
- Bayshore Bikeway**
- D-11 | Bayshore Bikeway Route 1 would result in the permanent loss of 0.03 acre of coastal salt marsh habitat, which has the potential to adversely impact the state-listed Belding's Savannah sparrow, observed in the project area; therefore, we do not support Route 1 and recommend further analysis of Route 2, given that it has the largest buffer from Paradise Marsh, is least susceptible to future hazards such as flooding associated with projected sea level rise, and is not located directly adjacent to Interstate 5. Route 2 most closely follows the existing Bayshore Bikeway, allowing the public to bicycle as close to the coast as possible; however, please also analyze continuation of the bikeway on Tidelands Avenue from the north to Bay Marina Drive to the south, east to Marina Way, and then south along Marina Way. Alternatively, also analyze whether Cleveland Avenue could be redesigned to accommodate a more direct Route 2 from Civic Center Drive in the north, south on Cleveland Avenue, and connecting with Marina Way. To avoid public access impacts, the closure of the existing Bayshore Bikeway located on Tidelands Avenue and 32nd Street should not be permitted until the alternative alignment is constructed and open to the public.
- D-12 |
- Environmental Justice**
- D-13 | The Commission strongly encourages all local governments or issuing agencies to consider environmental justice in their review of coastal development permits. In 2016, the Coastal Act was amended to include section 30604(h) which states: When acting on a coastal development permit, the issuing agency, or the Commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state. By referring to "the issuing agency," the Legislature's intention was that both the Commission and local governments would use this new authority and consider environmental justice. Since unanimously adopting its first Environmental Justice Policy ("EJ Policy") in 2019, the Commission has been evaluating project proposals for CDPs, LCPs, PMPs, and LCP/PMP amendments for potential impacts that may disproportionately harm underserved communities or exacerbate the longstanding inequities previously overlooked in traditional land use planning analyses. The EJ Policy provides a framework for considering environmental justice concerns in the coastal zone consistent with the Commission's standard of review in Chapter 3 of the Coastal Act. Further, the Executive Summary's Project Objectives for the proposed project states that the project should "incorporate District properties into the PMP that are not currently regulated by the PMP to ensure consistency with the California Coastal Act, Public Trust Doctrine, and Port Act." We recommend that the DEIR include consideration and discussion of environmental justice in its analysis of the project's potential impacts consistent with the Coastal Act and Commission's EJ Policy.

Response to Comment D-10

This comment requests that the District consider alternatives to expansion of the Pier 32 Marina into Sweetwater Channel over concerns for impacts on eelgrass, an essential fish habitat. The boat docking facilities within Sweetwater Channel that are proposed by the GB Capital Component include up to 20 moorings and one floating dock that can accommodate up to 50 boats. The Draft EIR includes the analysis requested in this comment. More specifically the Draft EIR states that Alternative 2, No Waterside Development in Sweetwater Channel Alternative, would substantially reduce impacts on eelgrass habitat; however, Section 7.5.2.15 concludes that Alternative 2 would not meet Objective 9 and would only partially meet Objectives 2, 3, 4, and 8. Not including these facilities would not meet the project objectives stated for the project. These components increase coastal access and can be mitigated to levels of insignificance as described in the Draft EIR.

Response to Comment D-11

The comment summarizes the CCC's concerns over Route 1 of the Bayshore Bikeway. The comment also recommends further analysis of Route 2 due to (1) it having the largest buffer from Paradise Marsh, (2) it being the least susceptible to future hazards such as flooding associated with projected sea level rise, and (3) it not being located directly adjacent to Interstate 5. Routes 1 and 2 of the Bayshore Bikeway Component have been removed from project. See Chapter 2, *Revisions to the Draft EIR*.

Response to Comment D-12

The commenter states that Route 2 of the Bayshore Bikeway Component most closely follows the existing Bayshore Bikeway and would allow the public to bicycle as close to the coast as possible. The commenter requests that continuation of the bikeway on Tidelands Avenue from the north to Bay Marina Drive to the south, east to Marina Way, and then south along Marina Way be analyzed. The commenter also requests that the Draft EIR analyze whether Cleveland Avenue could be redesigned to accommodate a more direct Route 2 from Civic Center Drive in the north, south on Cleveland Avenue, and connecting with Marina Way. The commentor notes the closure of the existing Bayshore Bikeway located on Tidelands Avenue and 32nd Street should not be permitted until the alternative alignment is constructed and open to the public.

Please see Chapter 2, *Revisions to the Draft EIR*. Routes 1 and 2 of the Bayshore Bikeway are no longer project options.

The intent of the Bayshore Bikeway Component is to locate a Class I bike path away from active marine terminal and maritime-related industrial areas. Constructing a Class I bike path along Tidelands Avenue to Bay Marina Drive to the south, then east [along Bay Marina Drive] to Marina Way, and then south along Marina Way was previously considered by San Diego Association of Governments' (SANDAG) staff in the early stages of the Bayshore Bikeway Plan; however, given the physical constraints on Bay Marina Drive that would not fit a Class I bike path width, plus the high volumes traffic on that roadway, that alignment was removed from further analysis by SANDAG.

The SANDAG 2006 Bayshore Bikeway Plan studied siting the National City segment of the Bayshore Bikeway along Cleveland Avenue, and dismissed that location because of heavy traffic associated with adjacent businesses. Therefore, further exploration of siting the National City segment of the Bayshore Bikeway along Cleveland Avenue was not further analyzed.

As stated in Section 3.4.5 of the Draft EIR, the Bayshore Bikeway Component "...would replace an existing interim bike path in the project area that includes Class II and III segments and was constructed in 2018 (see Figure 3-21). The project proposes that the existing interim bike path would not be removed until the Bayshore Bikeway Component is constructed." This would be a condition of any CDP issued by the District. In other words, the Class II bike lanes and Class III bike route areas of the existing interim Bayshore Bikeway alignment (the existing Class I bike path will remain, even after implementation of the Bayshore Bikeway Component) would not be closed until the selected Bayshore Bikeway Component is constructed and open to the public.

No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

Response to Comment D-13

The comment states that the CCC strongly encourages all local governments or issuing agencies to consider environmental justice in their review of CDPs. The comment states that, in 2016, the Coastal Act was amended to include Section 30604(h) and provides a summary of the legislation. The comment further states that by referring to "the

issuing agency,” the Legislature’s intention was that both the Coastal Commission and local governments would use this new authority and consider environmental justice. Since adopting its Environmental Justice Policy (EJ Policy) in 2019, the Coastal Commission has been evaluating project proposals for CDPs, LCPs, PMPs, and LCP/PMP amendments for potential impacts that may disproportionately harm underserved communities or exacerbate the longstanding inequities previously overlooked in traditional land use planning analyses. The comment states that the EJ Policy provides a framework for considering EJ concerns in the Coastal Zone consistent with the Coastal Commission’s standard of review in Chapter 3 of the Coastal Act. The comment identifies that the project objectives state that the project should “incorporate District properties into the PMP that are not currently regulated by the PMP to ensure consistency with the California Coastal Act, Public Trust Doctrine, and Port Act.” The commentor recommends that the Draft EIR include consideration and discussion of environmental justice in its analysis of the project’s potential impacts consistent with the Coastal Act and the Commission’s EJ Policy.

A discussion of the project’s consistency with the environmental justice sections of the Coastal Act and the Coastal Commission’s EJ Policy has been added to Section 4.9, *Land Use and Planning*, of the revised Draft EIR. The proposed project is inherently consistent with the intent of the environmental justice definition provided in the Coastal Act. As discussed in the Coastal Act consistency analysis in Table 4.9-3 of the Draft EIR, the project will increase public access opportunities on the waterfront by adding an additional 2.5 acres to Pepper Park. Further, the bike paths included in the proposed project will increase accessibility to the National City Marina District. As stated in Section 4.9, the proposed project is consistent with the EJ sections of the Coastal Act and the Coastal Commission’s EJ Policy.

National City Bayfront DEIR Comments

Sea Level Rise (SLR) and Coastal Access

- D-14 Pepper Park is National City's only park west of Interstate 5 and provides recreational opportunities and access to the coast for visitors and residents. MM-LU-1 and MM-LU-2 analyzes Bayshore Bikeway, Pepper Park expansion, and possible Granger Hall relocation under Near Term SLR through 2030 and 2050 for temporary inundation and provides mitigation measures. However, under MM-LU-3, the same assets are projected to be temporarily and permanently inundated under SLR in 2100. Because the longer-term effects can be difficult to quantify, we appreciate the proposed periodic re-evaluation of the project's mitigation for longer term impacts, as stated under MM-LU-4. However, under the Commission's Sea Level Rise Policy Guidance, "mitigation for unavoidable public resource impacts over the life of the structure" is required. In addition to the periodic re-evaluation,
- D-15 temporary and permanent flooding impacts (through 2100) to coastal resources, particularly coastal access offered by Pepper Park and the bikeway, need to be properly mitigated for. The design of the Pepper Park expansion should account for SLR through 2100 (e.g., a minimum 75-year design life) and include features that will make the park adaptive to future flooding. We encourage the use of the following mitigation measures: implementation of a living shoreline with salt tolerant species, maximization of pervious surfaces, and consideration of additional park area on the landward perimeter of the site to allow for managed retreat.
- D-16 If Granger Hall is to be relocated to Pepper Park, the same sea level rise analysis and mitigation through 2100 should be evaluated, as well as an analysis of public views. It is also unclear whether Granger Hall would be used as a public or commercial facility; if Granger Hall is relocated to the park, it should be maintained as a public facility and expansion of the public park. However, to maximize open space in Pepper Park, alternative relocation sites for
- D-17 Granger Hall should also be analyzed.
- D-18 The modular cabins proposed on the jetty on the southern portion of the site adjacent to the Sweetwater Channel would block public views of the coast from the Bayshore Bikeway and would also be susceptible to coastal hazards, including flooding associated with projected sea level rise. Given the potential for coastal resource impacts, these cabins should be removed or relocated to the proposed RV areas. In addition, the cabins proposed on the eastern portion of the site adjacent to Paradise Marsh would block views of the marina from the Bayshore Bikeway and could have indirect impacts (e.g., lighting, noise) on the adjacent wildlife refuge; therefore, cabins in that location should also be evaluated for relocation to the proposed RV areas.
- D-19 Public access should be maximized on the north-south and east-west public access and view corridors, including maximizing their widths and designing accessways for use by both pedestrians and bicyclists.
- D-20 The proposed closure of roadways would result in a net decrease of 249 on-street parking spaces currently used by NCMT employees; however, this is proposed to be mitigated by the reconfiguration and restriping of Lot Q on the southwest corner of Bay Marina Drive and Quay Avenue to provide additional parking for employees and offset the loss of 249 parking spaces. According to the DEIR, restriping would provide 590 spaces in Lot Q, which would

Response to Comment D-14

This comment is an introductory comment that states that Pepper Park is the only park west of Interstate 5 and further states that the EIR includes analysis of the Bayshore Bikeway, Pepper Park expansion, and possible Granger Hall relocation under near-term sea level rise through 2030 and 2050 for temporary inundation and identifies mitigation measures for such.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request. Section 4.9 of the Draft EIR includes analysis of projected temporary and permanent sea level rise impacts on the project in 2030, 2050 and 2100. Mitigation measures are identified for the projected impacts. This comment does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately along with the District's individual responses.

Response to Comment D-15

The commenter states that under the CCC's Sea Level Rise Policy Guidance, "mitigation for unavoidable public resource impacts over the life of the structure" is required and that Pepper Park (part of the GB Capital Component) and the Bayshore Bikeway Component should be designed to account for sea level rise through 2100 (e.g., a minimum 75-year design life) and include features to make the park adaptive to future flooding. The commenter encourages the use of the following measures to make the park adaptive to future flooding: "implementation of a living shoreline with salt tolerant species, maximization of pervious surfaces, and consideration of additional park area on the landward perimeter of the site to allow for managed retreat."

The Pepper Park improvements (i.e., reconfiguration and expansion) are already proposed to incorporate many of the recommended changes identified by CCC staff in their comment letter. For example, most of the proposed park expansion is on the landward perimeter of the existing Pepper Park; and the proposed park improvements are anticipated to be constructed in phases, which allows for ongoing reassessment of the sea level rise mitigation measures included in the EIR and provides a built-in opportunity for adaptive management over time. Further, **MM-LU-2** already reflects the CCC suggestions of implementation of a living shoreline and maximization of pervious surfaces into the park design in

this comment because it encourages the use of living shorelines and pervious surfaces as potential methods for accommodating future sea level rise and flooding events at Pepper Park.

Further, the design life, commonly referred to as the “useful life” (i.e., the period of time that an asset is considered useful before it should be replaced), of a park is considerably less than 75 years. Examples of the “useful life” of park improvements (e.g., restroom building, playground equipment, lawn) are available from a variety of sources, including the District’s asset management program and “useful life” documents from other public agencies. The District’s asset management program, prepared by GHD, Inc. in 2016, identifies a useful life of approximately up to 30 years for concrete benches, up to 15 years for composite/steel benches, up to 20 years for a bike rack, up to 20 years for a concrete picnic table, up to 15 years for a playground and surfaces surrounding the playground, and up to 25 years for irrigation control valves. Other useful life documents indicate that park improvements have a range of useful life years. More specifically, according to the Legislative Audit Department of the State of South Dakota (<https://legislativeaudit.sd.gov>, last viewed on August 18, 2022) and the County of Pima, Arizona, (<https://webcms.pima.gov>, last viewed on August 18, 2022), buildings typically have a useful life of up to 50 years, playgrounds have a useful life of approximately 10–20 years, picnic shelters have a useful life of up to 20 years, and lawn areas and sprinkler systems have a useful life of approximately 10–20 years. In other words, improvements that collectively make up a park are typically replaced several years before 75 years, which in the case of Pepper Park would allow time to observe the sea level rise conditions, and, if adaptation measures are needed, the timing of installation of such can coincide with the end of the useful life of park improvements/assets.

For areas of the project site that are projected to be inundated in 2100, **MM-LU-4** and **MM-LU-5** require periodic reassessment every 5–10 years. If the observed sea level rise conditions appear to be consistent with the 2100 projections identified in the EIR, a site-specific assessment is required to identify future sea level rise projections using the best science available at the time and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from sea level rise. The mitigation measures identify that such adaptation strategies could include a neighborhood-level effort, raising of grades, additional shoreline protection, removal or movement

of assets, and conversion of impervious surfaces to pervious surfaces. Because periodic reassessment of the areas projected to be inundated will be occurring, and the useful lives of typical park improvements is 10–50 years (as described in the previous paragraph), if adaptation strategies are needed, there will be opportunities to incorporate them into the park as the park improvements are replaced after their useful lives. Thus, the periodic evaluation of sea level rise that is proposed in **MM-LU-4** and **MM-LU-5** is appropriate, and no clarifications or revisions to the Draft EIR are required.

Response to Comment D-16

The commenter states that if Granger Hall is to be relocated to Pepper Park, then the same sea level rise analysis and mitigation through 2100 should be evaluated, as well as an analysis of public views.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request. However, Pepper Park in its entirety is included within the analysis (see page 4.9-42 and Figures 4.9-2 and 4.9-3 of the Draft EIR).

Response to Comment D-17

The commenter states that, to maximize open space in Pepper Park, alternative relocation sites for Granger Hall should also be analyzed, as it is unclear whether Granger Hall would be used as a public or commercial facility. The comment mentions that, if Granger Hall is relocated to the park, it should be maintained as a public facility and expansion of the public park.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request.

Response to Comment D-18

The commenter states that the modular cabins proposed on the jetty on the southern portion of the site adjacent to Sweetwater Channel would block public views of the coast from the Bayshore Bikeway and would also be susceptible to coastal hazards, including flooding associated with projected sea level rise, and, given the potential for coastal resource impacts, these cabins should be removed or relocated to the proposed RV areas. The commenter also suggests that the cabins proposed on the eastern portion of the site adjacent to Paradise Marsh would block views

of the marina from the Bayshore Bikeway and could have indirect impacts (e.g., lighting, noise) on the adjacent Wildlife Refuge; therefore, cabins in that location should also be evaluated for relocation to the proposed RV areas.

The modifications to the jetty to accommodate the proposed modular cabins and floating dock will provide an opportunity to alleviate some concerns regarding sea level rise (see Section 4.9, *Land Use and Planning* of the Draft EIR).

The proposed project would also increase inherently lower-cost visitor-serving uses and allow greater public access to the waterfront, which would provide new opportunities to experience expansive views of the Bay and Sweetwater Channel from the expansion of Pepper Park, and new hotels, the RV park, and modular cabins. As identified in Section 4.1, *Aesthetics and Visual Resources*, of the Draft EIR, implementation of mitigation measures **MM-AES-1**, **MM-AES-2**, and **MM-AES-3** would reduce impacts to a level less than significant as related to impacts on existing views and access to existing scenic vistas associated with construction of the modular cabins during the approximately 2-year period for Phase 1 of GB Capital Component construction activities. During operation, implementation of **MM-AES-4** would reduce any potential impacts to a level less than significant by providing similar views to the south and southwest during operation of the proposed project. Implementation of **MM-AES-5** would reduce potential impacts on Key Observation Point (KOP) 2 by maintaining a minimum 20-foot-wide clear zone along the Pier 32 overlook and across the marina and jetty to protect the view corridor. Lighting impacts would be reduced through implementation of **MM-AES-8** and **MM-AES-9**, which would reduce the potential impacts on nighttime views of the adjacent land uses from additional lighting sources by requiring lighting features that would emit less high-frequency blue light and reduce light spillage from the GB Capital Component to the adjacent land uses and sensitive habitats. Further, construction-related impacts would be reduced to a level of less than significant through the biological mitigation measures found in Section 4.3, *Biological Resources*, of the Draft EIR.

Response to Comment D-19

The comment states that public access should be maximized on the north-south and east-west public access and view corridors, including

maximizing their widths and designing accessways for use by both pedestrians and bicyclists.

As described in Chapter 3, *Project Description*, of the Draft EIR, the proposed project includes a north-south public access corridor and an east-west public access corridor within the existing alignment of West 32nd Street; however, the width, general location, and intended purpose vary between the Balanced Plan Component and the GB Capital Component.

In the Balanced Plan Component (see Section 3.4.1.2 of the Draft EIR), the north-south corridor is proposed to range from 20-40 feet wide; be located within the existing alignment of Marina Way; and allow for visual, pedestrian, bicycle, and emergency vehicle access. In the GB Capital Component (see Section 3.4.2.1 of the Draft EIR), the north-south corridor is proposed to be 24 feet wide (and 50 feet wide in the northernmost portion), be located generally within the existing alignment of Marina Way, and accommodate mostly pedestrians and bicycles, but would also serve as a driveway for the occasional car or RV.

In the Balanced Plan Component (see Section 3.4.1.2 of the Draft EIR), the east-west corridor is proposed to range from 14-40 feet wide; be located within the existing alignment of West 32nd Street; and allow for visual, pedestrian, bicycle, and emergency vehicle access. In the GB Capital Component (see Section 3.4.2.1 of the Draft EIR), the east-west corridor is proposed to be a 24-foot-wide view corridor with a parking area, drive aisle, and an approximately 6-foot-wide sidewalk through the existing Pier 32 Marina parking lot immediately south of the existing alignment of West 32nd Street.

Additionally, the proposed project is consistent with Policy LU-9.4 from the National City General Plan and the District's Master Plan public access policies because the project components include several design features that expand public access opportunities; such as a new bike paths and pedestrian walkways; bike lanes; minimal curb cuts; enhanced crosswalks; appropriate sidewalk and lane widths; landscaped medians and parkways; wayfinding signage; enhanced paving; and other features that contribute to safe public access and the desired character for National City.

No changes to the Draft EIR are required.

Response to Comment D-20

The comment states the proposed closure of roadways would result in a net decrease of 249 on-street parking spaces currently used by National City Marine Terminal (NCMT) employees; however, this is proposed to be mitigated by the reconfiguration and restriping of Lot Q on the southwest corner of Bay Marina Drive and Quay Avenue to provide additional parking for employees and offset the loss of 249 parking spaces. The comment further states that restriping would provide 590 spaces in Lot Q, which would accommodate the 574 existing NCMT employees. The comment requests that the Draft EIR should also analyze whether the increased leasehold area would result in additional employees, and whether Lot Q's 590 spaces would provide adequate parking for the projected number of employees, given that NCMT employees' use of public parking adjacent to Pepper Park could adversely impact public coastal access.

As stated on page 4.13-41 of the Draft EIR, the Pasha Road Closures Component would result in a net decrease in approximately 249 on-street parking spaces, which, based on observations by the traffic consultant, appear to be primarily used by existing NCMT employees; this loss of parking is identified as **Impact-TRA-9** in the Draft EIR because it could potentially inhibit coastal access. Per Table 4.13-11 of the Draft EIR, of those 249 on-street parking spaces, 216 are located on Tidelands Avenue and 33 are located on West 28th Street. **MM-TRA-6**, which is proposed to reduce **Impact-TRA-9** to a level less than significant, requires Pasha to restripe Lot Q (located on the southwest corner of Bay Marina Drive and Tidelands Avenue) to provide 590 parking spaces for employees and offset the loss of the on-street parking spaces. Further, as stated in Section 3.4.4.1 of the Draft EIR, the proposed project would not increase potential vehicle throughput/marine terminal operations beyond what was previously analyzed in the NCMT Tank Farm Paving and Street Closures Project and Port Master Plan Amendment EIR. Therefore, the up-to-574 NCMT employees (the total number of NCMT employees contemplated in the NCMT Tank Farm Paving and Street Closures Project and Port Master Plan Amendment EIR) would be more than accommodated within the restriped Lot Q. In addition, the additional parking provides the flexibility to meet the changing operational nature of marine terminal operations and does not necessarily mean that the additional spaces will be used at all times.

National City Bayfront DEIR Comments

D-20 cont. accommodate the 574 existing NCMT employees; however, the DEIR should also analyze whether the increased leasehold area would result in additional employees, and whether Lot Q's 590 spaces would provide adequate parking for the projected number of employees, given that NCMT employees' use of public parking adjacent to Pepper Park could adversely impact public coastal access.

Lower-Cost Facilities and Overnight Accommodations

D-21 The proposed project, under the GB Capital Component, includes land use changes to allow up to four hotels, up to 135 RV sites and up to 60 modular cabins, yet it is unclear whether any of these will provide lower-cost accommodations. The Commission has the responsibility, pursuant to the public access policies of the Coastal Act, and particularly Section 30213, to ensure that new development projects provide for a range of affordable visitor serving facilities along the coast. The Commission has found that facilities providing lower-cost overnight accommodations are critical to providing equitable coastal access. Moreover, the Commission has found that affordable overnight accommodations are a necessary part of providing public access and recreational opportunities for the many visitors that live further from the coast, particularly for low-income households that will experience a disproportionate barrier to accessing these amenities. While RV sites may be more affordable than high-cost hotel rooms, they may not be lower-cost when the upfront cost to buy or rent an RV is considered.

D-22 Furthermore, the modular cabins located at the District's existing RV site operated by Sun Outdoors are not lower-cost either and can cost upwards of \$200-\$300 per night. Please describe how the proposed project will incorporate lower-cost accommodations and visitor serving facilities. We encourage replacing some of the RV sites with tent camping sites, which are inherently lower-cost. Given the number of hotels that are proposed, at least one of the hotels should be a lower-cost product (e.g., hostel), or a minimum of 25% of the rooms in each hotel should be provided as lower-cost.

D-23 Thank you again for your consideration of the comments included above. Please note that these comments are preliminary and are not binding; Commission staff will provide additional comments as time allows for a more comprehensive review. Also, please note that these comments have been submitted on the part of staff and the Commission itself would be the ultimate decision-making body. We look forward to continuing our coordination with City and Port staff in a manner that is consistent with the Coastal Act and the Commission's Environmental Justice Policy. If you have any questions, please do not hesitate to contact me at the above office.

Sincerely,
Kanani Leslie
Coastal Program Manager

Cc (copies sent via e-mail):
Karl Schwing, Deputy Director

Therefore, the calculation of the parking supply based on the existing NCMT employees remains valid.

No changes to the Draft EIR are required.

Response to Comment D-21

The commenter states that under the GB Capital Component, the proposed project includes land use changes to allow up to 4 hotels, up to 135 RV sites, and up to 60 modular cabins, and it is unclear whether any of these will provide lower-cost accommodations. The comment further identifies that the CCC has the responsibility, pursuant to the public access policies of the Coastal Act, and particularly Section 30213, to ensure that new development projects provide for a range of affordable, visitor-serving facilities along the coast. Moreover, the commenter states that facilities providing lower-cost overnight accommodations are critical to providing equitable coastal access, and affordable overnight accommodations are a necessary part of providing public access and recreational opportunities for the many visitors who live farther from the coast, particularly for low-income households that will experience a disproportionate barrier to accessing these amenities.

The National City hotel market is a lower-cost market as compared to the City of San Diego. The hotels currently operating have average daily rates below \$100.00. The hotels room along the Bay will reflect the local hotel market conditions. Further, there are a large number of low and moderate cost hotels and motels near the shoreline in National City (including one in the Coastal Zone, adjacent to the project site). In addition, the proposed project would not result in the removal of any of the existing low and moderate cost hotels and motels.

No changes to the Draft EIR are required.

Response to Comment D-22

The commenter asks the District to describe how the proposed project will incorporate lower-cost accommodations and visitor-serving facilities, as the modular cabins located at the District's existing RV site operated by Sun Outdoors are not lower-cost and can cost upwards of \$200-\$300 per night. The comment further notes that, while RV sites may be more affordable than high-cost hotel rooms, they may not be lower-cost when the upfront cost to buy or rent an RV is considered. The CCC encourages replacing some of the RV sites with tent camping sites, which are inherently lower cost. Given the number of hotels that are proposed, at least one of the hotels should be a lower-cost product (e.g.,

hostel), or a minimum of 25% of the rooms in each hotel should be provided as lower cost.

The RV facilities cited by the commenter are found in a higher-end market and do not reflect the market conditions of National City. Unlike the National City Bayfront, most higher-cost RV facilities are not adjacent to an active marine terminal or other industrial facilities. It is anticipated that these market conditions will produce RV sites that are classified in the lower-cost affordability range. Please also see Response to Comment D-21.

Response to Comment D-23

The comment concludes with the commenter thanking the District for considering the comments included above and notes that the comments are preliminary and are not binding; the Coastal Commission staff will provide additional comments as time allows for a more comprehensive review; and that these comments have been submitted on the part of staff, and the Coastal Commission itself would be the ultimate decision-making body. The comment also says they look forward to continuing their coordination with City and District staff in a manner that is consistent with the Coastal Act and the Coastal Commission's Environmental Justice Policy.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required as a result of this comment.

National City Bayfront DEIR Comments

Deborah Lee, District Manager
Diana Lilly, District Manager
Melody Lasiter, Coastal Program Analyst
Sumi Selvaraj, Environmental Justice Manager
Javier Padilla Reyes, Environmental Justice Analyst

Comment Letter E

CALIFORNIA STATE TRANSPORTATION AGENCY

CALIFORNIA NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov



November 17, 2021

11-SD-I-5
PM 9:64

Draft Environmental Impact Report (DEIR)
National City Bayfront Projects SCH 2018121054

Anna Buzaitis
San Diego Unified Port District
Dept. of Planning
3165 Pacific Highway
San Diego, CA 92101

Dear Ms. Buzaitis:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the National City Bayfront Projects located near Interstate 5 (I-5). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

E-1

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the Port of San Diego in areas where the Port and Caltrans have joint jurisdiction to improve the transportation network and connections

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Response to Comment E-1

This comment is an introductory comment noting the California Department of Transportation (Caltrans) appreciates being included in the environmental review process for the projects located near Interstate 5 (I-5). The comment identifies the mission of Caltrans, stating the Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with their mission and state planning priorities. The comment also states that Caltrans is looking forward to working with the District to improve the transportation network and connections between various modes of travel in areas where the District and Caltrans have joint jurisdiction, with the goal of improving the experience of those who use the transportation system.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted.

Ms. Anna Buzaitis
November 17, 2021
Page 2

E-1 cont. | between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Analysis

E-2 | The San Diego Unified Port District as the lead agency for this project, should be in alignment with state policies and state goals on evaluating transportation impacts under CEQA. Please see the following links for reference.

December 2018 Technical Advisory on Evaluating Transportation Impacts:
https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

Governor Office of Planning and Research:
<https://opr.ca.gov/ceqa/sb-743/>

E-3 | Tables ES.1, ES.2, and ES.3 in the Transportation Impact Analysis (appendix K) all identify impacts and mitigations to Caltrans facilities, but they are all labeled as "significant and unavoidable". These impacts and mitigations should be included in the DEIR. Please coordinate with Caltrans as to what mitigation measures or other alternatives can be implemented to mitigate project impacts.

E-4 | If the Bay Marina Drive full closure alternative proceeds the result is a significant increase in the volume of northbound left turns at the I-5 northbound off ramp to Civic Center Drive. The existing left turn AM queuing in synchro is 39 feet and the storage is 90 feet. The queuing increases to 693 feet with the addition of the total Bayfront projects and Bay Marina Drive closure, and further queuing in other scenarios. The queuing for the left turn lane exceeds the storage capacity and would result in a safety concern for a speed differential with stopped vehicles queuing into a through lane. The bridge columns prevent the opportunity to increase left turn lane storage capacity unless there was major bridge reconstruction. Therefore, the Bay Marina Drive closure alternative is not preferred by Caltrans.

E-5 | At the I-5 southbound off ramp to Bay Marina Drive the existing right turn AM queuing in synchro is 44 feet and the storage is 265 feet. The queuing increases to 275 feet with the addition of the total Bayfront projects. These queuing distances exceed the storage capacity and would result in a safety concern for a speed differential with stopped vehicles queuing into a through lane. Please consider mitigation as this has the potential for a safety impact. Additionally, table ES.1 incorrectly states there is an existing southbound through/right lane, it is a through/left lane.

E-6 |

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Response to Comment E-2

The comment expresses that the District, as the Lead Agency for this project, should be in alignment with state policies and state goals on evaluating transportation impacts under CEQA. The comment also references a Web URL for the December 2018 Technical Advisory on Evaluating Transportation Impacts.

The Draft EIR was prepared in accordance with Senate Bill 743 (SB 743). SB 743 changed the way that public agencies evaluate transportation impacts under CEQA. A key element of this law is the elimination of using auto delay, LOS, and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant transportation impacts under CEQA. Current CEQA Guidelines recommend that Vehicle Miles Traveled (VMT) be the primary metric for evaluating transportation impacts under CEQA. The impact analysis in this Draft EIR is based on VMT in compliance with state law pertaining to CEQA transportation analysis. However, a Level of Service (LOS) impact analysis (Appendix K of the Draft EIR) was also conducted and included in the Draft EIR for informational purposes only. No changes to the Draft EIR are warranted.

Response to Comment E-3

The comment states Tables ES.1, ES.2, and ES.3 in the Transportation Impact Analysis (Appendix K of the Draft EIR) all identify impacts and mitigations to Caltrans facilities that are significant and unavoidable and should be included in the Draft EIR. The comment requests coordination with Caltrans as to what mitigation measures or other alternatives can be implemented to mitigate project impacts.

With the adoption of SB 743, a project's effect on traffic delay no longer constitutes a significant environmental impact under CEQA. Instead, per Section 15064.3 of the State CEQA Guidelines, VMT is the most appropriate measure of transportation impacts. Additionally, per Section 21099(b)(2) of the state legislation, LOS is not to be considered a significant impact. As described in Section 4.13, *Transportation, Circulation, and Parking*, of the Draft EIR, Appendix K is included for informational purposes only. Therefore, the Draft EIR impacts and mitigation measures are based on VMT impacts, not the LOS impacts identified in Tables ES.1, ES.2, and ES.3 in the Transportation Impact Analysis (Appendix K of the Draft EIR). No changes to the Draft EIR are warranted.

Response to Comment E-4

The comment states that if the Bay Marina Drive full closure alternative proceeds, a significant increase in the volume of northbound left turns at the I-5 northbound off-ramp to Civic Center Drive would occur. The comment supports this impact with the following: the existing left-turn AM queuing in synchro is 39 feet and the storage is 90 feet and the queuing increases to 693 feet with the addition of the total bayfront projects and Bay Marina Drive closure, and further queuing in other scenarios. The comment states queuing for the left-turn lane exceeds the storage capacity and would result in a safety concern for a speed differential with stopped vehicles queuing into a through lane. Further, the comment notes that the bridge columns prevent the opportunity to increase left-turn lane storage capacity unless there was major bridge reconstruction. The comment concludes stating that the potential closure of Bay Marina Drive [part of the City Program – Development Component] is not preferred by Caltrans.

At the request of the City of National City (the project proponent for the potential closure or narrowing of Bay Marina Drive to through traffic at Marina Way), the potential closure/narrowing of Bay Marina Drive has been removed from the proposed project, thereby eliminating its associated impacts. No changes to the Draft EIR are warranted.

Response to Comment E-5

This comment identifies that the existing right-turn AM queuing in synchro at the I-5 southbound off-ramp to Bay Marina Drive is 44 feet and the storage is 265 feet. The comment further states that queuing increases to 275 feet with the addition of the total bayfront projects. The comment identifies that these queuing distances exceed the storage capacity and would result in a safety concern for a speed differential with stopped vehicles queuing into a through lane. The commentor requests that the Draft EIR consider mitigation as this has the potential for a safety impact.

Please see Response to Comment E-3 regarding mitigation measures, and Response to Comment E-4 regarding removal of the closure of Bay Marina Drive and associated mitigation measures. It is noted that any mitigation plans that impact freeway use will be provided to Caltrans for review and approval.

Response to Comment E-6

The comment notes that Table ES.1 [in the Transportation Impact Analysis (Appendix K of the Draft EIR)] incorrectly states there is an existing southbound through/right lane; it is a through/left lane.

Table ES.1 in Appendix K has been updated to specify the correct lane configuration at the I-5 southbound off-ramp at Bay Marina Drive. This correction, however, does not create any new significant environmental impacts.

Ms. Anna Buzaitis
November 17, 2021
Page 3

- E-7 - Potential mitigation measures are restriping the off-ramp lane configurations and/or adding right turn storage capacity. Mitigation needs to be shown to be effective and will require Caltrans review/approval.
- E-8 According to appendix L section 3.1 of the DEIR, closure of the Bay Marina Drive would lead to a significant VMT impact due to induced travel associated with the closure. The additional VMT as such would not align with state policy and goals.
- E-9 Per appendix L section 3.2, the VMT impact is stated to remain a significant and unavoidable transportation related impact. This VMT impact is not in alignment with state VMT and emissions reduction goals. **The project's VMT impacts need to be mitigated down to a level considered less than significant.** The project needs to investigate additional methods to address this VMT impact. Some potential solutions to analyze are:
 - Reducing the project size.
 - Implementing additional VMT reductions.
 - Implementing other transportation improvements that would be comparable to fully mitigating the VMT impact.
- E-10 **Complete Streets and Mobility Network**
Caltrans views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promote a complete and integrated transportation network. Early coordination with Caltrans in locations that may affect both Caltrans and other responsible agencies is encouraged.
- E-11 **To reduce greenhouse gas emissions and achieve California's climate change targets,** Caltrans is implementing complete streets and climate change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. There are ongoing Caltrans SHOPP complete streets efforts underway in the vicinity of the project area. A Caltrans SHOPP project in development proposes complete streets and active transportation improvements on Bay Marina Drive/Mile of Cars Way at Interstate 5 (I-5).
- E-12 Caltrans looks forward to working with the Port of San Diego and other responsible agencies to evaluate this project and other potential complete streets and active transportation SHOPP projects.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Response to Comment E-7

This comment identifies potential mitigation measures including restriping the off-ramp lane configurations and/or adding right-turn storage capacity. The comment states mitigation needs to be shown to be effective and will require Caltrans review/approval.

Please see Response to Comment E-3 regarding mitigation measures.

Response to Comment E-8

The comment states that according to Appendix L, Section 3.1, of the Draft EIR, closure of Bay Marina Drive would lead to a significant VMT impact due to induced travel associated with the closure. The comment states that additional VMT would not align with state policy and goals. As described in Section 4.13.4.3 of the Draft EIR, the closure of Bay Marina Drive will induce travel and increase the total VMT in the study area, which will result in a significant impact that remains unavoidable after mitigation. As such, as also stated in Response to Comment E-4, the potential closure/narrowing of Bay Marina Drive has been removed from the project.

Response to Comment E-9

The comment states that per Appendix L, Section 3.2, the VMT impact would remain significant and unavoidable following mitigation. The comment states the VMT impact identified is not in alignment with California VMT and emissions reduction goals. The comment requests analysis of additional methods to address this VMT impact. Based on Public Resources Code, Section 21002.1(a), when a lead agency identifies a significant impact, it must identify feasible mitigation measures that could avoid or substantially reduce that impact. Furthermore, the State CEQA Guidelines require that an EIR identify feasible alternatives that could avoid or substantially reduce a project's significant environmental impact. As stated in the Draft EIR, the mitigation measures for the proposed project only assume those measures included in the SANDAG Mobility Management VMT Reduction Calculator Tool (VMT Reduction Calculator Tool), which includes a variety of Transportation Demand Management measures to reduce VMT. The VMT Reduction Calculator Tool is an appropriate VMT reduction tool as it incorporates research and data included in the California Air Pollution Control Officers Association – Quantifying Greenhouse Gas Mitigation Measures Handbook (CAPCOA Handbook),

specifically calibrated for the San Diego region to ensure that any VMT reductions calculated are reasonable and reflect the socioeconomic data and travel behavior of the San Diego region. However, the VMT reductions associated with these feasible mitigation measures are not enough to fully mitigate or avoid the project's significant impact. Finally, it is important to note that the VMT Reduction Calculator Tool does not include every possible transportation demand management (TDM) measure, but conservatively the analysis only considered VMT reductions from feasible TDM measures in the calculator tool. The proposed project will implement a TDM plan that includes measures that were not included in the Mobility Management VMT Reduction Calculator Tool, but the impact analysis did not take credit for these measures. No changes to the Draft EIR are required. Note also the comment does not include any suggested feasible mitigation measures.

Response to Comment E-10

The commentor suggests the following potential solutions to analyze: reducing the project size, implementing additional VMT reductions, and implementing other transportation improvements that would be comparable to fully mitigating the VMT impact.

Please see Responses to Comments E-4, E-8, and E-9 above.

Response to Comment E-11

This comment states that Caltrans views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation network. In addition, the comment states that Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promote a complete and integrated transportation network. Early coordination with Caltrans in locations that may affect both Caltrans and other responsible agencies is encouraged.

The District acknowledges this comment; no changes to the Draft EIR are required as a result of this comment.

Response to Comment E-12

This comment summarizes State Highway Operations and Protection Program (SHOPP) projects that Caltrans is implementing to meet

multimodal mobility needs. These efforts include complete streets and active transportation projects on Bay Marina Drive/Mile of Cars Way at I-5. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required as a result of this comment.

Response to Comment E-13

This comment states that Caltrans is looking forward to working with the District to evaluate potential complete streets and active transportation SHOPP projects.

The District acknowledges this comment; no changes to the Draft EIR are required as a result of this comment.

Ms. Anna Buzaitis
November 17, 2021
Page 4

E-14 | Additionally, Caltrans is currently working with the City of National City on its implementation of the Bayshore Bikeway Segment 5 and West 19th Street Greenway projects where they interface with I-5. Caltrans also looks forward to continued coordination on these projects.

E-15 | Caltrans released the "Contextual Guidance for Bike Facilities" Memorandum in March 2020 to identify the preferred bikeway facility type in areas where bikeway facility installations are planned. Please utilize this guidance memorandum as a tool for selecting the most appropriate bicycle facility type in locations where improvements are proposed in Caltrans' right-of-way. The following is a link to the "Contextual Guidance for Bike Facilities" Memorandum: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/office-of-smart-mobility-and-climate-change/planning-contextual-guidance-memo-03-11-20-a11y.pdf>.

Noise
E-16 | The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, Caltrans is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-5.

Environmental and Long-term Lease
E-17 | Across Volumes I, II & III of the DEIR document, there is conflicting language about who owns the jetty and Sweetwater Channel east of the high tide line. Please clarify.

E-18 | The existing leases for the Port's subtidal land are set up as an "in-kind" trade between the Port and Caltrans. This was done to allow Caltrans Environmental Department to develop an eel grass bed on a jetty on the sub-tidal land. If Caltrans and the Port of San Diego re-negotiate the jetty lease into a building lease, then it would no longer be an "in-kind" trade. Please coordinate with Caltrans to explore possible solutions to separating the leases while still preserving the eel grass bed lease.

E-19 | Caltrans will not consider long term building leases due to challenges in having building structures in state right-of-way (R/W).

E-20 | The Draft EIR mentions a new dock with slips for 30 boats being constructed on the southside of the jetty. Please coordinate with Caltrans appropriately on the development of this new dock.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Response to Comment E-14

The comment identifies that Caltrans is currently working with the City on its implementation of the Bayshore Bikeway Segment 5 and 19th Street Greenway projects and looks forward to continued coordination on these projects.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required based on this comment; however, this comment is included in the record for consideration by the Board.

Response to Comment E-15

This comment states that Caltrans released the "Contextual Guidance for Bike Facilities" Memorandum in March 2020 to identify the preferred bikeway facility type in areas where bikeway facility installations are planned. The commenter requests that the Draft EIR utilize this guidance memorandum as a tool for selecting the most appropriate bicycle facility type in locations where improvements are proposed in Caltrans' ROW.

The District acknowledges this comment; no changes to the Draft EIR are required as a result of this comment.

Response to Comment E-16

The comment informs the District that, in accordance with 23 Code of Federal Regulations 772, Caltrans is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-5.

The Draft EIR does not state or imply that Caltrans is responsible for any such noise impacts. No changes to the Draft EIR are warranted based on this comment.

Response to Comment E-17

This comment states that there is conflicting language in the Draft EIR about who owns the jetty and Sweetwater Channel east of the mean high tide line, and requests clarification on the ownership. The portion of the jetty west of the mean high tide line is owned by the District, and the portion of the jetty east of the mean high tide line is owned by Caltrans. The District is unaware of any references to the contrary in the Draft EIR and the commenter did not specify any.

As stated within Chapter 3, *Project Description*, of the Draft EIR, the jetty area east of the mean high tide line is currently owned by Caltrans but is currently leased to the District under a long-term lease agreement. The

ownership of Sweetwater Channel east of the mean high tide line is unknown, and any references to an owner have been removed from the EIR.

Response to Comment E-18

This comment references an existing lease between the District and Caltrans for the area of the jetty [south of Pier 32 Marina] that is located east of the mean high tide line, and a related lease in a submerged area near Coronado. This comment concludes that if the District desires to renegotiate the jetty lease into a building lease, that the District needs to coordinate with Caltrans to explore possible solutions to separating the leases while still preserving the submerged area lease.

In the submerged area, Caltrans leases submerged lands from the District for the purpose of Caltrans constructing and maintaining an underwater reef, which was a mitigation obligation (related to eelgrass restoration) for Caltrans, related to Caltrans' retrofit of the San Diego-Coronado Bay Bridge. The jetty lease (the District leases from Caltrans) and the submerged lands lease (Caltrans leases from District) are coterminous and contingent upon the execution and continued existence of one another, and both are for 14,780 square feet of area and for 66-year terms, which commenced in November 2008. The allowed uses in the jetty lease are "open space and public access." The allowed uses in the submerged lands lease are for "installing and maintaining an underwater artificial reef."

This comment is noted for future reference and future coordination with Caltrans. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR.

Response to Comment E-19

This comment states that Caltrans will not consider long-term building leases [for Caltrans property within the project site] due to challenges in having building structures within a state ROW. This comment is noted. Further, the District is not aware of any areas of the project site being within the state ROW.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted.

Response to Comment E-20

The comment notes that the Draft EIR mentions a new dock with slips for 30 boats being constructed on the southside of the jetty and requests that the District coordinate with Caltrans on the development of this new dock.

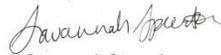
As analyzed in the Draft EIR, the GB Capital Component includes boat docking facilities within Sweetwater Channel—20 moorings and one floating dock (with 30 fingers) that can accommodate up to 50 boats. This comment is noted for future reference and future coordination with Caltrans. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted.

Ms. Anna Buzaitis
November 17, 2021
Page 5

Right-of-Way

- E-21 [Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment
- E-22 [permit process, the applicant must provide an approved final environmental document, corresponding technical studies, and necessary regulatory and resource agency permits, specifically, CEQA determination or exemption.
- E-23 [If you have any questions, please contact Roger Sanchez at (619) 987-1043 or by email at roger.sanchez-rangel@dot.ca.gov.

Sincerely,



Savannah Speerstra
Acting Branch Chief
Local Development Review

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Response to Comment E-21

The commenter expresses that any work performed within Caltrans' ROW will require discretionary review and approval by Caltrans, and an encroachment permit will be required for any work within Caltrans' ROW prior to construction.

This comment is noted for future reference and future coordination with Caltrans. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted.

Response to Comment E-22

The comment states the applicant must provide an approved final environmental document, corresponding technical studies, and necessary regulatory and resource agency permits, specifically, CEQA determination or exemption as part of the encroachment permit process. This comment is noted for future reference and future coordination with Caltrans. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted.

Response to Comment E-23

The comment concludes by noting that if the District has any questions, they should contact Roger Sanchez at (619) 987-1043 or by email at roger.sanchez-rangel@dot.ca.gov.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required as a result of this comment.

Comment Letter F



November 17, 2021

Anna Buzaitis
Planning Department
Port of San Diego
P.O. Box 120488
San Diego, CA 92112-0448

Re: City of National City Comments on National City Bayfront Projects & Plan Amendments

Dear Ms. Buzaitis,

Introduction:

F-1 The City has been working with the Port of San Diego ("Port") for decades to achieve
balance in providing recreational and commercial opportunities for its community members; while
F-2 at the same time striving to minimize the impacts from Port operations. While the Port continues
to fund its industrial projects, the Port should, on an annual basis, fund expansion of National
City's recreation and commercial assets. Moreover, it has been many years since the Port has
studied the impact from its Port operations on our community members and as the Port invests in
its maritime facilities, it should also address the ongoing adverse health effects to our community.

F-3 The following comments are provided to the Draft Environmental Impact Report (DEIR)
related to the Pasha Rail Line modification, the park expansion, the City hotels, the light industrial
facilities, and GP Capital's project as described in the DEIR ("Project"). We find that the DEIR is
fully compliant with the requirements of the California Environmental Quality Act (CEQA) and
we support and appreciate the Port's efforts in making our project come to fruition. The comments
below reflect a different point of view than some of the conclusions reached in the DEIR.

F-4 The Project provides enhanced revenue to the Port and increased recreational opportunities
to the citizens of the state. Many of the Project components offer affordable recreation
opportunities not found in other Port membership cities.

Comments:

F-5 Project Objectives 1 and 3 call for the maximization of recreational opportunities and
economic development within and near the tidelands. Project Objective 3 specifically calls for the
maximization of transient occupancy taxes. Both objectives are key to bringing equality to the

Office of the City Manager
1243 National City Boulevard, National City, CA 91950-4397
619-336-4240 Fax: 619-336-4327 www.nationalcityca.gov

Response to Comment F-1

This comment is an introductory comment noting that the City has been working with the District for decades to achieve balance in providing recreational and commercial opportunities for its community members while striving to minimize the impacts from the District's operations. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are needed.

Response to Comment F-2

This comment suggests that the District should fund expansion of National City's recreation and commercial assets on an annual basis while continuing to fund industrial projects. The commenter also suggests that the District should address ongoing adverse health effects from operations on the community.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA. However, this comment is included in the record for consideration by the Board.

Response to Comment F-3

This comment states the City's position that the Draft EIR is fully compliant with the requirements of CEQA and the City supports and appreciates the District's efforts in making the project come to fruition. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment F-4

The commenter states that the project provides enhanced revenue to the District, and that many of the project components offer affordable recreation opportunities to citizens not found in other Port membership cities.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or

completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment F-5

This comment expresses that the project's Objectives 1 and 3 call for the maximization of recreational opportunities and economic development within and near the tidelands, and both objectives are key to bringing equality to the National City Bayfront. The commenter explains that no community has suffered more respiratory illnesses than National City due to the toxic air pollutants from operations within the NCMT, yet when it comes to economic resource allocation, National City receives the least amount of revenue when compared to the revenue the District receives from its National City leaseholds. The comment also identifies that Objective 3 specifically calls for the maximization of transient occupancy taxes. The commenter states they will maximize their property to create new hotel rooms and jobs in the City's new mixed-use development project.

This comment is noted. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Therefore, no changes to the Draft EIR are warranted based on this comment.

F-5 cont. National City Bayfront where for years our community has suffered health impacts related to toxic air pollutants that stem from the operation of the National City Marine Terminal. No Port membership city has suffered more respiratory illnesses than National City. Yet, when it comes to economic resource allocation National City receives the least amount of revenue when compared to the revenue the Port receives from its National City leaseholds. Creating new jobs and adding more hotel rooms to National City Bayfront is a significant step towards parity. Toward this end the City will maximize its own property to create new hotel rooms and jobs in its new mixed use development project. Accordingly, when the Port certifies the DEIR it is imperative that the

F-6 Proposed Project is selected over all other DEIR Alternatives; and that all proposed hotel rooms, both on the City's property and on the GB Capital leasehold, remain as the preferred project. The Port's findings should reflect the purpose and intent of the Projective Objectives and not lightly dismiss the importance of Objectives 1 and 3.

Project Objective 1 states:

Further activate the project site by modifying the land uses and their configurations to foster the development of high-quality commercial and recreational uses to maximize employment opportunities, maximize recreational opportunities for visitors, maximize economic development opportunities, and to improve cargo and transportation efficiencies of maritime industrial uses associated with operations at NCMT. (Emphasis added).

F-7

Project Objective 3 States:

Implement cohesive commercial development that is designed to enhance enjoyment of the National City Marina District and surrounding city area, contribute to the area's economic vitality, and generate economic revenue for the City including through increased Transient Occupancy Tax. (Emphasis added).

F-8

The hotel rooms on City owned property should remain and the No Project Alternative should be dismissed because it fails to meet any of the DEIR's Project Objectives. In addition, the City would be very concerned if the Port selected Alternative 4 which is described in the DEIR as the "Environmentally Superior Alternative." The DEIR Alternative 4 analysis eliminates one of the GB Capital hotels and substantially reduces the number of hotel rooms of the remaining hotels. DEIR Alternative 4 provides for a 50% overall reduction in GB Capital's hotel development plans. The 11 story hotel would be reduced to 6 stories and would only contain 140 rooms; down from 282 rooms; and the 40 room three story hotel would be eliminated. In total, 182 rooms would be eliminated along with their associated TOT revenue. The DEIR claims that this alternative meets

F-9 all the Project Objectives, but this is clearly not the case. The significant reduction in project scope results in a failure to meet Project Objectives 1 and 3.

Response to Comment F-6

The commenter expresses that the District's information and analysis should reflect the intent of the project's objectives and not lightly dismiss the importance of Objectives 1 and 3. The comment also states that it is imperative that the proposed project is selected over all other project alternatives when the Board certifies the Draft EIR, and that all proposed hotel rooms, both on the City's property and on the GB Capital leasehold, remain as the preferred project.

This comment is noted. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

Response to Comment F-7

This comment restates the project's Objectives 1 and 3 and requests additional emphasis for each objective.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment.

Response to Comment F-8

The commenter requests that the hotel rooms on City-owned property remain as part of the project and that the No Project Alternative should be dismissed due to its failures to meet any of the project objectives. In addition, the comment expresses concern about Alternative 4 being selected, which is described in the Draft EIR as the "Environmentally Superior Alternative." The commenter summarizes Alternative 4, noting that 182 hotel rooms would be eliminated from the proposed project, resulting in a loss of the associated Transient Occupancy Tax revenue, contrary to the project objectives.

Section 7.5.5 of the Draft EIR notes that, pursuant to CEQA, the EIR is required to identify the environmentally superior alternative. Although the No Project Alternative (Alternative 1) reduces the greatest number of significant impacts, CEQA requires that when the environmentally superior alternative is the No Project Alternative, another alternative should be identified. The Reduced Development Intensity Alternative (Alternative 4) reduces the second-largest number of significant impacts

and is considered the environmentally superior alternative (see Table 7-3). However, such dramatic reductions in hotel rooms may render the whole of the project infeasible, and Alternative 4 reduces the height of the hotels and number of rooms proposed under the GB Capital Component and reduces the height of the five-story hotel and number of hotel rooms as part of the City Program – Development Component, which would reduce impacts related to aesthetics and visual resources, air quality and health risk, GHG emissions, noise and vibration, and transportation, circulation, and parking. The analysis of Alternative 4 has been revised and due to the decreased number of hotel rooms and visitor serving development, Alternative 4 only partially meets Objectives #1, 3 and 12. Alternative 4 also only partially meets Objective 8, and while a 50% reduction in hotel size reduces a number of environmental impacts such reduction may have a significant negative effects on the ability of the hotel to secure project financing and results in higher operational costs that if implemented render the project economically and operationally infeasible. Regardless, Alternative 4 does not meet the Proposed Project’s basic objectives.

Response to Comment F-9

The commenter states that the significant reduction in project scope results in a failure to meet Objectives 1 and 3, while stating the Draft EIR claims that Alternative 4 meets all the project objectives.

Please see the Response to Comment F-8. Alternative 4 may only partially meet Objectives # 1, 3, 8 and 12.

F-10 A 182 hotel room count reduction fails to meet Objective 3 because it does not generate "economic revenue for the City through the increased Occupancy Tax" and it fails to meet Objective 1 because it does not "maximize recreational opportunities for visitors, or maximize economic development opportunities."

F-11 Moreover, Alternative 2 which eliminates any waterside development within the Sweetwater Channel renders the GB Capital dry boat storage facility infeasible. This project component provides an affordable alternative to docking recreational craft in the marina. The proposed Sweetwater Channel finger piers support the use of the dry boat storage by providing the boating community with a temporary location to load and prepare for voyages. Although DEIR F-12 Alternative 2 may avoid impacts to Eelgrass and fish habitat, these impacts can be fully mitigated within close proximity to the project.

F-13 Alternative 3 eliminates all hotel rooms within the tidelands. This alternative should be rejected because it fails to meet the majority of DEIR Project Objectives.

Park Expansion and Future Uses:

F-14 The expansion of Pepper Park is an improvement to existing recreational opportunities along the National City Bayfront. The DEIR would allow future uses such as a wellness center and other similarly related uses to occur with additional environmental review. As the DEIR addresses, parking can be accommodated in a number of ways and the flexible approach called for in the DEIR is an appropriate method in accommodating current and future activities. F-15

Equity:

F-16 The Port's Maritime Clean Air Strategy notes that the National City Marine Terminal generates a total of 36 tons of NOX and 13,894 tons of CO2e by trucks alone each year. No other community in the San Diego region compares. In order to provide healthy recreational activities these toxic air emissions need to be mitigated in the short term. The Port should require that emissions from all Port operations be reduced by 10% per year, starting in 2022 and ending when Port operations achieves a net zero standard. If our community members are afforded greater recreational assets, but are then subject to toxic air pollutants from Port operations, little has been achieved through implementing the proposed project.

F-17 The expansion of Pepper Park and the many recreational opportunities proposed in the City's project and the GP Capital project will generate new visitors to the National City Bayfront and create new revenue for both the Port and the City. Parallel to the approval of the Proposed Project, the Port needs to make a meaningful commitment to halting their own toxic air generating operations by implementation of real mitigation measures that actually reduce toxic air pollutants. F-18 There is no need to continue to study or defer what we already know.

Response to Comment F-10

This comment continues to discuss Alternative 4 and expresses that a reduction of 182 hotel rooms fails to meet Objective 3 because it does not generate "economic revenue for the City through the increased Occupancy Tax" and it fails to meet Objective 1 because it does not "maximize recreational opportunities for visitors or maximize economic development opportunities."

Please see the Response to Comment F-8. For additional information, please see Section 7.5.5.

Response to Comment F-11

This comment states that Alternative 2 would eliminate waterside development within Sweetwater Channel and the GB Capital dry boat storage facility would become infeasible. The commenter notes that dry boat storage provides boaters with an affordable alternative to docking recreational craft in the marina.

Impacts under Alternative 2 are addressed in Chapter 7, *Alternatives to the Proposed Project*, of the Draft EIR. As discussed in Section 7.5, impacts would be similar to those of the proposed project and would not meet the project objectives associated with the development and operation of the project. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required.

Response to Comment F-12

This comment notes that although Alternative 2 may avoid impacts on eelgrass and fish habitat, these impacts can be fully mitigated close to the project.

As described in Section 7.5 of the Draft EIR, Alternative 2 would slightly reduce impacts associated with biological resources (i.e., avoiding removal of eelgrass and reducing pile-driving noise impacts on wildlife) compared to the project because of the elimination of construction activities within Sweetwater Channel. No changes to the Draft EIR are required.

Response to Comment F-13

This comment describes Alternative 3 and expresses concern that the alternative fails to meet most project objectives because it eliminates all hotel rooms within the tidelands.

As described in Section 7.5.3.15 of the Draft EIR, Alternative 3 would only partially meet Objectives 1–8, 10, 11, and 12 by modifying the land uses and their configurations to further activate the project area; however, activation would be reduced with the absence of up to four hotels. No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment F-14

The commenter states that the expansion of Pepper Park is an improvement to existing recreational opportunities along the National City Bayfront. The comment also notes that the Draft EIR would allow clearance for future uses such as a wellness center and other similarly related uses to occur with additional environmental review.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted. However, this comment is included in the record for consideration by the Board.

Response to Comment F-15

The commenter expresses agreement that a flexible approach to parking is an appropriate method to accommodate parking for current and future activities.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

Response to Comment F-16

This comment mentions that the District's Maritime Clean Air Strategy (MCAS) notes that the NCMT generates a total of 36 tons of nitrogen oxides (NO_x) and 13,894 tons of carbon dioxide equivalents (CO_{2e}) by trucks alone each year, and that no other community in the San Diego region has similar emissions. The commenter states that in order to provide healthy recreational activities, the District should mitigate

emissions in the short term by requiring that emissions from all District operations be reduced by 10% per year, starting in 2022 and ending when District operations achieve a net zero standard. The commenter further states little has been achieved through implementing the proposed project if community members are subject to toxic air pollutants from Port operations while also being afforded greater recreational assets.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. The MCAS is an aspirational plan that does not contain binding requirements. The MCAS is not a regulatory document or required by law. Moreover, the MCAS contains aggressive aspirational air quality goals that go above and beyond regulatory requirements with the aim of reducing emissions from activities at the terminal over time. For example, Health Goal 1 aims to protect and improve community health by reducing emissions and lessening Portside Community residents' exposure to poor air quality. Specific to the NCMT, measures that could reduce emissions, including air toxics, include shore power at NCMT by 2025, use of an all-electric tugboat to berth vessels by the end of 2016, full electrification of all cargo handling equipment by 2030, and use of electric trucks starting in 2026. The proposed project does not propose any changes to maritime operations and will not result in increased throughput that would affect implementation of these MCAS goals and measures.

See also Response to Comment D-3.

No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment F-17

This comment suggests that the expansion of Pepper Park and the recreational opportunities proposed will generate new visitors to the National City Bayfront and create new revenue for both the District and the City.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment F-18

The comment states that toxic air contaminants (TACs) need to be reduced. See Response to Comment F-16. No additional throughput would occur with the proposed project. As noted, the District is implementing various measures to reduce emissions in all areas of the tidelands, including at NCMT. Furthermore, the project would not increase marine terminal throughput, and thus, as there is no change in marine terminal baseline resulting in TAC emissions, there is no need for additional mitigation measures. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA. However, this comment is included in the record for consideration by the Board.

F-19 As stated, the City fully supports the project as proposed. We believe the Port can find based on substantial evidence, that the hotel rooms and recreational amenities are needed to maximize economic development and create new recreational opportunities in a community that has historically lacked these resources. Reducing the number of hotel rooms or other recreational components run counter to the intent of the Balanced Plan.

Infrastructure Payments:
F-20 The Port should fund the public enhancements that are included in the Balanced Plan; such as: realignment of roads, expansion of Pepper Park, upgrading of waterlines, street closures, Coastal Sage replacement for the bike path, and wayfinding signage. These infrastructure improvements, like other Port Master Planning efforts, will allow the Port to increase their own revenue by the improvements made to tideland leaseholds. The Port has provided very significant economic resources to other membership cities and the same commitment should apply to National City Balanced Plan improvements.

Preservation of Granger Hall:
F-21 The City fully supports relocating Granger Hall to Pepper Park. As addressed in the DEIR, the City will work with the Port to ensure that its location is the least impactful to bay views and will improve public access and use of the Park. Incorporation of this structure into the Park should be viewed as an enhancement to the Park and not as the DEIR suggests a detrimental change to the character of the Park. As the DEIR recommends all impacts can be reduced below a level of insignificance. The City will be using an architect with experience in historic structures, but should not be tied to Secretary of Interior's Professional Qualification standards if there are no local architects that qualify; as required by MM-CUL-1. To place park impacts in the proper context, F-22 the Hall is only 3,200 square feet and Pepper Park is currently 338,026 square feet, accordingly it will have minimal impact to the visual resources of Pepper Park. Relocating Granger Hall into F-23 Pepper Park will increase park usage not reduce visitors to the park. Therefore, the Port should support the relocation of Granger Hall to Pepper Park.

Conclusion:
F-24 We thank the Port of San Diego for moving the Balanced Plan forward. After extensive review we believe the DEIR is ready for certification and fully meets the requirements of CEQA. However, more work is required to implement the Plan and the City is committed to work with the Port in achieving the objectives that the DEIR has articulated.

Sincerely,

Brad Raulston
City Manager

Response to Comment F-19

The commenter expresses support for the project as proposed. The comment also states that reducing the number of hotel rooms or other recreational components does not correspond with the Balanced Plan, and that the hotel rooms and recreational amenities are needed to maximize economic development and create new recreational opportunities in a community that has historically lacked these resources.

This comment does not specifically raise any new significant environmental impacts or any new issue with the adequacy of the Draft EIR. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA. However, this comment is included in the record for consideration by the Board.

Response to Comment F-20

This comment states that the City believes the District should fund the public enhancements associated with the Balanced Plan. This comment does not specifically raise any new significant environmental impacts or any new issue with the adequacy of the Draft EIR. Therefore, no changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA. However, this comment is included in the record for consideration by the Board.

Response to Comment F-21

This comment states the City's support for relocating Granger Hall to Pepper Park, and states that the City will work with the District to ensure its location is the least impactful to views and an improvement to public access and use of the park. The comment further states that Granger Hall should be considered an enhancement to Pepper Park, and not a potential detrimental change to the park.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request, which was made after this comment letter was submitted.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR; no changes to the Draft EIR are warranted based on this comment.

Response to Comment F-22

In this comment, the commenter suggests that mitigation measure **MM-CUL-1** should not be tied to Secretary of Interior's Professional Qualification standards if there are no local architects that qualify. Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request and **MM-CUL-1** is no longer required. No changes to the Draft EIR are warranted based on this comment.

Response to Comment F-23

This comment suggests that the District should support the relocation of Granger Hall to Pepper Park, stating that the proposed relocation would increase park usage rather than reduce visitors to the park. The commenter mentions that Granger Hall is only 3,200 square feet and Pepper Park is currently 338,026 square feet; therefore, there would be minimal impact on the visual resources of Pepper Park.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment F-24

The comment concludes noting that the City of National City appreciates the District for moving the Balanced Plan forward and believes the Draft EIR is ready for certification and fully meets the requirements of CEQA. The commenter also mentions the City is committed to working with the District in achieving the objectives that the Draft EIR as more work is required to implement the Plan.

No changes to the Draft EIR are required as a result of this comment.

Comment Letter G



December 16, 2021

Anna Buzaitis
Planning Department
Port of San Diego
P.O. Box 120488
San Diego, CA 92101-0448

Re: Inclusion of a Wellness Center-Balanced Plan DEIR Pepper Park

Dear Mrs. Buzaitis,

G-1 The City of National City requests that a Wellness Center be incorporated in the Environmental Impact Report (EIR) for the National City Balanced Plan. The recommended location for the Wellness Center would be in Pepper Park and would at this time replace the proposed relocation of Granger Hall which was also planned to be located in Pepper Park.

G-2 The purpose of the Wellness Center is to aid those most impacted by Port operations and other waterfront operations. The Wellness Center will primary serve waterfront workers and other maritime personnel by providing a clean air recreational facility for exercise and other wellness programs. The Wellness Center will be made available to all waterfront users throughout the region.

G-3 The Wellness Center will be located on the northwestern corner of Pepper Park and will not directly impact waterfront areas along the Sweetwater Channel. The Wellness Center will be approximately 9,000 SF, with an additional 1,000 SF for storage, public restrooms, utilities, and related operational service needs. The approximate height will be 30' at the peak of the Center's vaulted roof. An outdoor garden and raised deck area will comprise another approximately 8,000 SF. These outdoor spaces would be open to the general public as well. The interior spaces will largely be open in order to accommodate various recreational sporting activities. There will be an additional garden area of approximately 3,000 SF for the limited special events that might be held. The Wellness Center building and adjoining spaces will reflect the design quality of the near-by "Aquatic Center" and "Marina 32" buildings.

G-4 The number of Wellness Center users is estimated to be approximately 20-100 per day. There will be 40-80 parking spaces provided. Limited special events may attract a greater number of users, but this are more rare events. The facility would be located near transit stops and a great deal of the Center's users are expected to arrive by public transportation. A shuttle service from National City to the waterfront will be the primary G-5

Office of the City Manager
1243 National City Boulevard, National City, CA 91950-4397
619-336-4240 www.nationalcityca.gov

Response to Comment G-1

The commenter requests that a Wellness Center be incorporated in the Draft EIR as part of the Balanced Plan. The comment states that Pepper Park is the recommended location for the Wellness Center and would replace the proposed relocation of Granger Hall.

On June 23, 2022, the City withdrew its request to include analysis of a potential wellness center in Pepper Park. Additionally, please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request since this comment letter was submitted.

Response to Comment G-2

The commenter expresses interest in adding a new alternative for a wellness center ("Wellness Center Alternative") and notes that the Wellness Center would be made available to all waterfront users throughout the region, and that the purpose of the Wellness Center would be to aid those most impacted by District operations and other waterfront operations and would serve waterfront workers and other maritime personnel by providing a clean air recreational facility for exercise and other wellness programs.

On June 23, 2022, the City withdrew its request to include analysis of a potential wellness center in Pepper Park. The comment does not specifically raise any new significant environmental impacts or any new issues with the adequacy of the Draft EIR and the environmental analysis contained therein. Therefore, no changes to the Draft EIR are necessary, and no further response is required. However, this comment is included in the record for consideration by the Board.

Response to Comment G-3

The comment expresses interest in a Wellness Center Alternative and states that the Wellness Center would be located on the northwestern corner of Pepper Park and would not directly impact waterfront areas along Sweetwater Channel. The comment further states the approximate project dimensions of the Wellness Center and outdoor spaces.

On June 23, 2022, the City withdrew its request to include analysis of a potential wellness center in Pepper Park. No changes to the Draft EIR are warranted based on this comment, and it does not raise any new significant environmental impacts or any new issues that would require additional studies or mitigation measures.

However, this comment is included in the record for consideration by the Board.

Response to Comment G-4

The commenter expresses interest in a Wellness Center Alternative and notes the estimated number of users as approximately 20–100 per day and that there would be 40–80 parking spaces provided. The comment also notes that limited organized events may attract a greater number of users.

On June 23, 2022, the City withdrew its request to include analysis of a potential wellness center in Pepper Park. No changes to the Draft EIR are warranted based on this comment, and it does not raise any new significant environmental impacts or any new issues that would require additional studies or mitigation measures. However, this comment is included in the record for consideration by the Board.

Response to Comment G-5

The comment expresses interest in a Wellness Center Alternative and states that the Wellness Center would be located near transit stops and notes that the primary sources of public transportation would be the 8th and 19th Street trolley stations and buses to the Wellness Center for those users taking transit.

On June 23, 2022, the City withdrew its request to include analysis of a potential wellness center in Pepper Park. No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

G-5 cont. source of public transportation at the 8th and 19th Street trolley stations and busses to the Wellness Center for those taking transit.

G-6 Visual, parking, traffic, biology, and other impacts are all estimated to be less than significant particularly compared to the other proposed uses along the San Diego Bay. The principal reason for these less than significant impacts is because users of the Wellness Center are spread out during the course of a given week and do not typically travel to the Center during peak commuter. Uses would occur early morning, mid-day and late evening and would be concentrated during Monday-Saturday timeframes. Limited special event use would likely occur late evenings and occur on the weekends.

G-7 In sum, the inclusion of the Wellness Center in Pepper Park will serve the community of the working waterfront, adjacent National City residents and the general public throughout the San Diego Bay area. The Wellness Center will help those who have been historically exposed to toxic air quality conditions. The Wellness Center will provide users with activities that improve their physical, mental, and social health. It will provide access to a variety of recreational activities, physical training and healthy lifestyles to help offset the inequitable toxic air exposures that many National City residents subjected to.

G-8 Although the City of National City still prefers this Wellness Center to be adjacent to the relocated Granger Hall and Music Center, the Wellness Center will replace the Hall for the purposes of the EIR analysis. The City makes this concession due to the ability of the Wellness Center to provide proactive health benefits to a greater number of waterfront users.

G-9 We appreciate the Port's willingness to consider this change of incorporating the Wellness Center into the environmental documentation for the Balanced Plan.

Sincerely,



Brad Raulston
City Manager

cc: City of National City Mayor and Councilmembers
Board of Port Commissioners
Port CEO-Joe Stuyvesant
Senior Deputy Counsel-Rebecca Harington

Response to Comment G-6

The commenter expresses interest in a Wellness Center Alternative and mentions that, as uses of the Wellness Center would occur early morning, mid-day, and late evening and would be spread out during a given week, visual, parking, traffic, biology, and other impacts are all estimated to be less than significant particularly compared to the other proposed uses along San Diego Bay.

On June 23, 2022, the City withdrew its request to include analysis of a potential wellness center in Pepper Park. This comment expresses support for one of the alternatives identified in the Draft EIR. No changes to the Draft EIR are warranted based on this comment, and it does not raise any new significant environmental impacts or any new issues that would require additional studies or mitigation measures. However, this comment is included in the record for consideration by the Board.

Response to Comment G-7

The commenter expresses interest in a Wellness Center Alternative and notes that the Wellness Center would provide users with a variety of recreational activities that would improve their physical, mental, and social health, especially the community of the working waterfront, adjacent National City residents, and the general public throughout the San Diego Bay area who have been historically exposed to toxic air quality conditions.

On June 23, 2022, the City withdrew its request to include analysis of a potential wellness center in Pepper Park. The comment does not specifically raise any new significant environmental impacts or any new issues with the adequacy of the Draft EIR and the environmental analysis contained therein. Therefore, no changes to the Draft EIR are necessary, and no further response is required. However, this comment is included in the record for consideration by the Board.

Response to Comment G-8

The commenter expresses interest in a Wellness Center Alternative and states that, although the City of National City still prefers this Wellness Center to be adjacent to the relocated Granger Hall and Music Center, the Wellness Center would replace Granger Hall for the purposes of the EIR analysis as the Wellness Center provides proactive health benefits to a greater number of waterfront users.

On June 23, 2022, the City withdrew its request to include analysis of a potential wellness center in Pepper Park. Additionally, please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request, which was made after this comment letter was submitted. The comment does not specifically raise any new significant environmental impacts or any new issues with the adequacy of the Draft EIR and the environmental analysis contained therein. Therefore, no changes to the Draft EIR are necessary, and no further response is required. However, this comment is included in the record for consideration by the Board.

Response to Comment G-9

The comment concludes, noting that the City of National City appreciates the District's willingness to consider this change of incorporating the Wellness Center into the environmental documentation for the Balanced Plan.

No changes to the Draft EIR are required as a result of this comment.

Comment Letter H

Anna Buzaitis

From: Lisa Madsen <Lisa.Madsen@sandag.org>
Sent: Friday, November 12, 2021 4:31 PM
To: Anna Buzaitis
Subject: Public Comment - National City Bayfront Projects & Plan Amendments Environmental Impact Report

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

H-1 On behalf of SANDAG, thank you for the opportunity to comment on the San Diego Unified Port District's (Port's) Draft Program Environmental Impact Report for the National City Bayfront Projects and Plan Amendments. SANDAG supports the allocation of land uses to increase efficiency for commercial maritime operations, expand coastal access, and facilitate recreation and active transportation. Consistent with the transportation vision outlined in the [San Diego Forward: 2021 Draft Regional Plan](#), the project's scope and location make it an ideal opportunity to implement mobility hub features and amenities to better connect to high-frequency transit. SANDAG can help to explore innovative mobility solutions such as on-demand shuttles and micromobility that can help reduce vehicle miles traveled (VMT), congestion, and greenhouse gas emissions. To learn more about the mobility hub concept and the Draft Regional Plan, please visit www.sdforward.com.

H-2 For any increases in truck VMT, please consider adding zero-emission technology infrastructure in the project to support the future transition of fleets to reflect the goals outlined in the Port's Maritime Clean Air Strategy. Additionally, please collaborate with SANDAG, the Environmental Health Coalition, and the Delivering Zero Emissions Communities Regional Challenge consultants on the San Diego Regional MD/HD ZEV Blueprint regarding zero-emissions vehicles and infrastructure. Furthermore, H-3 please collaborate with SANDAG, Imperial County Transportation Commission, and Caltrans on the implementation of the San Diego and Imperial Counties Sustainable Freight Implementation Strategy regarding the identification of regional priorities and H-4 implementation of state policies for sustainable freight. Thank you for incorporating measures that aim to reduce vehicle miles traveled (VMT) and promote alternative forms of transportation. SANDAG appreciates integration of Mobility Management H-5 toolbox strategies to help mitigate transportation impacts. Please consider working with SANDAG's iCommute program when H-6 developing commuter benefit programs and transportation demand management plans.

H-7 SANDAG recommends the creation of buffers or implementation of additional policies and incentives for the reduction of noise and air pollutant emissions from rail, truck, and other goods movement operations in the vicinity of sensitive uses, such as the hotels and recreational areas included in the project. Additionally, we encourage collaboration with SANDAG's Bayshore Bikeway Working Group and Active Transportation Working Group on the implementation of bike facilities. Please continue to H-8 collaborate with SANDAG, Caltrans, The City of San Diego, the City of National City, Naval Base San Diego, MTS, and other stakeholders to ensure that the project is in alignment with Harbor Drive 2.0 and minimizing impacts on truck and rail traffic to land from working waterfront facilities.

H-9 We look forward to collaborating with the Port on ensuring strategies that prioritize our region. When available, please send any additional documents related to this project to me at lisa.madsen@sandag.org. Lastly, if you have any questions or concerns regarding this email, please don't hesitate to contact me.

Best,
Lisa

Lisa Madsen (she/her/hers)
Senior Regional Planner

619.595.1432 office
401 B Street, Suite 800, San Diego, CA 92101

Response to Comment H-1

This comment is an introductory comment noting SANDAG's appreciation for being able to comment on the Draft EIR. The commenter also states that they support the allocation of land uses to increase efficiency for commercial maritime operations, expand coastal access, and facilitate recreation and active transportation, as the project's scope and location make it an ideal opportunity to implement mobility hub features and amenities to better connect to high-frequency transit. The commenter notes that SANDAG can help to explore innovative mobility solutions such as on-demand shuttles and micromobility that can help reduce VMT, congestion, and greenhouse gas emissions.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are needed.

Response to Comment H-2

The comment states that the District should consider adding zero-emission technology infrastructure if truck traffic increases. The proposed land use changes within the Balanced Plan area would decrease Pasha's (Terminal Operator for NCMT) operations by approximately 8.23 acres (from 14.72 acres to 6.49 acres). While the theoretical maximum number of vehicles in Lot K (6.49 acres) could remain unchanged, the theoretical maximum number would remain 570 vehicles over the project's baseline conditions. This increase represents a small percentage increase. As background, the District is conducting a feasibility analysis of installation of electric truck charging stations in National City to support marine cargo terminal electrification efforts, and District staff anticipates presenting a conceptual plan for truck charging to the Board in late 2022. This comment does not require the EIR analysis to be modified.

Response to Comment H-3

This comment requests that the District collaborate with SANDAG, the Environmental Health Coalition, and the Delivering Zero Emissions Communities Regional Challenge on the San Diego Regional Medium Duty/Heavy Duty (MD/HD) Zero Emission Vehicle (ZEV) Blueprint regarding ZEVs and infrastructure. The District is committed to working with SANDAG and other stakeholders on the San Diego Regional Blueprint. This comment does not raise specific issues related to the

adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are needed.

Response to Comment H-4

See Response to Comment H-3. The District is working with SANDAG and other stakeholders to promote reduced auto and truck emissions. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are needed.

Response to Comment H-5

The commentor expresses support for incorporating measures that aim to reduce VMT and promote alternative forms of transportation. The commentor appreciates integration of Mobility Management Toolbox strategies to help mitigate transportation impacts.

The City is currently working to establish direct Bay access via a dedicated shuttle. Recent City planning efforts and adopted documents include three separate neighborhood electric vehicle (NEV) shuttle lines that the City is working to bring online in the coming years. One of these lines will connect directly to Pier 32 Marina via Marina Way. The FRANC (Free Ride Anywhere in National City) shuttles will be free for all users.

Response to Comment H-6

This comment requests coordination with SANDAG's iCommute program when developing commuter benefit programs and TDM plans.

To mitigate the project's VMT impacts, the applicant is required to implement a TDM program as mitigation. The District will encourage the City, Port Tenants, and GB Capital to participate in the iCommute program during the project permitting phase.

Response to Comment H-7

The comment recommends the creation of buffers or implementation of additional policies and incentives for the reduction of noise and air pollutant emissions from rail, truck, and other goods movement operations in the vicinity of sensitive uses, such as the hotels and recreational areas included in the project.

The District has implemented policies to reduce air pollution in neighboring communities. The District adopted the Transition Zone Policy (BPC Policy No. 725) in 2008, which encourages the District, the City of San Diego, the City of National City, and community stakeholders to develop land use guidelines and community or specific plans that

create transition zones from the District's industrial properties to the bordering residential neighborhoods. The Balanced Plan supports EJ goals and land use practices by creating more recreational benefits, increasing public access, and creating higher paying jobs.

Additionally, as noted in Section 2.2 of the Draft EIR, the proposed project would not result in an increase in pollutant concentrations in nearby areas, including at nearby park uses or communities. No changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA.

Response to Comment H-8

The commenter notes that they encourage collaboration with SANDAG's Bayshore Bikeway Working Group and Active Transportation Working Group on the implementation of bike facilities. The commenter additionally suggests collaboration with SANDAG, Caltrans, the City of San Diego, the City of National City, Naval Base San Diego, Metropolitan Transit System (MTS), and other stakeholders to ensure that the project is in alignment with Harbor Drive 2.0 and to minimize impacts on truck and rail traffic to and from working waterfront facilities.

The District regularly coordinates with transportation agencies such as Caltrans and SANDAG to advance the shared goals of increasing network efficiency and reducing environmental impacts on the surrounding communities. To that end, in October 2020, the District, Caltrans, and SANDAG entered into a Memorandum of Understanding (MOU) regarding "Cooperative Work on Improving Accessibility, Sustainability, and Economic Vitality to the Port of San Diego's Working Waterfront Without Compromising the Health of Local Communities." Among other things, in the MOU the District, Caltrans, and SANDAG agree to work cooperatively toward the mutual goal of implementation of a Harbor Drive 2.0 concept to improve access to and from the Port of San Diego's Working Waterfront. The Harbor Drive 2.0 concept was developed with the National City Balanced Plan, National City Marine Terminal, and Tenth Avenue Marine Terminal Optimization Plan in mind, and therefore the proposed project aligns with Harbor Drive 2.0 and will minimize impacts on truck and rail traffic to and from working waterfront facilities. In addition, City staff keeps SANDAG apprised of the Bayshore Bikeway Component on a regular basis.

This comment does not raise any new significant environmental impacts or any new issue with the environmental analysis contained within the

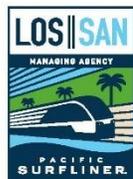
Draft EIR, and no changes to the Draft EIR are warranted. However, this comment is included in the record for consideration by the Board.

Response to Comment H-9

The comment concludes noting that SANDAG is looking forward to collaborating with the District on ensuring strategies that prioritize the region.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required as a result of this comment.

Comment Letter I



November 12, 2021

BOARD OF DIRECTORS

Dana Reed, Chairman
Riverside County Transportation Commission

Gregg Hart, Vice Chairman
Santa Barbara County Association of Governments

Fred Strong
San Luis Obispo Council of Governments

Bryan A. MacDonald
Ventura County Transportation Commission

Jess Talamantes
Los Angeles County Metropolitan Transportation Authority

Al Murray
Orange County Transportation Authority

Tim Shaw
Orange County Transportation Authority

Jewel Edson
North County Transit District

Caylin Frank
San Diego Metropolitan Transit System

Joe Mosca
San Diego Association of Governments

EX-OFFICIO MEMBERS

Amitrek
California Department of Transportation

California High-Speed Rail Authority

Southern California Association of Governments

MANAGING DIRECTOR

Donna DeMartino

Anna Buzaitis
San Diego Unified Port District
3165 Pacific Hwy
San Diego, CA, 92101

RE: National City Bayfront Project & Plan Amendments (UPD #EIR-2018-232; SCH#2018121054)

Dear Ms. Buzaitis,

I am writing you this letter in response to the Notice of Availability of the Draft Environmental Impact Report (DEIR) for the National City Bayfront Project & Plan Amendments posted online on 9/29/2021.

The Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor Agency (Agency) is responsible for the management of the Pacific Surfliner service, which serves approximately three million passengers/year traveling between San Diego, Los Angeles, Santa Barbara and San Luis Obispo. With an anticipated growth in transit users and the upgrades underway for the Pacific Surfliner, a need for a maintenance facility at the southern terminus (San Diego) has become necessary. Expansion of Pacific Surfliner service and the San Diego maintenance facility are both part of the California State Rail Plan. The LOSSAN Agency has partnered with the State to fund this project, which will support servicing and maintenance needs for the Pacific Surfliner, the second busiest intercity passenger rail service in the nation. In order to build this facility, a Mitigation Support Project became required in our coordination with the BNSF Railway Company (BNSF).

The National City Bayfront Project & Plan Project is adjacent to our Mitigation Support Project for building and constructing a permanent maintenance and layover facility in San Diego. We believe that both the Port's project and our Mitigation Support Project also compliment the overall regional vision of SANDAG to provide "a complete network of fast, convenient, and reliable transit services that connect people from where they live to where they want to go" under the Transit Leap concept.

Response to Comment I-1

This comment is an introductory comment stating the Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor Agency (Agency) is writing this letter in response to the Notice of Availability of the Draft EIR for the proposed project amendments posted online on September 29, 2021.

The comment does not raise any new significant environmental impacts or any new environmental issues requiring a response pursuant to CEQA.

Response to Comment I-2

This comment provides introductory information on how the LOSSAN Agency is responsible for the management of the Pacific Surfliner service, which serves approximately three million passengers per year traveling between San Diego, Los Angeles, Santa Barbara, and San Luis Obispo. The comment states that, with an anticipated growth in transit users and the upgrades underway for the Pacific Surfliner, a need for a maintenance facility at the southern terminus (San Diego) has become necessary. In order to build this facility, a Mitigation Support Project will be required in coordination with BNSF.

The LOSSAN project would be subject to its own environmental compliance apart from this EIR. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

Response to Comment I-3

This comment states that the project is adjacent to LOSSAN's Mitigation Support Project for building and constructing a permanent maintenance and layover facility in San Diego. The comment further states that both the District's project and LOSSAN's Mitigation Support Project complement the overall regional vision of SANDAG to provide a complete network of fast, convenient, and reliable transit services.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Background

The Pacific Surfliner intercity passenger rail service is currently supported by three layover facilities located in the cities of San Diego, Goleta and San Luis Obispo, as well as a primary maintenance and layover facility near downtown Los Angeles (which does not allow for the best utilization of resources and equipment in the center of the corridor). The existing layover facility in San Diego, located at the downtown Santa Fe Depot, can store and service up to four train sets each night. The facilities in both Goleta and San Luis Obispo can only support the storage and servicing of one train set at each location, which are currently operating at capacity. The current Santa Fe Depot is located in a densely developed area of San Diego and is on the National Register of Historic Sites and physically constrained. Therefore, an expansion of the current facility is not feasible. An alternative location is needed to accommodate the service expansion, ridership increase, and enhancement goals of the Pacific Surfliner service to align with the State's vision.

I-4

We researched and identified thirteen initial candidate sites in San Diego for the new maintenance facility. Six of those sites were ruled out due to their insufficient size and the remaining seven sites were further studied. After careful consideration of the remaining sites and stakeholder coordination, our team determined that Cesar Chavez Yard Property, owned by BNSF in San Diego, would be the ideal location for a new Pacific Surfliner maintenance and layover facility. The facility would provide for overnight storage facility for maintenance, train servicing, overnight inspection, fueling, and cleaning.

As we began conversations with BNSF about this location, BNSF identified an alternate location in National City (around Tidelands Ave/28th St in National City) to move their automotive facilities at Cesar Chavez Yard, called herein as the Mitigation Support Project. BNSF determined this to be the most efficient location to optimize their automotive operations.

Response to Comment I-4

This comment provides additional background information about the Pacific Surfliner intercity passenger rail service. The comment further states the facilities in both Goleta and San Luis Obispo are currently operating at capacity as they can only support the storage and servicing of one train set at each location, whereas the existing layover facility in San Diego, located at the downtown Santa Fe Depot, can store and service up to four train sets each night. The comment also states that the current Santa Fe Depot is physically constrained in a densely developed area of San Diego, and an expansion of the current facility is not feasible; thus an alternative location is needed to accommodate the service expansion, ridership increase, and enhancement goals of the Pacific Surfliner service to align with the state's vision. The comment additionally notes that LOSSAN researched and identified initial candidate sites in San Diego for the new maintenance facility and determined that Cesar Chavez Yard Property, owned by BNSF in San Diego, would be the ideal location for a new Pacific Surfliner maintenance and layover facility. The comment states that the facility would provide overnight storage for maintenance, train servicing, inspection, fueling, and cleaning. The comment mentions the National City Mitigation Support Project as BNSF identified an alternate location in National City to move their automotive facilities at Cesar Chavez Yard. Also included is a highly conceptual figure depicting the proposed preliminary design configuration for the Pacific Surfliner in the Cesar Chavez Yard.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. The LOSSAN project would be required to make its own environmental determinations apart from this EIR. No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

National City Bayfront Projects & Plan Amendments
November 12, 2021
Page 3

Cesar Chavez Yard

For the Pacific Surfliner, we developed the following conceptual configuration for the ultimate buildout at Cesar Chavez Yard, which will be built in phases. Further studies and preliminary design will be conducted to advance the project and obtain environmental clearance.

I-4
cont.

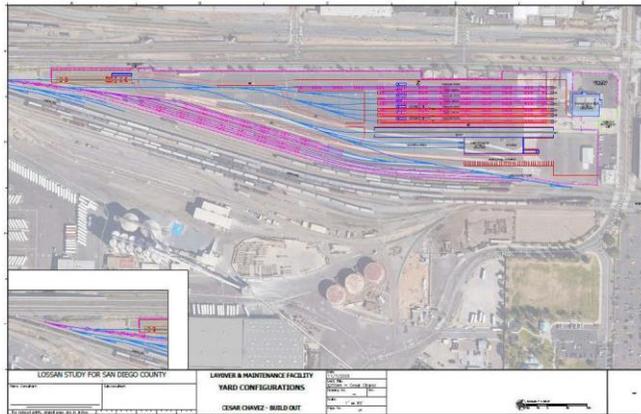


Figure 1 Proposed Cesar Chavez Layover & Maintenance Facility

The above concept is highly conceptual and subject to further refinement as the project develops.

National City Bayfront Projects & Plan Amendments
November 12, 2021
Page 4

National City

As our team identified the BNSF Cesar Chavez Yard as an ideal location for the Pacific Surfliner maintenance facility in terms of cost and location, it requires relocating BNSF's automotive facilities currently located there. The National City location in the following figure was identified by BNSF as the most efficient location to optimize their automotive operations.

The following concept is highly conceptual and subject to further refinement as the project develops.

I-5



Figure 2 National City Mitigation Project

Response to Comment I-5

This comment states that the commentor’s desired location for the Pacific Surfliner’s maintenance facility would require relocation of BNSF’s automotive facilities to an area north of 32nd Street in National City, and this comment includes a map of that location, which is titled “National City Mitigation Project” in the comment. This comment does not raise any environmental issues requiring a response pursuant to CEQA. However, of note for the record is that the figure included in Comment I-5 appears to have a different rail alignment than is shown in the Balanced Plan; the rail alignment shown in the Balanced Plan is at a tighter angle, and as a result would have less space for Commercial Recreation uses eastward of the rail than the rail alignment shown in the Balanced Plan. No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

We would like to comment on the DEIR Section 3.4.4 Pasha Road Closures for the following alternatives:

- Alternative 3 - GB Capital Component Phase 1 Only Alternative
- Alternative 4 - Reduced Development Intensity Alternative

In both alternatives, "Pasha also proposes the Pasha Road Closures Component, which includes closure of Tidelands Avenue between Bay Marina Drive on the north and 32nd Street on the south, as well as West 28th Street between Quay Avenue and Tidelands Avenue". We would like for the Port of San Diego to consider our "Mitigation Support Project" by studying the closure of Bay Marina Drive between Tidelands Avenue and Haffley Avenue (as shown in the following figure) as an added component to the overall EIR and traffic analysis. The closure of Bay Marina Drive between Tidelands Avenue and Haffley Avenue will be an essential part of our "Mitigation Support Project" and highlighted in blue in the following figure.

I-6



- Legend
- Street Closure as part of the LOSSAN Mitigation Support Project
 - Street Closure as part of the National City Bayfront Project & Plan

Figure 3 DEIR Proposed Closures and LOSSAN's Preferred Street Closure

Response to Comment I-6

The comment requests that the District consider also studying closure of Bay Marina Drive between Tidelands Avenue and Haffley Avenue, which is a closure that would be "an essential part" of LOSSAN's Mitigation Support Project.

Bay Marina Drive, from I-5 west to the NCMT, is designated a Strategic Highway Network (STRAHNET) Connector by the Department of Defense. The STRAHNET is a system of roads necessary for emergency mobilization and the peacetime movement of goods to support the military. Per the United States Department of Transportation's Federal Highway Administration (FHWA), requests for STRAHNET modifications (including additions/deletions) require coordination among FHWA, the Department of Defense (specifically the Surface Deployment Distribution Command), and the State of California. Bay Marina Drive between Tidelands Avenue and Haffley Avenue is not part of the proposed project and therefore will not be studied in this EIR. In addition, although potential closure/narrowing of Bay Marina Drive to through traffic at Marina Way was part of the proposed project being analyzed in the Draft EIR, as discussed in Response to Comment E-4, it has been removed from the Final EIR and is no longer being considered as part of the project. No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

National City Bayfront Projects & Plan Amendments
November 12, 2021
Page 6

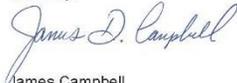
I-7

We look forward to continuing our discussions together and improving the initial concepts herein to better meet the region's transportation needs.

Our goal as an agency is to best serve the mobility needs of the region by providing the public with reliable, sustainable, and environmentally conscious transportation solutions while valuing the importance of moving goods and services that need to utilize the same rail network. We view our project and the Port's vision as transformative projects for the Southern California region and its long-term sustainability.

Should you have any questions, please feel free to contact me anytime. We look forward to our continued collaboration and partnership.

Sincerely,



James Campbell
Operations Officer
LOSSAN Rail Corridor Agency
600 South Main Street
Orange, CA 92668
714-560-5390

CC:

Donna DeMartino – LOSSAN Rail Corridor Agency,
Ryan Greenway – Caltrans, Division of Rail and Mass Transportation
Danny Veeh – SANDAG, Active Transportation and Rail

Response to Comment I-7

This comment letter concludes with LOSSAN noting that they look forward to continued collaboration and improving the initial concepts presented in their comment letter to better meet the region's transportation needs. The comment further concludes that their goal as an agency is to best serve the mobility needs of the region, and that they view their project and the District's vision as transformative projects for the Southern California region and its long-term sustainability. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required as a result of this comment.

Comment Letter J



SWEETWATER AUTHORITY

505 GARRETT AVENUE
POST OFFICE BOX 2328
CHULA VISTA, CALIFORNIA 91912-2328
(619) 420-1413
FAX (619) 425-7469
www.sweetwater.org

November 16, 2021

GOVERNING BOARD

HECTOR MARTINEZ, CHAIR
ALEJANDRA SOTELLO SOLIS, VICE CHAIR
JOSE CALDERON-SCOTT
STEVE GASTRANDEA
PAULINA MARTINEZ-PEREZ
JOSE PRECADO
MORNA BIDS

CARLOS QUINTERO
GENERAL MANAGER

JENNIFER H. SABINE
ASSISTANT GENERAL MANAGER

Anna Buzaitis
Program Manager, Planning and Green Port
San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101

Subject: National City Bayfront Projects and Plan Amendments –
Draft Environmental Impact Report
SWA File: (Dev) NC Bayfront

Dear Ms. Buzaitis:

J-1 Thank you for providing Sweetwater Authority (Authority) with a copy of the Notice of Availability of Draft Environmental Impact Report (EIR) for the National City Bayfront Projects and Plan Amendments (Project) prepared by the San Diego Unified Port District (SDUPD). Based on the Authority's review, the following comments are provided.

Water Supply Assessment, Water Demands, and Supplies

J-2 Based on its 2015 Urban Water Management Plan (UWMP), the Authority prepared a Water Supply Assessment (WSA) for the Project, as it was described in the Notice of Intent made publicly available in early 2019. On June 9, 2021, the Authority adopted an updated 2020 UWMP which shows lesser water demands in the Authority's service area through the year 2045 when compared to the 2015 UWMP and WSA for the Project through the year 2040. Calculated water demands for the 2020 UWMP were developed based on a per capita unit demand and population forecast assuming that water use may increase from its current level of 75 gallons per capita per day (gpcd) to 90 gpcd over the 25-year planning horizon to reflect some rebound of post-drought residential usage and the planned increase in commercial and industrial developable land use.

J-3 The WSA for the Project illustrates anticipated Project water demands of 100.8 acre-feet per year from 2025 through 2040 and would be expected to remain the same from 2040 through 2045 as the Project would be completely built out before that period. Based on water demands calculated for the 2020 UWMP, the anticipated water demands for the Project represent approximately 0.4 to 0.5 percent of the Authority's service area demands from 2025 through 2045. Even though anticipated water supplies through 2045 indicated in the 2020 UWMP are less than what is presented in the 2015 UWMP and WSA for the Project through 2040, the decrease

A public water agency serving National City, Chula Vista and Bonita



Response to Comment J-1

This is an introductory comment stating that the Sweetwater Authority appreciates the District for providing them with a copy of the Notice of Availability.

The comment does not raise any significant environmental impacts or other issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately along with the District's individual responses.

Response to Comment J-2

This comment states that, the Sweetwater Authority prepared a Water Supply Assessment (WSA) for the project using the 2015 Urban Water Management Plan (UWMP). The comment then notes that on June 9, 2021, the Sweetwater Authority adopted an updated 2020 UWMP that shows lesser water demands in the Sweetwater Authority's service area through the year 2045 when compared to the 2015 UWMP and WSA for the project through the year 2040. The comment further states that the calculated water demands for the 2020 UWMP were developed based on a per capita unit demand and population 25-year forecast that estimates that water use may increase from its current level of 75 gallons per capita per day (gpcd) to 90 gpcd to reflect some rebound of post-drought residential usage and the planned increase in commercial and industrial developable land use.

This comment is informational and does not raise any significant environmental impacts or other issues requiring a response pursuant to CEQA. No changes to the Draft EIR are warranted based on this comment.

Response to Comment J-3

This comment notes the WSA for the project illustrates anticipated project water demands of 100.8 acre-feet per year from 2025 through 2040 and would be expected to remain the same from 2040 through 2045 as the project would be completely built out before that period. The comment additionally notes that the anticipated water demands for the project calculated for the 2020 UWMP represent approximately 0.4 to 0.5% of the Sweetwater Authority's service area demands from 2025 through 2045. The comment then states that an updated WSA for the project is not required as the Sweetwater Authority has sufficient water supplies through 2045 to meet anticipated project water demands, even during single and multiple dry year scenarios, as analyzed in the 2020

UWMP, because the decrease in anticipated water supplies is not expected to impact the project through 2045.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are necessary, and no further response is required. However, this comment is included in the record for consideration by the Board.

Anna Buzaitis
Re: National City Bayfront Projects and Plan Amendments –
Draft Environmental Impact Report
November 16, 2021
Page 2 of 4

J-3
cont. in anticipated water supplies is not expected to impact the Project as the Authority has sufficient water supplies through 2045 to meet anticipated Project water demands, even during single and multiple dry year scenarios, as analyzed in the 2020 UWMP. Therefore, an updated WSA for the Project is not required. The Draft EIR for the Project should rely on water demands and supplies shown in the 2020 UWMP instead of the outdated water demands and supplies shown in the 2015 UWMP and WSA for the Project. A copy of the Authority's 2020 UWMP can be found on the Authority's website at <https://www.sweetwater.org/160/Public-Documents>.

Water Supply Assessment and Fire Flows

J-5 The WSA prepared by the Authority is already an attachment to the Draft EIR (Volume V, Appendix N). Even though projections show that the Authority would have sufficient water supplies to meet the demands of the Project, a fire flow analyses conducted by the Authority reveals that the current water distribution system has limitations in meeting some of the fire flow demands indicated in the SDUPD's original documents. For example, the fire flow demands provide 6,250 gallons per minute (gpm) for a commercial and tourist development for a 150-room hotel, a restaurant, and retail space (Project No. 1 as described in the WSA), and 7,250 gpm for an 81-room hotel (Project No. 3 Phase 2 as described in the WSA), both at 20 pounds per square inch for four (4) hours plus maximum day demands. These demands on the Authority's distribution system would not be met through the existing distribution water main, a 12-inch PVC pipeline in the vicinity of these two projects. In order to meet the flow demands for these two projects, the water main would need to be upgraded to 16-inch PVC pipelines. SDUPD has developed the following mitigation measure in order to reduce this fire-flow related impact ("Impact-Util-2") to levels less than significant:

J-7 ***"MM-UTIL-3: Upsize the Existing Bay Marina Drive Pipeline and Install New Pipeline Along the Proposed Road Realignment to Meet Project Fire Flow Demands (GB Capital Component and City Program – Development Component). Prior to occupancy and operation of the proposed City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component, whichever occurs first, the project proponent for that project component (Payee) shall upsize the existing 12-inch PVC pipeline on Bay Marina Drive between the intersection of Harrison Avenue and Cleveland Avenue to a 16-inch PVC pipeline. In addition, the Payee shall install demands of the project. Therefore, potential impacts are considered to be significant."***

Response to Comment J-4

This comment states that the Draft EIR for the project should rely on water demands and supplies shown in the 2020 UWMP instead of the outdated water demands and supplies shown in the 2015 UWMP and the project's WSA from 2019.

In response to this comment, Section 4.14, *Utilities and Service Systems*, of the Draft EIR has been revised to identify the water demands and water supplies identified in the 2020 UWMP. The updated water demands and water supplies replace those based on the 2015 UWMP. Further, as stated above in Response to Comment J-3, the conclusions of the WSA included in the Draft EIR are still accurate, and an updated WSA for the project is not required as the Sweetwater Authority has sufficient water supplies through 2045 to meet anticipated project water demands.

Response to Comment J-5

This comment notes that the WSA included as Appendix N of the Draft EIR (see Volume V of the Draft EIR) shows projections that the Sweetwater Authority would have sufficient water supplies to meet the water demands of the project, but that the fire flow analyses in the WSA identified that the current water distribution system has limitations in meeting some of the fire flow demands of the project.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are necessary, and no further response is required. However, this comment is included in the record for consideration by the Board.

Response to Comment J-6

This comment states the proposed project's fire flow demands on the Sweetwater Authority's water distribution system would not be met

through the existing distribution water main, which is a 12-inch PVC pipeline.

This comment is restating **Impact-UTIL-2** (Insufficient Pipeline Capacity to Meet the Fire Flow Demands Plus Maximum Day Demands) from the Draft EIR.

No changes to the Draft EIR are necessary, and no further response is required.

Response to Comment J-7

This commenter restates **MM-UTIL-3**, which the Draft EIR concludes would reduce **Impact-UTIL-2** to a level less than significant.

Please see Response to Comment J-6; such upgrades are addressed in the EIR and would be a condition of approval. No changes to the Draft EIR are necessary, and no further response is required. However, this comment is included in the record for consideration by the Board.

Anna Buzaitis
Re: National City Bayfront Projects and Plan Amendments –
Draft Environmental Impact Report
November 16, 2021
Page 3 of 4

Public Utilities and Water Distribution System Improvements

J-8 It is industry standard to make any necessary water improvements, including upgrades to provide the necessary fire flows before construction and during the initial phases of a project, *i.e. during the street improvements phase*. Deferring this essential water distribution improvement after the construction phase is not acceptable to the Authority and not likely to be approved by the fire authority having jurisdiction. Furthermore, constructing buildings without the appropriate fire flows for protection may be a risk to the community. The Authority requests that the language on MM-UTIL-3 be revised to reflect that any upsizing of the 12-inch PVC pipeline shall occur during the street improvements phase of the Project and before building construction begins.

J-9 Additionally, the Draft EIR shows two figures (4.14-1 and 4.14-2) that delineate the water utilities improvements necessary to accommodate the discussed fire flows. The Authority would like to include in the record that these two figures were prepared by a third party, and not by the Authority, and a more detailed analysis must be conducted in close coordination with Authority engineering staff as the distribution main segment lengths and supporting appurtenances that would need to be replaced as result of this Project may not match what is shown in Figures 4.14-1 and 4.14-2.

Public Utilities and Water Utilities Right-of-Way

J-10 There are multiple distribution water mains, service laterals, and water appurtenances located within the Project site. To minimize the potential for conflicts between water facilities and designated public spaces within the Project, the Authority requests that water facilities located within the Project areas be relocated to roads such as within the realigned Marina Way, and away from planned development areas and environmental buffers (i.e. sensitive habitat, restored habitat, wetlands, or jurisdictional waters). Note that the relocation of existing and new Authority facilities to serve the project would be subject to Sweetwater Authority Rates and Rules, Design Standards, and Standard Specifications for the Construction of Water Facilities, all of which can be found on the Authority's website. The Authority requests early coordination with its development review staff regarding relocation of facilities in order to avoid Project impacts and/or delays.

Water Utilities and Hazardous Materials

J-11 For water mains and other underground water supply facilities that are proposed to be installed within areas where hazardous materials or contaminated soils exist or may exist, the Authority requests that the Project proponents complete additional

Response to Comment J-8

This comment states that it is an industry standard to make any necessary water improvements, including upgrades to provide the necessary fire flows, before construction and during the initial phases of a project. The commenter requests that **MM-UTIL-3** be revised to reflect that any upsizing of the 12-inch PVC pipeline will occur during the street improvements phase of the project and before building construction begins. As discussed in Section 4.14 of the Draft EIR, and stated in the WSA, the fire flow demand of the project would exceed the capabilities of the existing fire flow system when the City Program – Development Component and the 81-room hotel that is part of the GB Capital Component both become operational. **MM-UTIL-3** states that whichever of those projects is constructed first is required to upsize the pipeline prior to its occupancy and operation. In other words, the fire flow capabilities would be exceeded if both the City Program – Development Component and the 81-room hotel that is part of the GB Capital Component are operational at the same time; however, because **MM-UTIL-3** requires upsizing of the pipeline prior to occupancy and operation of either the City Program – Development Component or the 81-room hotel that is part of the GB Capital Component, whichever occurs first, the pipeline would be upsized before the fire flow capacity of the existing pipeline is reached and a significant impact occurs. Further, as the construction of both hotels is dependent on the market demand for such a use, the construction of either (or both) is not certain to occur, and the upsizing of the pipeline is not necessary until construction of one of the hotels is underway. No changes to the Draft EIR are necessary, and no further response is required.

Response to Comment J-9

This comment states that Figures 4.14-1 and 4.14-2, which delineate the water utilities improvements necessary to accommodate the discussed fire flows, were prepared by a third party and not Sweetwater Authority. The comment further states that a more detailed analysis must be conducted in close coordination with Sweetwater Authority engineering staff because the distribution main segment lengths and supporting appurtenances that would need to be replaced as result of this project

may not match what is shown in Figures 4.14-1 and 4.14-2 of the Draft EIR.

The purpose of Figures 4.14-1 and 4.14-2, which were created by the EIR preparer and reviewed by the District, was to show the general location and sizing of the proposed upsized pipeline. **MM-UTIL-3** requires the design, permitting, and construction of the pipeline to be coordinated with the Sweetwater Authority and the City of National City Fire Marshal. In addition, a footnote has been added to Figures 4.14-1 and 4.14-2 to clarify that the distribution main segments and supporting appurtenances shown are not precise, and details of the distribution main segment lengths and supporting appurtenances would be identified in close coordination with Sweetwater Authority engineering staff prior to upsizing of the pipeline.

Response to Comment J-10

This comment requests that water facilities located within the project areas be relocated to roads, such as within the realigned Marina Way, and away from planned development areas and environmental buffers to minimize the potential for conflicts between water facilities and designated public spaces within the project. The comment also notes that the relocation of existing and new Sweetwater Authority facilities to serve the project would be subject to Sweetwater Authority Rates and Rules, Design Standards, and Standard Specifications for the Construction of Water Facilities and requests early coordination with the Sweetwater Authority's development review staff regarding relocation of facilities in order to avoid project impacts and/or delays.

As identified in Chapter 3, *Project Description*, of the Draft EIR, utilities are proposed to be relocated from the existing Marina Way and West 32nd Street ROW to the realigned Marina Way ROW. New and relocated existing water facilities will be located to minimize potential conflicts with designated public spaces and environmental buffer areas. **MM-UTIL-1** specifically requires project proponents to prepare a utility infrastructure study for necessary water facility improvements, which will address, among other concerns, the avoidance of sensitive species and habitat. The District acknowledges that water facilities to serve the project would be subject to Sweetwater Authority rates, rules, regulations, and design standards. In addition, **MM-UTIL-3** requires project proponents to coordinate with the Sweetwater Authority on the design, permitting, and construction of new pipelines.

Response to Comment J-11

This comment requests that, for water mains and other underground water supply facilities that are proposed to be installed where hazardous materials or contaminated soils exist or may exist, project proponents complete additional hazardous materials analysis on a case-by-case basis to evaluate existing data, and any new data, regarding contaminants of concern. The comment also requests that project proponents retain a qualified consultant to make recommendations on pipe materials, which should be based on Sweetwater Authority Design Standards and should consider both pipe location and location of any hazardous or contaminated materials that may occur on site.

As identified in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR, residual soil contamination may be encountered on the City Program – Development Component site (**Impact-HAZ-1**), the Pasha Road Closures Component (**Impact-HAZ-2**), the Pasha Rail Improvement Component (**Impact-HAZ-2**), and the Bayshore Bikeway Component (**Impact-HAZ-2**). **MM-HAZ-1** and **MM-HAZ-4** require preparation and implementation of soil and groundwater management plans. One component of the soil and groundwater management plan is a “soil testing and profiling plan,” which requires testing for all potential contaminants of concern. Further, **MM-UTIL-1** requires preparation of a “utility infrastructure study” prior to issuance of building permits for the Balanced Plan Component (specifically the park expansion), GB Capital Component, and the City Program – Development Component. Among other things, the utility infrastructure study will include a soil management plan if areas proposed to be disturbed for utility improvements are subject to contamination.

To address the concern raised in the comment, **MM-UTIL-1** has been revised to require the soil management plan to include recommendations on pipe materials based on Sweetwater Authority Design Standards.

Anna Buzaitis
Re: National City Bayfront Projects and Plan Amendments –
Draft Environmental Impact Report
November 16, 2021
Page 4 of 4

J-11
cont
hazardous materials analysis on a case-by-case basis to evaluate existing and any new data regarding contaminants of concern, and that Project proponents retain a qualified consultant to make recommendations on pipe materials. Recommendations should be based on Sweetwater Authority Design Standards and should consider both pipe location and location of any hazardous or contaminated materials that may occur on-site.

General Comments (Volume I)

J-12
Section 4.14.2.1 Wastewater reads, "...the volume of wastewater collected from the Sweetwater Authority (SWA) service area was 10,522 acre-feet per year (AFY)". Note that Sweetwater Authority is not a wastewater agency and does not collect wastewater, thus this statement needs to be revised.

J-13
Section 9.4.14 Section 4.14, Utilities and Service Systems needs a reference to the 2019 Water Supply Assessment (WSA) prepared by the Authority for this specific project. Additionally, a reference to the 2020 Urban Water Management Plan (UWMP) should also be included in the text as demands and supplies shown in the WSA are now outdated.

J-14
Please continue to include the Authority on the Project's distribution list. If you have any questions, please contact Jason Mettler at (619) 409-6755, or jmettler@sweetwater.org.

Sincerely,
SWEETWATER AUTHORITY

Ron R. Mosher, P.E.
Director of Engineering

RRM:IM:jg

cc: Erick Del Bosque, Sweetwater Authority
Chris Bauer, Sweetwater Authority
Jason Mettler, Sweetwater Authority
Israel Marquez, Sweetwater Authority

I:\engr\dev\inc bayfront\cor\lfr - eir draft response_11-16-2021.docx

Response to Comment J-12

The commenter notes that Sweetwater Authority is not a wastewater agency and does not collect wastewater, and that the following text from Section 4.14.2.1, *Wastewater*, needs to be revised: "...the volume of wastewater collected from the Sweetwater Authority (SWA) service area was 10,522 acre-feet per year (AFY)."

Section 4.14, *Utilities and Service Systems*, has been revised to include the volume of wastewater collected within the Sweetwater Authority service area identified in the 2020 UWMP. As identified in Table 4.14-2, National City Wastewater provides wastewater utility service to the project site. The Draft EIR identifies the volume of wastewater collected within the Sweetwater Authority service area was 9,656 acre-feet per year (AFY); however, this service is provided by National City Wastewater and is treated at the Point Loma Wastewater Treatment Plant. The City has been identified as the Responsible Agency for this matter.

Response to Comment J-13

The commenter states that a reference to the 2019 WSA prepared by the Sweetwater Authority for this specific project and a reference to the 2020 UWMP should also be included in Chapter 9, *References*, for Section 4.14, *Utilities and Service Systems*, as demands and supplies shown in the WSA are now outdated.

In response to this comment, Section 4.14.2.2 and Chapter 9 of the Draft EIR have been revised to include a reference to the 2020 UWMP and the 2019 WSA prepared by the Sweetwater Authority for the proposed project.

Response to Comment J-14

This comment letter concludes with Sweetwater Authority requesting the District to continue including the Sweetwater Authority on the project's distribution list.

The Sweetwater Authority is on the District's distribution list for the proposed project. No changes to the Draft EIR are required as a result of this comment.

Comment Letter K



Save Our Heritage Organisation
Protecting San Diego's architectural and cultural heritage since 1969

Wednesday, November 17, 2021

Port of San Diego
Attn: Anna Buzaitis, Planning Department
P.O. Box 120488
San Diego, CA 92112-0488

Re: National City Bayfront Projects draft EIR comments (UPD # EIR-2018-232, SCH# 2018121054)

Ms. Buzaitis,

K-1 Save Our Heritage Organisation (SOHO) has reviewed the draft Environmental Impact Report for the National City Bayfront Projects and Plan Amendment (UPD # EIR-2018-232, SCH# 2018121054), and supports Alternative Four, the Reduced Development Intensity Alternative, which is the environmentally superior option. However, SOHO's primary concerns are related to historical resources and include avoiding any negative impacts to the Coronado Railroad, Granger Music Hall, and the National City Santa Fe Depot.

K-2 In the past, SOHO has entered litigation to protect the Coronado Railroad. The previous Bayshore Bikeway litigation dragged on for almost ten years and hindered the completion of this important bikeway when it could have been resolved quickly had the resource been fairly evaluated. As a result, the agency lost in court and had to treat the railroad as historic. SOHO remains dedicated to preserving this linear resource for future generations.

K-3 The National City Depot previously and still has future plans to restore the line and run museum equipment for excursions between National City and the Salt Works. Due to the foregoing and other considerations, SOHO opposes Route One (1) of the Bayshore Bikeway options.

K-4 Listed on the City of San Diego's Register of Historical Resources and detailed within the attached Coronado Railroad report (prepared in December 2003 by Legacy 106, Inc for SOHO), the Coronado Railroad "Belt Line" linear resource is significant under Criterion A as a special element of San Diego for its contribution to community history and the cultural landscape. Significant under Criterion C as well, the Belt Line embodies distinctive characteristics of railroad construction including the ties, rails and trestles. Imperial Beach and Chula Vista have also avoided impacts to this important historical resource and, working with these jurisdictions, SOHO has ensured the Belt Line's preservation. Consistent with these three communities, SOHO finds the Coronado Belt Line railway is additionally significant to National City as a special element of community history, contributing to the cultural landscape, and as a linear transportation resource. Due to the significance of this resource, SOHO

K-5 opposes Route One (1) of the Bayshore Bikeway, which would have a detrimental impact on this linear resource. However, SOHO could support either Route Two (2) or Three (3) with changes to ensure the retention and preservation of the Coronado Belt Line railway.

K-6 City of San Diego Register of Historical Resources, Coronado Belt Line:
https://sandiego.cwebtools.com/search.cfm?local=true&res_id=15430&local_id=1&display=resource&key_id=1008

K-7 SOHO is pleased to support the long-awaited relocation of Irving Gill's Granger Music Hall to Pepper Park and appreciates no changes are proposed for the National City Santa Fe Depot parcel. Both resources are listed on the

3525 Seventh Avenue • San Diego CA 92103 • www.SOHOSandiego.org • 619/297-9327

Response to Comment K-1

This comment is an introductory comment that states that the Save Our Heritage Organization (SOHO) has reviewed the Draft EIR and supports Alternative 4, Reduced Development Intensity Alternative. The comment also explains that their primary concerns relate to historical resources and avoiding any negative impacts on the Coronado Railroad, Granger Hall, and the National City Santa Fe Depot.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required.

Response to Comment K-2

This comment states that SOHO previously entered litigation concerning the Bayshore Bikeway to protect the Coronado Railroad and remains dedicated to preserving this linear resource for future generations.

This comment appears to refer to litigation between SOHO and the City of San Diego concerning the portion of the Coronado Belt Line located within the City of San Diego. This comment does not raise any environmental issues related to proposed project or the adequacy, accuracy, or completeness of the analysis and conclusions in the Draft EIR. However, the City of National City has agreed to traverse the Bayshore Bikeway over the Coronado Railroad instead of removing the line. No changes to the Draft EIR are required as a result of this comment.

Response to Comment K-3

The comment states that SOHO opposes Route 1 of the Bayshore Bikeway options. As further stated in this comment, the National City Depot previously had and still has future plans to restore the [Coronado Railroad] line and use it to run museum equipment for excursions between National City and the Salt Works [in south Chula Vista].

In the Final EIR, Route 1 and Route 2 of the Bayshore Bikeway Component have been removed from the project. Route 3 of Bayshore Bikeway Component is located either adjacent to or over the Coronado Belt Line railroad. Where located over the Coronado Belt Line railroad, the existing ties and rails would be covered and not removed. Covering the existing ties and rails would not preclude any future restoration of the Coronado Belt Line railroad by interested groups if appropriate approvals are received from the property owner – San Diego

Metropolitan Transit Service. Section 3.4.5 of the Draft EIR has been revised to clarify that Route 3 would not remove any existing ties or rails within the railroad ROW. No further changes to the Draft EIR are warranted based on this comment.

Response to Comment K-4

This comment states that the Coronado Belt Line linear resource is listed on the City of San Diego's Register of Historical Resources as significant under Criterion A (contribution to community history and cultural landscape) and Criterion C (distinctive characteristics) The comment also states the cities of Chula Vista and Imperial Beach have avoided impacts on this resource and SOHO believes the Coronado Belt Line railway is significant to National City as a special element of community history, contributing to the cultural landscape, and as a linear transportation resource. Further, the comment states that SOHO opposes Route 1 of the Bayshore Bikeway because it would have a detrimental impact on this linear resource.

The Coronado Belt Line is a non-operational rail link to the South Bay cities of National City, Chula Vista, and Imperial Beach, as well as the southern portion of the City of San Diego. The Draft EIR contains a thorough description of the history of the Coronado Belt Line (Section 4.4.2.3). The Draft EIR also provides a detailed analysis of the portion of the Coronado Belt Line that lies within the project area and the City of National City, and finds that it is neither listed nor eligible for listing on the National Register of Historic Places or the California Register of Historical Resources. The Draft EIR also found that the Coronado Belt Line is not listed on the City of National City's List of Historic Sites and is not identified as an historical resource in any other City of National City policy document. Because the portion of the Coronado Belt Line within the City of National City does not meet the criteria for listing on the California Register of Historical Resources, the District as Lead Agency also does not consider it to be an historical resource. As a result, the Draft EIR concludes that this portion of the Coronado Belt Line does not constitute an "historical resource" for the purposes of CEQA (Draft EIR, Appendix I).

In addition to the information and analysis provided in the Draft EIR, a separate Historic Property Survey Report was created pursuant to the National Environmental Policy Act (NEPA) for the National City portion of the Bayshore Bikeway. This report concluded that the surviving 7.5-mile portion of the original Coronado Belt Line was evaluated and

determined to be ineligible for National Register of Historic Places with concurrence from the State Historic Preservation Officer (SHPO). A copy of this Historic Property Survey Report is included in the Final EIR as Appendix Ia.

The District acknowledges that a 1.5-mile portion of the Coronado Belt Line railroad located south of Chula Vista in the City of San Diego is listed on the City of San Diego's Register of Historical Resources. However, the California State Historical Resources Commission determined that the surviving 7.5-mile segment of the railroad, including the portion of the Coronado Belt Line in the City of San Diego, was not eligible for listing on the California Register of Historical Resources. It also is not listed as a significant historical resource on any other national or local register. In addition, the portion of the Coronado Belt Line within the City of San Diego is separated from the project area by the City of Chula Vista and is located approximately 4 miles from the southern boundary of the project site.

The District has reviewed the December 2003 Legacy 106, Inc. report included in the comment letter. The report describes the history of the Coronado Belt Line railroad and addresses the eligibility of the 7.5-mile surviving segment of the railroad. However, the report focuses on designating the resource a San Diego Historical Landmark eligible under the City's Historical Resources Board designation Criteria a, b, and c. The analysis only applies to the 1.5-mile segment of the resource within the jurisdiction of the City of San Diego. The analysis does not apply to the portion of the railroad that is within the City of National City, and, therefore, no further response is required related to the report.

The District also acknowledges SOHO's interest in historic preservation. Therefore, as stated in Response to Comment K-3, Route 1 and Route 2 of the Bayshore Bikeway Component have been removed from the proposed project and, Route 3 is considered the preferred route. Route 3 of the Bayshore Bikeway Component is proposed to be located either adjacent to or on top of portions of the Coronado Belt Line ROW within the City of National City. Where located on top of the Coronado Belt Line ROW, the existing ties and rails would be covered and preserved in place and not removed. Covering the existing ties and rails would not preclude future restoration of the Coronado Belt Line railroad.

Response to Comment K-5

This comment states that SOHO could support either Route 2 or Route 3 with changes to ensure the retention and preservation of the Coronado Belt Line railway.

As stated in Response to Comment K-3, in the Final EIR, Route 1 and Route 2 of the Bayshore Bikeway Project Component have been removed from the project. Route 3 of Bayshore Bikeway Component is proposed to be located either adjacent to or over the Coronado Belt Line railroad. Where located over the Coronado Belt Line railroad, the existing ties and rails would be covered and preserved in place and not altered or removed. Covering the existing ties and rails would not preclude any future restoration of the Coronado Belt Line railroad by interested groups if appropriate approvals are received from the property owner – San Diego Metropolitan Transit Service. Route 3 of the Bayshore Bikeway is the preferred route for this project.

As noted above in Response to Comment K-3, Section 3.4.5 of the Draft EIR has been revised to clarify that Route 3 would not remove any existing ties or rails within the railroad ROW. Because the comment does not identify any other changes to Route 3 that would ensure the retention and preservation of the railway, no further changes to the Draft EIR are warranted based on this comment.

Response to Comment K-6

This comment provides a website URL to the City of San Diego Register of Historical Resources, Coronado Belt Line, concerning the portion of the railway within the City of San Diego.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment K-7

SOHO notes that it supports the relocation of Granger Hall to Pepper Park and appreciates that no changes are proposed for the National City Santa Fe Depot parcel. The comment also notes that both resources are listed on the National Register of Historic Places and strongly contribute to Objectives 4 and 11, to increase recreational opportunities, maximize tourism, and integrate art, culture, and history into the project. The

comment states that Granger Hall is an exemplary historical resource and should become a focal point of Pepper Park, which would support tourism, increased public access, and recreational opportunity. SOHO supports relocating the hall with mitigation to include restoration of this unique music venue and project consistency with the Secretary of the Interior's Standards.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request.

K-7 cont. National Register of Historical Places and strongly contribute to project objectives 4 and 11, to increase recreational opportunities, maximize tourism, and integrate art, culture and history into the project. Granger Hall is an exemplary historical resource and should become a focal point of Pepper Park, which would support tourism, increased public access and recreational opportunity. SOHO supports relocating the hall with mitigation to include restoration of this unique music venue and project consistency with the Secretary of the Interior's Standards.

K-8 In support of the environmentally superior Alternative Four, the Reduced Development Intensity Alternative lessens environmental impacts, meets the various project objectives and is consistent with the District's Climate Action Plan. SOHO opposes Route One (1) of the Bayshore Bikeway due to impacts to the Coronado Belt Line railway and we are committed to preserving this historic resource. Last, SOHO strongly supports relocating Granger Hall to Pepper Park which will support tourism, access and preservation.

K-10 Thank you for the opportunity to comment,



Bruce Coons
Executive Director



Amie Hayes
Senior Historic Resources Specialist

3525 Seventh Avenue • San Diego CA 92103 • www.SOHOsandiego.org • 619/297-9327

Response to Comment K-8

This comment states that SOHO is in support of Alternative 4, as it lessens environmental impacts, meets the various project objectives, and is consistent with the District's CAP. The comment again notes that SOHO opposes Route 1 of the Bayshore Bikeway due to impacts on the Coronado Belt Line railway.

Section 7.5.5 in the Draft EIR notes that, pursuant to CEQA, the EIR is required to identify the environmentally superior alternative. Although the No Project Alternative (Alternative 1) reduces the greatest number of significant impacts, CEQA requires that when the environmentally superior alternative is the No Project Alternative, another alternative should be identified. The Reduced Development Intensity Alternative (Alternative 4) reduces the second-largest number of significant impacts and is considered the environmentally superior alternative (see Table 7-3). Alternative 4 would reduce the height of the hotels and number of rooms proposed under the GB Capital Component and reduce the height of the five-story hotel and number of hotel rooms as part of the City Program – Development Component, which would reduce impacts related to aesthetics and visual resources, air quality and health risk, GHG emissions, noise and vibration, and transportation, circulation, and parking. However, Alternative 4 only partially meets the project objectives. As noted in previous responses, in the Final EIR, Route 1 of the Bayshore Bikeway Project Component has been removed from the project.

Response to Comment K-9

This comment notes that Granger Hall should be relocated to Pepper Park as it will support tourism, access, and preservation. Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request.

Response to Comment K-10

This comment letter concludes with SOHO noting that they appreciate the opportunity to comment on the Draft EIR. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required as a result of this comment.

CORONADO RAILROAD
City of San Diego / Metropolitan Transit Development Board
(LDR 40-0378)



December 2003



REBUTTAL

CORONADO RAILROAD
City of San Diego / Metropolitan Transit Development Board
(LDR 40-0378)

**Historical Resources Board
Staff Recommendation
Dated October 14, 2003**

*Considering the Designation of a Segment of the
Coronado Belt Line as a Historical Resource Site
for the City of San Diego*

DECEMBER 19, 2003

Prepared by

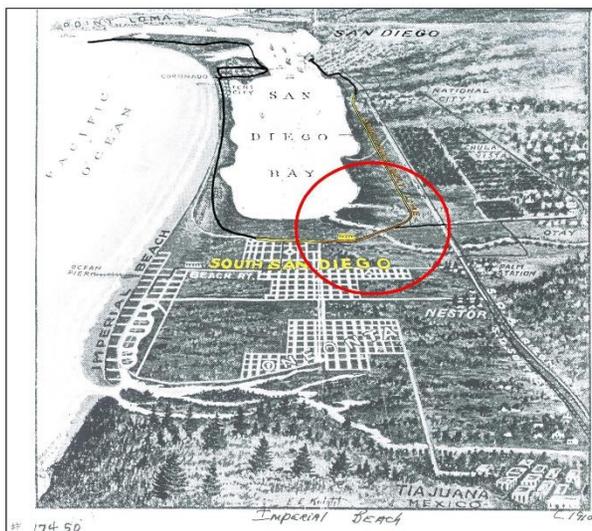
Ronald V. May, RPA
Legacy 106, Inc.
P.O. Box 15967
San Diego, CA 92175
Phone: (619) 269-3924
www.legacy106.com



For

Save Our Heritage Organisation
2476 San Diego Avenue
San Diego CA 92110
Phone: (619) 297-9327
Fax: (619) 291-3576





San Diego Historical Society

Introduction

The City of San Diego Historical Resources Board (HRB) is considering an application from the City of San Diego / Metropolitan Transit Development Board (MTDB) to list the 7.5 mile intact portion of the Coronado Railroad, once part of the greater 20.3 mile Coronado Belt Line, to the City's Historic Resources Register as a Historic Landmark. This application comes to the Board's review because it is associated with the proposed Bayshore Bikeway project that would modify a segment of the Coronado Railroad, which is more than 50 years old and is regulated under San Diego Municipal Code Section 143.0212.

Save Our Heritage Organisation (SOHO) submits that the Coronado Railroad and Right-of-Way contain cultural resources that clearly meet Criteria a, b, and c for local, City of San Diego HRB Landmark designation.

MTDB has authorized SOHO to state that they do not oppose listing of this resource as an Historical Landmark.



SOHO has participated actively in every level of review of this resource to date. The many stakeholders interested in the Coronado Railroad have demonstrated competing priorities that have engendered many opportunities for coordination and cooperation. The fact that there are differing professional opinions does not diminish the historical value of the resource.

The evaluation of historical significance for the Coronado Railroad has not yet been considered at the "local level" under City of San Diego criteria for Historic Landmark Designation, which is under the HRB's jurisdiction. At this level, the board will now review new information not available to previous reviewers for the State or National Registers. The local level of review by the City of San Diego HRB is distinct from California State Register and National Register level reviews, because those Registers hold loftier standards for acceptance to their lists.

Determinations of significance at the local level are by necessity more flexible because their primary focus is relevance to the community's history, rather than statewide or national historical contexts. At this review level local jurisdictions exercise more discretion to decide what is important to the individual community's sense of identity and to Landmark those resources accordingly.

The HRB is concerned only with the determination of historical significance of the Coronado Railroad and whether or not it qualifies for designation to the City of San Diego's list of Historic Landmarks. By law, the Bayshore Bikeway Project is speculative and not a factor in the Board's determination of significance of the historic resource in question. Nor is any other potential project, development, discretionary action or intended use of the property relevant to the Board's determination of historical importance and listing to the local register.

SOHO maintains that the remaining 7.5 mile portion of the Coronado Railroad is historically important at the City of San Diego, local level under three Historic Resources Board criteria.

This report provides new information to explain why the Coronado Railroad is important to the City of San Diego under Criterion a, as a San Diego Industrial Archaeology Landscape and Linear Resource within a Geographic District; under Criterion b, for its association with three Historically Significant Persons: Elisha S. Babcock, Hampton L. Story, and John D. Spreckels; and also under Criterion c, Architecture, as the best surviving example of a short line railroad that embodies the distinctive characteristics of the style, type, period and method of construction within the 1888-1953 period of significance of short line interurban passenger and freight railroads connected to the City of San Diego.

While SOHO believes that Coronado Railroad is significant under all of these criteria, the Historical Resources Board need only find the resource significant under any one of these criteria to list it as a City of San Diego Historic Landmark. We urge the Historical Resources Board to carefully consider this new information and compelling arguments, vote yes on the designation, and add the Coronado Railroad to San Diego's list of Historic Landmarks.



SOHO urges the Historic Resources Board’s Staff to recommend designation of the Coronado Railroad as a San Diego Historical Landmark under Criteria a, b, and c for the following reasons:

Criterion a – Cultural Landscape and Archaeological Site.

Resources are those sites exemplifying or reflecting special elements of the city’s, community’s or a neighborhood’s historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping or architectural development.

SOHO submits the Coronado Railroad is a local San Diego industrial archaeology landscape and linear resource within a geographic district that had continuous use from 1888 through 1953. As such, it reflects special elements of San Diego’s tourism and business development.

The best guidance to aid the HRB to evaluate the Coronado Railroad as a local San Diego industrial archaeology landscape and linear resource under Criterion a can be found in *General Guidelines for Identifying and Evaluating Historic Landscapes* (Environmental Program, California Department of Transportation, Sacramento, California, February 1999) (Herein references as General Guidelines 1999).*

This is new information that was not considered in the preliminary HRB Staff Report and must be considered by the HRB to evaluate the Coronado Railroad under Criterion a for local San Diego eligibility.

The California Department of Transportation routinely evaluates roads, highways, and rail lines for historical significance. This document provides historic preservation technical assistance that can help define local historic value under Criterion “a.”

The Coronado Railroad is a linear transportation resource with archaeological historic landscape parameters. It measures 30-feet wide by 7.5 miles long and represents a continuous use time span from 1888 to 1953. The associated structural, natural, and archaeological landscape features outside the boundary also contribute to interpretation of this linear transportation resource.

*Additional References that support evaluation of the Coronado Railroad as an **industrial archaeology landscape and linear resource** include: Robert Z. Melnick, 1984, *Cultural Landscapes: Rural Historic Districts in the National Park System*. Washington, D.C.; Naomi F. Miller and Kathryn Louise Gleason, 1994, *The Archaeology of Garden and Field*, Philadelphia: University of Pennsylvania; Patricia M. O’Donnell, “The Treatment of Historic Landscapes,” *Historic Preservation Forum* (May/June 1993) 36-45; Marilou Reilly, 1993 “Historic Transportation Corridors: A New and Dynamic Element of Historic Preservation,” *CRM*, National Park Service, Volume 16, No. 11; William Brewster Snow, ed. 1959 “The Highway and Landscape” New Brunswick, New Jersey: Rutgers University Press; U.S. Department of the Interior, “Guidelines for Identifying, Evaluating and Registering America’s Historic Battlefields,” *National Register Bulletin* 40.



The Coronado Railroad includes six different corporate identities over the 1888 to 1953 time frame and forms a “geographical archaeological district” of contributing historic resources that include San Diego Chinese ethnic history, San Diego Bay history, San Diego military history, San Diego business history, San Diego tourist industry history, and San Diego railway history. **In addition, the 7.5 mile segment of the Coronado Railroad is the best surviving example of a portion of one of San Diego’s short line railroads.**

Archaeology. The Coronado Railroad cuts through at least one prehistoric shell midden archaeological site and may contain or be directly associated with Chinese railroad workers’ camps associated with the 1888 installation of rail line ballast rocks.

Native American Archaeology Significance. Preliminary field examination by SOHO members revealed at least one railway cut through an unrecorded, extensive prehistoric archaeological shell midden that extends off the right-of-way into the surrounding landscape. Protection for the prehistoric site should be included in the historic landmarking process. Other prehistoric archaeological sites may lie within the right-of-way and could be interpreted.

Chinese Railroad Labor Significance. Additionally, historical newspaper accounts in the *San Diego Union* reported Chinese work crews ranging from sixty to 150 men who worked to haul-in and install crushed rock ballast to support the rail lines and ties. Based on railroad construction history across the American west, Chinese work crews lived in the field near their construction projects and this is the basis for proposing that Chinese work camps exist in the surrounding historic landscape.

Chinese labor built much of the railroad in the American West, as well as portions of the Coronado Railroad. Babcock and Story hired crews of Chinese laborers to clear brush on Coronado for construction. A barge carried thirty Chinese with “tents and full camping outfits” and the crew increased to fifty by the end of the week and “the tents, camps and brush fires and other signs of activity on the Peninsula give it quite an animated appearance” (*San Diego Union* December 8, 10, 30, 1885).

The *San Diego Union* on June 12, 1888 reported that a work force of 60 Chinese laborers installed the rock ballast for the Coronado Railroad (*San Diego Union* June 12, 1888), which was five days after the final rail spike had been driven (*San Diego Union* June 6, 1888). The location of the Chinese work camps would be archaeological in nature and outside the right-of-way, but the barge that brought the workers probably came from labor broker Ah Quin’s establishment in the Stingaree District of San Diego. The work crew probably moved to railroad camp work sites, close to the Coronado Railroad. Several particularly good locations of the rail ballast in the marshlands would be suitable for experiencing a sense and feel for the role of Chinese labor on the Coronado Railroad. They must have been skilled workers, as a *San Diego Union* article in 1895 commented, “the road ballasted to such a nicety that the cars glide almost noiselessly.”



Industrial Archaeology Landscape.

The following General Guidelines definitions are useful to evaluate the Coronado Railroad nomination in terms of its Cultural Landscape under Criteria a:

- (1) period of landscape significance
- (2) landscape continuing use
- (3) landscape integrity vs. condition
- (4) level of landscape significance
- (5) landscape integrity

Each of these elements of significance are discussed below to better interpret the ways Coronado Railroad is important under Criteria a.



Today, the formerly toll-collecting Coronado Bridge serves San Diego's greater highway transportation network in much the same way as the Coronado Railroad has done from 1888-1953. Photo by Bruce Coons.

(1) Period of Landscape Significance: General Guidelines: *"The period of significance begins with the date of the earliest important land use or activity of which tangible characteristics remain today. It ends with the date when the important events, activities, or construction ended. Continuous use or association does not justify extending a period of significance beyond the time when the property made its historically important contributions. If a specific closing date cannot be identified, 50 years ago can be used as the end date for the period of significance."*

Care should be taken in assigning a period of significance because it becomes the benchmark for measuring whether changes are part of the property's history or whether they constitute a loss of integrity" (General Guidelines 1999:11).

SOHO objects to the HRB Staff Report focus on the 1888-1908 period and disregard of the whole record of the 1888-1953 period of historic landscape significance in its entirety because it fails to fairly consider the railroad's continuing use during the entire 1888 to 1953 period when it was a continuous working landscape and element of a greater transportation network.

SOHO believes that the HRB should define the Coronado Railroad's period of significance to the City of San Diego as 1888-1953 and recognize that the changes to the line within that time frame are a part of the property's history. The criteria to address this are clearly spelled out in the General Guidelines, which Stephen R. Wee did not consult for his evaluation to the California Register (Stephen R. Wee, 2002, "Review of Findings on California Register Eligibility: The Coronado Railroad, San Diego, California"). At the City of San Diego local level it is important to recognize the broader 1888-1953 historic context and cultural landscape of the entire Coronado Railroad within a greater transportation system rather than focus narrowly on the 1888-1908 period because the 7.5 mile portion of the Coronado Railroad represents the best surviving example of San Diego's original short lines railroads which provided important and reliable San Diego business delivery to points of service exactly where it was needed.



The period of significance encompasses the freight and commuter needs of the agricultural and industrial vendors, manufacturers, and passengers living, working, and conducting business between the endpoints of San Diego and Coronado as well as destinations en route such as North Island Rockwell Field and Navy Station, Zuniga Jetty and Fort Pio Pico, Tent City, Coronado Heights, South San Diego, Western Salt Works, Hercules Powder Company, the Rohr Aircraft Plant and businesses and homes in San Diego, as well as thru traffic to destinations outside San Diego. This period of significance spans 1888-1953.

The continuous uses and activities of the Coronado Railroad as a viable and evolving resource involved the following corporate identities which had their own individual and overlapping periods of significance to San Diego's local history:

- Coronado Belt Line (passenger and freight) (1888-1908)
- National City & Otay Railroad (1887-1908)
- San Diego Southern (merged Coronado Belt Line with National City & Otay Railroad) (1908-1912)
- San Diego & South Eastern (1912-1917)
- San Diego & Arizona (1907-1933)
- San Diego & Arizona Eastern (1933-1953)
- All corporate railroad identities (private passenger car service to Coronado) (1888-1953)

The Coronado Railroad also had individual periods of overlapping significance important to San Diego's local history for service it provided to the following:

- San Diego business and industry freight rail deliveries (1888-1953)
- Zuniga Jetty Construction and Sweetwater Quarry delivery & tours (1893-1918)
- La Punta Salt Works and Western Salt Works (1907-present)
- U.S. Army and Navy North Island (1915-1953)
- Hercules Powder Company (1917-1919)
- Rohr Aircraft Company and Consolidated Vultee aircraft production (1940-1953)

The Coronado Railroad had six different corporate identities that used the same historic archaeological landscape between the 1888 – 1953 period of significance. Within the General Guidelines, it is clear that the Coronado Railroad's changes are part its history, rather than a loss of integrity. Moreover, the Secretary of the Interior's Standards allow for in-kind replacement of artifacts like rail lines, ties, ballast, and parts of trestles during the continuous historic context. Removed rails and ties within a right-of-way do not eliminate historic value and can be reconstructed as long as the right-of-way is protected by MTDB.

In truth, it is the evolution of the landscape surrounding the Coronado Railroad through continued use from the San Diego business community's development of Coronado as a destination resort, Coronado and South San Diego as housing communities, construction of Zuniga Jetty for San Diego Harbor protection, development of U.S. Army Rockwell Field and U.S. Navy North Island as an extension of San Diego's aircraft industry, as a link in transcontinental shipping of agricultural crops and salt, for critical role of rail transport for the World War I potash/acetone industry, and the World War II / Korea aircraft industry that contribute to proper evaluation of the Coronado Railroad to San Diego's local history right through 1953.



(2) Landscape Continuing Use: *“Change is often an inescapable part of a landscape. Natural processes may bring changes from plant growth, death, or succession; weathering; erosion; or soil deposits from flooding. The functioning and maintenance of properties in a landscape can also bring changes: new technologies, painting, road work, fence repair, and basic activities of a working property can have cumulative effects on a landscape’s appearance. The effect of continuing use on integrity depends to a substantial degree on the historic context, which should indicate the extent of integrity that can be reasonably expected.*

A working landscape in which significant characteristics survive may maintain relative integrity despite some losses, when comparative properties in the same context are altered. For example, a mining landscape still being worked may retain integrity if modern extraction methods and character are similar to those practiced historically, important physical elements remain, and comparable properties are less intact. Similarly, working transportation facilities can retain integrity if physical features essential to the property remain. A resurfaced road that has been slightly widened may retain integrity if its original guard rails, retaining walls, bridges, and alignment remain. An operating railroad can be expected to have had its rails and ties replaced periodically, and an abandoned railroad to have both ties and rails removed, but a railroad line might retain integrity if the roadbed, associated features, alignment, and setting are intact” (underlines added) (General Guidelines 1999:13).

There is no question that continuing freight use of the Coronado Railway landscape by each of the corporations leading up to the San Diego & Arizona Eastern Railroad for these purposes would result in maintenance, repair, replacement, and installation of new track, trestles, and drainage culverts, or that buildings such as passenger stations would vanish over time. Because SOHO submits the Coronado Railroad history in its entirety up to 1953, the changed artifacts are contributors to the whole historical record.

As San Diego & Arizona Eastern Railroad superintendent William B. Barker explained during his October 7, 1962 presentation to the Women’s Regional Planning Club as part of a KGB Radio Station broadcast, explaining that a railroad is never really finished:

“especially if it is serving a growing industrial area such as San Diego. We’re constantly adding new spur tracks for industry, occasionally removing a few; always improving our equipment and right-of-way.” (SDHS Subject Files, Transportation, Railroads #1, 1962).

SOHO believes people can stand in the Coronado Railroad right-of-way holding historical photographs and experience a sense and feel for those historical periods that are so important to San Diego history. In fact, this has been done for many years, including tourist train rides up until a few years ago. This working transportation resource retains its integrity because the physical features essential to the property remain on this 7.5 mile segment.



(3) Landscape Integrity vs. Condition: *“Both integrity and condition must be addressed. Integrity is lost when a landscape’s important features are removed or altered, or when intrusions disrupt the landscape. Integrity can be maintained despite weathering or deterioration as long as essential physical features remain, although the condition could be poor.*

For example, fences, watering troughs, and spatial arrangements may be intact in an abandoned overgrown pasture. Haul roads, camp sites, and stumps with springboard holes may identify a logged property despite a vigorous second growth of trees. A neglected garden could have both high integrity and poor condition. Similarly, landscapes containing ruins, rundown buildings, or abandoned roads that have deteriorated in place could possess integrity, while better maintained areas still in use may have undergone substantial changes that could destroy integrity” (General Guidelines 1999:14).

One criticism of the Coronado Railroad has focused on the alleged loss of integrity due to removed rails, ties, cleansing of the ballast, repairs, and installation of 1940s-50s concrete culverts. These criticisms focused on the 1880s San Diego Boom Era and virtually ignored the subsequent historical periods up to the end of the Korean War in 1953.

SOHO rejects this argument because the Secretary of the Interior’s Standards clearly allows for in kind replacement of railroad components, such as those documented by Wee on the rails, ties, cleaning of ballast, and replacement of trestle parts. SOHO reiterates that part of the nomination needs to include World War I, II, and Korean War era history associated with San Diego businesses along the rail right-of-way and surrounding landscape.

Caltrans’ General Guidelines (1999) clearly show that the missing rail ties in the segment from Imperial Beach to Naval Station North Island are acceptable for historic landscape considerations because the Right of Way, roadbed, alignment, and associated features are intact (MTDB retains the right-of-way for future restoration of the rails) and can be reconstructed.

This is part of the railroad’s continuing use, rather than a loss of integrity. For local San Diego qualification under Criterion “a,” these General Guidelines (1999) are directly relevant new information as they relieve previous concerns about integrity and period of significance.

SOHO also emphasizes the surviving older rail ties, such as the 1899 Carnegie rail, are concentrated in the marshland environment of the 7.5 mile segment that is nominated for historic landmark status. These artifacts contribute to the historical value of this site as an industrial archaeology landscape linear feature.



(4) Level of Landscape Significance: “A landscape associated with the development of a state highway could be significant at the state level, but if that landscape’s primary significance is its effect on the growth of a local community, the property should be found significant at the local level” (General Guidelines 1999:12).

The 7.5-mile segment of intact track is the best-preserved segment to provide a sense of the landscape. This segment of the Coronado Railroad landscape represents the wholesale and retail deliveries and passenger service to between destinations between the City of San Diego and Coronado that contributed to the greater economic growth of the area. Portions of the industrial archaeology landscape linear resource are directly associated with other industrial landscapes that help interpret the greater historic context for the Coronado Railroad as a short line that contributed to the growth of the City of San Diego.

Historical Context of the Importance of the Development of Short Line Railroads in San Diego.

SOHO disagrees with Wee’s finding that the Coronado Belt Line (1888-1908) was not important because there were two other short lines and he believed economic success or failure of the rail companies should be the sole basis for determining historical significance.

The 7.5 mile portion of the Coronado Railroad is the best surviving example of the three short lines in San Diego and none of them have been landmarked by the City of San Diego. Historic designation would preserve one good example for the future.

All of the San Diego, Pacific Beach, and La Jolla Railway are gone. Nearly all of the San Diego & Cuyamaca Railway was destroyed by the 1916 Flood and has since been reconstructed with modern rails, ties, and equipment as the Metropolitan Transit District trolley.

For the State Level of review, critics ignored the economic boon the Coronado Railway facilitated to private client business companies in San Diego by transporting locally milled wood, locally made brick and tile, locally quarried rip-rap boulders for the Zuniga Jetty, locally produced clothing, locally grown food crops and butchered meats, wholesale and retail goods, and the thousands of tourists who stayed in San Diego hotels during the “dividend season.” Great fortunes were made by San Diego private businesses, especially during real estate development in Coronado, Tent City, and Coronado Heights.

For San Diego businesses, the Coronado Railroad helped them be immensely profitable, even though the railroad entities themselves made small profits. In fact, researchers such as George W. Hilton and John F. Due in their book *The Electric Interurban Railways in America*, find that this was the story of short line railroads across the nation. The economic potentials and realities were not lost on any of the San Diego entrepreneurs involved in the railroad.



Babcock, Story*, and Spreckels knew exactly what they were doing. That is why the railroads were part of a profitable integrated network of companies that offered a suite of interrelated services to their customers. One need only look at an example of the San Diego City Directory for 1887-1888 to see this:

STOREY H. L. (Blackmer & Co.), president San Diego and Coronado Ferry Co., vice-president First National Bank, vice-president Coronado Beach Co., president Coronado Railroad Co., vice-president San Diego and Coronado Transfer Co., president San Diego Street Car Co., vice-president San Diego and Coronado Water co., res 1263 First. (*various documents change spelling from Story to Storey)

In terms of freight delivery, many of the San Diego businesses that shipped and received products on the Coronado Railroad were economically successful in part because of the reliable freight transportation this line provided. In a January 1, 1918 *San Diego Union* article entitled “Railroad Gives Aid to Ranchers Along its Line: Service of Experts Given to Assist in Increasing Yield of San Diego County Fields,” author Winfield Barkley explains the railroad’s strategy:



“The San Diego & South Eastern Railway has transportation to sell and its management is frankly handling every effort to sell all the transportation possible. First, it is trying to get all the freight to be had in the country tributary to its lines; second, it is trying to get the present shippers to produce more tonnage; third, it is trying to build up the country and thus get additional shippers. Just a matter of business, pure and simple.”

The article explains further that they had

“Doubled the passenger service, even running trains at a loss, figuring that well served prosperous communities would bring more people to live there, and every additional person means additional freight to be hauled.”

The Railroad’s transportation strategy as it related to San Diego military is illustrated by this enlightening point:

At present, the San Diego & South Eastern Railway is co-operating with the county horticultural commission and the county farm bureau in a study of the needs of the army and navy units stationed in and about San Diego, hoping to work out a comprehensive plan whereby all the vegetable and garden truck shall be supplied by our back country. The railway, recognizing



the need of large amounts of fertilizer on our farms, has gone to the railway commission and asked for a commodity rate on manure of 40 cents as compared with 65 cents on other lines in the state. This commodity rate barely covers the cost of hauling; but the showing was made that the railway must assist the farmers to fertilize their land, and that the increased tonnage from highly fertilized crops would, eventually, reimburse the railroad. Not a single car of manure from the thousands of head of stock at the Camp Kearny remount station should go out of the county."

With the above points in mind, it is clear that the rail companies accepted lower economic returns on fares and freight hauling as part of their overall business strategy within the economics of all of their interrelated business resources. The fact that this line remained and was in continual use during its period of significance when so many other short lines were abandoned demonstrates it was viable and had local importance. Rather than focus on the corporate success of the rail lines, the 1888-1953 period of landscape significance reflects a bigger picture when San Diego businesses profited using the railroads as a vehicle for delivering their products during various historical theme periods.

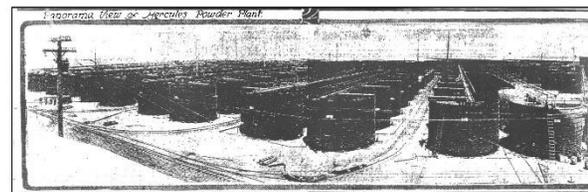
In essence, the Coronado Railroad was a tool to enable great fortunes to be made by people in San Diego and to enhance the overall profitability of the many communities it served. Within the network of their integrated enterprises these powerful San Diego visionaries and their networks of business enterprises made enormous profits, as did the businesses they served, even if the railroad itself didn't. Therefore, it is more appropriate to judge the Coronado Railroad's profitability within the greater context of the transportation business network as one part of an empire of companies that provided interrelated services.

Significance of the Coronado Railroad as it Relates to the Continuous Growth of the Community.

While the quotes above address many aspects of the way the railroad met the needs of San Diego's vast agricultural communities, there were other industries serviced along the Coronado Railroad that made it important to San Diego's local history:

Hercules Powder Plant, Rohr Aircraft Plant, and La Punta/Western Salt Works. During the period of landscape significance, each of the above corporate identities were associated with the Coronado Railroad which transported products sold in an interdependent relationship by San Diego businesses to clients in Coronado and Coronado businesses to clients in San Diego, as well as to the United States government representatives at North Island and back into the greater San Diego community and beyond.

San Diego businesses operated at various points along the railroad to extract raw materials and component products for industries in San Diego. In two of these businesses, the Salt Works and Hercules Powder Plant, the location of the plant to the resource, salt and kelp, to the railroad were paramount to their success. At these locations, it is possible to look out over the landscape and San Diego Bay and enjoy a sense and feel for those industries that shipped their products along the Coronado Railroad and helped contribute to San Diego's growth.



January 1, 1917. San Diego Union

Hercules Powder Plant.

The following new information needs to be considered by the HRB to evaluate local San Diego significance of the Hercules Powder Plant and the transportation of its products by the Coronado Railroad in relation to its importance while it was in use. This new information shows that by the time American troops were fighting in the trenches of Europe, a significant portion of the potash used in making gunpowder for their bullets and artillery and Cordite explosives came from this Pacific Coast industry. Across San Diego Bay at the foot of "F" Street, Swift and Company also processed kelp into potash for the war effort. The choice of location for this plant had a direct relationship to the Coronado Railroad.



Full-page newspaper accounts in the *San Diego Union* on January 1, 1917 and 1918 demonstrate the importance of the Hercules Powder Plant to San Diego's history, but also as a serious concern of national security in World War I:

"The Hercules plant is the most extensive industrial enterprise on the Pacific Coast in recent years. It has arisen upon an ideal location, consisting of thirty acres of fine tidelands, only a short distance from the city proper. When the Hercules representatives first came to San Diego about a year ago, they obtained their site from the state (sic) harbor commissioners and at once went to work. Publicity was shunned, they asked no financial backing from the city or county — they wanted no advertising...it was stated at the start, however, that no explosives would be manufactured here. (January 1, 1917).

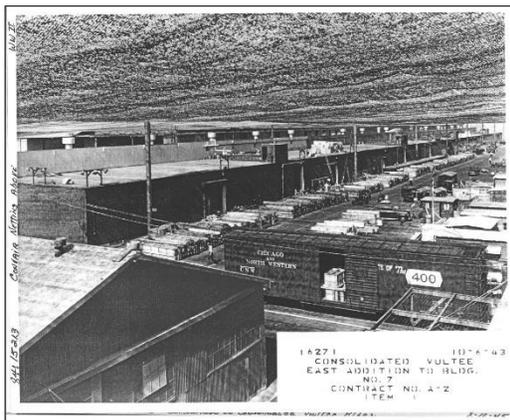


It should also be noted that the abandonment of the Hercules Powder Plant left a significant impact on the local environment that can be seen and learned from today. According to a web site by Jack Innis in February 1994, docents "point out the tens-of-thousands of bricks from the abandoned gunpowder plant, a silted-up canal and railroad tracks." (www.sdearthtimes.com/ei0294/ei0294s5.html) This is also part of the continuing landscape associated with the view of the Hercules Powder Plant from the Coronado Railroad.

This new information demonstrates that the Hercules Powder Plant is a significant historic component that contributes to understanding the Coronado Railroad industrial archaeology linear landscape.

World War I Aviation Rail Shipping. In addition to transporting vital potash to gunpowder plants elsewhere in California during World War I, the Coronado Railroad also linked North Island Army and Navy fields with San Diego in 1918. The War Department approved a contract in 1918 to build thirteen miles of Coronado Railroad track to be linked to the San Diego & Arizona Railroad to transport bombs, munitions, aircraft and other military supplies to San Diego and the following day Coronado granted permission for extension of those lines to the San Diego & Arizona Railroad (*San Diego Union* March 5, 6, 1918). Those rail lines were extremely active during World War II, Korea and the Viet Nam War hauling bombs, ammunition, fuel, and dead war heroes to San Diego. To this day, Coronado Railroad lines exist and are used for short haul movement of military supplies within North Island Naval Air Station.

Rohr Aircraft Company.



San Diego Historical Society



Rohr Aircraft Company is an excellent example is the role the San Diego & Arizona Eastern played along the Coronado Railway between Chula Vista and San Diego during World War II for San Diego aircraft production.

The War Preparedness Act of 1935 required the War Department to direct war industries to segregate aircraft engine parts factories to prevent enemy bombers from destroying all industrial machinery at one location. As such, war planners in 1940 directed Edmund Price of Rohr Aircraft Company of San Diego to build the Chula Vista plant to create aircraft exhaust manifolds and nacelles, load 2,400 per flat car, and train them on the Coronado Railroad to San Diego for assembly at Rohr and Consolidated Vultee Aircraft to make B-24 Liberator bombers and Navy PB4Y patrol aircraft. After World War II ended, Rohr continued making aircraft parts for the Korean War. Rohr shipped 50,000 railroad cars of aircraft parts to San Diego plants between 1940 and 1953. These federal defense contracts were enormously important to San Diego's economy and wartime history, as they fueled the largest influx of people into the city and forever changed the history of San Diego in the mid 20th century.

Accordingly, Rohr built the auxiliary Chula Vista plant adjacent to the railroad and transported products to Consolidated Vultee Aircraft Corporation plants in San Diego for B-24 bomber and PB4Y Navy patrol planes in San Diego.

<http://www.heritageeresearch.com/databasewwiiindustry.htm> (click on California).



View from Rohr, looking North West. Photo by Bruce Coons.



The railway right-of-way associated with 1940s-1950s vintage rails, ties, and other artifacts is adjacent to a parking lot where the Rohr plant is located, even though a guard building has compromised some of the surrounding landscape.

SOHO believes that the integrity of the historic landscape relating to the Rohr Aircraft Plant is preserved within the Coronado Railroad's continuous industrial landscape with surviving significant characteristics that maintain their relative integrity despite some losses. The ability to visualize this period of time from the Coronado Railroad is preserved and can be easily interpreted.



View from Rohr, looking South. Photo by Bruce Coons.

La Punta and Western Salt Works.



Western Salt Works, 1934. San Diego Historical Society.



View of Coronado Railroad track and trestle looking North towards the Salt ponds in South San Diego. Photo by Bruce Coons.

The Coronado Railroad has transported railroad cars of salt from South San Diego Bay since 1888 and continues to the present time; an existing freight-feeder for San Diego & Arizona Eastern still ships salt to San Diego and beyond (A.T. Coons and F.E. Harris, 1938, *Salt, Bromine, Calcium Chloride, and Iodine Minerals Yearbook*, Washington, D.C.: United States Government Printing Office, pp. 1270-1275).

Graham Babcock and Elisha S. Babcock began mining salt there from 1902-1911 and formed the Western Salt Company in 1914 and operated it until Henry Fenton bought the operation in 1922. It operated and shipped salt by rail until 2002 (Frank Reihle, 1952, *Henry Fenton, Typical American*, San Diego: Laura E. Fenton, private printing, pp. 68-71). The Port District terminated rail delivery from the Salt Works without consulting MTDB in the process.

As early as 1871, the adjacent La Punta Salt Works mined salt and in 1901 Klauber-Waggenheim collected salt for packaging in their San Diego plant for wholesale and retail sale. (Elliott W. Wallace, 1883, *History of San Bernardino and San Diego Counties* 1965 Reproduction, Riverside, California" Riverside Museum Press, p. 187; William E. Ver Planc, 1958, "Salt in California," *Division of Mines Bulletin 175*, San Francisco: Department of Natural Resources, pp. 9, 107).

During World War I, Western Salt Works produced 5% of the salt in California and today it is the only viable commercial salt operation west of the Great Salt Lake in Utah.





National Register eligible Narrow Gauge Rail Crossing of the Coronado Railroad at the Salt Works. Photo by Bruce Coons.

The narrow gauge railroad used by the Western Salt Works crosses the Coronado Railroad. This narrow gauge track and the Western Salt Works are eligible for the National Register of Historic Places.

(5) Landscape Integrity: *“Integrity is the ability of a property to convey its significance. The seven aspects of integrity are location, design, setting, materials, workmanship, feeling and association. To retain historic integrity, a property will always possess several and usually most, of these aspects, and essential physical features must be present. Examine integrity against essential physical features that were present during the historic period, and estimate the percentage of the historic landscape that is intact. Document any intrusions or missing elements. Note the relative importance of elements that have changed, keeping in mind that landscapes are necessarily dynamic in character”* (General Guidelines 1999:12)



The location, feeling, and association of the view of the natural landscape of San Diego Bay from the Coronado Railroad’s tracks remains spectacular.



Even though Coronado’s Tent City, historic rail cars, the Hercules Powder Plant, and Rohr Aircraft Plant are now gone, visitors can stand in the railroad right of way with a handful of historic photographs or view the interpretive and educational programs at the Chula Vista South Bay Preserve and experience a sense and feel for the historical eras in San Diego history. The same can be said for standing in the rail right-of-way at the Western Salt Works, or even by the parking lot where the old Rohr Aircraft Plant exists.

While the Wee report documented intrusions, missing elements, and equipment changes right up to the 1950s, more than 80% of the Coronado Railroad, including artifacts from the San Diego & Arizona Eastern Railroad, exist in the 7.5 mile surviving portion.

Landscape Integrity in a Greater Context - Golden Spike National Historic Site Integrity Analogy.

SOHO believes public interpretation is more than possible because the San Diego Railway Museum ran tourist excursions down the line, SOHO organized walking tours, and the City of Chula Vista has developed walking trails with signs interpreting the Hercules Powder Plant.

To better understand how the Coronado Railroad landscape site can be interpreted, it is helpful to look outside San Diego to another analogy to understand measures of acceptable interpretation. The Golden Spike National Historic Site is a National Register site that interprets the merging of the connecting point of the East and West transcontinental railroads. None of the historical 1869 buildings exist at the Golden Spike today. It is essentially a vacant landscape that must be interpreted by brochures and maps to guide visitors to the former workers’ tent city, earthworks, road cuts, and other topographic features created by the railroad workers.

In fact, more rail, tie, and trestle artifacts and features of the Coronado Railroad exist in the 7.5-mile industrial archaeology landscape linear feature than survives at the Golden Spike. Since the Golden Spike National Historic Site lacks buildings, rail lines or ties, the missing artifacts to the Coronado Railroad in some areas is clearly not a significant issue as long as the landscape has relatively good integrity.

This is compelling evidence that the Coronado Railroad’s integrity remains intact even though the City of Coronado removed rail and ties on the south and City of San Diego removed rail features north of National City. The same can be said for removal of the Hercules Powder Company, some of the Rohr Aircraft Company buildings at their locations along the Coronado Railway, and the prehistoric shell midden.

Prehistoric Archaeological Site Landscape Integrity. The existence of at least one prehistoric archaeological shell midden in at least one railroad cut south of National City demonstrates a high degree of landscape integrity of the natural landscape surrounding the Coronado Railroad right-of-way.

Rohr Aircraft Plant and Railroad Landscape Integrity. SOHO believes the 1940s Coronado Railroad / San Diego Arizona & Eastern Railroad tracks, trestles, and culverts at the former Rohr Aircraft Factory retain more than 80% of their landscape integrity and the 1950s changes of removed buildings and spurs do not adversely affect the location, design, setting, materials and workmanship of the Rohr Aircraft Plant landscape integrity.



Wee conducted a detailed field examination of the historic landscape and documented a **“landing ramp for sea planes”** (PBY produced by Consolidated Vultee in San Diego and taxied down San Diego Bay to the Rohr Plant), two **rail spur lines**, and noted the San Diego & Arizona Eastern operated on the Coronado railway landscape (Wee 2002: 16-20). Wee critiqued this portion of the rail line and concluded for State Register level of review that the Rohr plant did not make an important contribution to America’s war effort (Wee 2002:17). SOHO, however, believes this is not factually correct and also that it was important to San Diego’s history under local level criteria.

SOHO believes that the Coronado Railroad’s association with Rohr and Consolidated Vultee was clearly important at the local level because it transported critical airplane parts between Rohr and Consolidated Vultee. To meet Department of War and War Preparedness Act requirements, Rohr selected the Chula Vista location adjacent to the rail line to facilitate delivery of the engine manifolds. Rohr and Consolidated Vultee produced more than 10,000 bombers that were vital to fighting World War II.

Rohr’s production of parts for the B-24 bombers and PBY search planes played a significant role in World War II and Rohr was a major San Diego employment center and local San Diego industry.

Clearly, the in kind replacement of rails, ties, and portions of trestles during the 1940s was important to the maintenance of the lines during wartime in San Diego and should be considered part of the property’s history and not a loss of integrity.



View from the Coronado Railroad track beside the current bike path, looking West to the Beach and Strand. Photo by Bruce Coons.

Criteria a Conclusion.

For the many reasons stated above, the Coronado Railroad’s industrial archaeology landscape is important to San Diego’s local history and it retains its overall landscape integrity in its period of significance, continuing use, integrity vs. condition, and level of landscape significance. It also is important as an industrial archaeology landscape and linear resource for its association with Native American archaeology and Chinese contributions to local railroad construction, as well as

associations with important San Diego industries that include the Rohr Aircraft Plant, the Hercules Powder Plant, and the Western Salt Works.

In addition, the Coronado Railroad is important for its role as one of San Diego’s short line railroads, where it served as part of a sophisticated network of integrated transportation



services that met essential passenger and freight transportation needs for the businesses and passengers it serviced. Nationwide, these short lines are becoming a rare sight as they disappear from our communities as artifacts of the continuum of change of industries, economies, and political necessities.

Criterion b – Historical Person. *Resources are those identified with persons or events significant in local, state or national history.*

The Coronado Railroad is directly associated with three persons who have been previously identified by the City of San Diego, Historic Resources Board as significant in local San Diego history. These three important persons were Elisha Babcock, Hampton L. Story, and John D. Spreckels, who acquired the right-of-way, arranged financing, built the facilities, and rode the rails for their business interests.

John D. Spreckels



THE GOLDEN SPIKE that John D. Spreckels drove home to San Diego. Watching the 1919 ceremony were, from left to right: Mayor Louis W. Wilson, William Ketterer, Read Dilworth, E. J. Callwright and D. W. Panfili.

Of the three men, John D. Spreckels is probably the most important San Diego businessman to be directly associated with the Coronado Railroad.



In fact, Spreckels' contributions to San Diego's development were extraordinary. He is directly associated with the railroad as owner, operator, and passenger, and at times he traveled the line between the Hotel del Coronado, San Diego, and points beyond in his private rail car.

Born August 16, 1853 in Charleston, South Carolina, his family moved to New York and then San Francisco. He grew up there and studied at Oakland College then in Hanover, Germany before returning to graduate in chemistry and mechanical engineering at the Polytechnic College in 1872 (San Diego Historical Society Biographical Files). He began his career working for his father, Claus Spreckels, Sr. and managed the Hawaiian sugar shipping enterprise in 1880. After marrying Lillie Siebein in Hoboken, New Jersey, they and their four children moved to Hawaii, then San Francisco, and then San Diego in 1887. He built the D Street wharf to enhance sugar shipments and invested in coal bunkers and when San Diego's building boom crashed in 1889, Spreckels rushed in to acquire control of San Diego, forming one of the most impressive business empires in San Diego's history

Over-extended upon completion of the hotel and railroad, Story sold his 5,407 shares of the Coronado Beach Company and all subsidiary companies to fellow board member John D. Spreckels for \$511,050.00 in 1889 (*San Diego Union* July 27, 1889). Spreckels then joined Babcock and Collett as partners in the enterprise. In 1902, a meeting of the Coronado Beach Company listed E.S. Babcock as president, John D. Spreckels as vice president, William Clayton as treasurer, A.E. Babcock and T. Hinde as directors. By 1903, Spreckels became president with Babcock as vice president (*San Diego Union* February 20, 1903).

This added the Coronado Railroad to an empire that would read like a laundry list of integrated services throughout San Diego and beyond. These interests included the San Diego Electric Railway, Western Sugar Refining Company, Pajaro Valley Railroad Company, San Diego and Arizona Railway Company, the Coronado Water Company, the San Diego and Coronado Ferry Company, the San Diego and Coronado Transfer Company, the Hotel del Coronado, Otay Water Company, Belmont Park in Mission Beach, the Union Tribune Publishing Company, and the Oceanic Steamship Company.

Like an octopus, Spreckels' business tentacles spread out all over the City of San Diego with his San Diego Electric Railway opening up new land for trolley suburbs beyond the traditional city limits. He owned the *San Diego Union* newspaper and the *San Francisco Call* and moved his family permanently to San Diego after the 1906 earthquake to a mansion on Coronado in 1908. He reorganized the Coronado Railroad by adding new railroads and renaming it the San Diego & Arizona Railway. He built Belmont Park in Mission Beach and extended rail lines to Ocean Beach, Mission Beach and La Jolla and promoted special deals for businessmen to make noon-time round trips. Incredibly, this list only touches on the widespread business interests within his empire.



San Diego Union, January 1, 1918



A biography of John D. Spreckels provided by the United States Genealogy Network states:

In 1887 the Spreckels Brothers Commercial Company established in San Diego the largest coal depots, warehouses and wharves anywhere along the coast, the coal capacity being fifteen thousand tons. Mr. Spreckels holds much of the stock in the Coronado Beach and Hotel Company, which has one of the finest properties of the kind in the world. He is the owner of the street railway and ferry system of San Diego, and is connected with many other enterprises. He is president and active manager of the Olympia Salt Water Company, which has placed a system of water mains under the city, conveying salt water from the pumping station on the beach to the Lurline Baths in the heart of the city; in the building numerous small baths are maintained and an immense swimming tank is kept filled with salt water.

He is president of the Beaver Hill Coal Company, supplying coal to San Francisco from the mines in Oregon; was one of the founders and builders and now a director of the San Francisco and San Joaquin Valley Railroad, which is one of the most important enterprises undertaken for the local development of California; is manager of the extensive real estate holdings of the Spreckels family in San Francisco, comprising some of the finest office and business buildings in the United States; is owner and publisher of the *San Francisco Call*, one of the most successful and profitable newspaper properties in the west; is president of the Western Sugar Refining Company; president of the Western Beet Sugar Company; president of the Pajaro Valley Railroad Company and the Coronado Beach Company; is also interested in the Hutchinson Sugar Plantations Company and the Hakalan Plantation Company of Hawaii; and many other concerns.

www.usgenet.org/usa/ca/state1/biographies/jdspreckels.html



Train carrying passengers to Tent City via the Coronado Railroad. San Diego Historical Society.

Spreckels control of San Diego business continued until his death in 1926. From 1889 to his death he was unquestionably one of the most significant historical figures in the development of San Diego in his time.

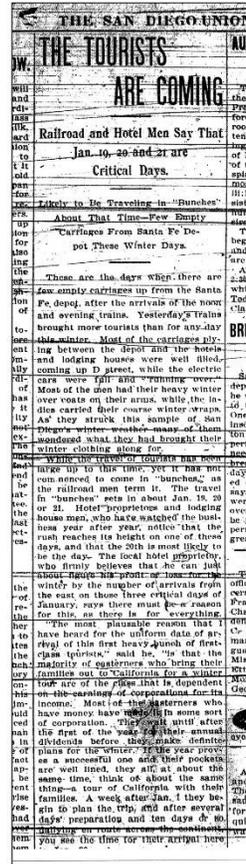
Under his ownership, the Coronado Railroad experienced much of its heyday with passenger service along its route, as can be seen in this c. 1907 photograph of visitors flocking to and from the amusements at Tent City.



Spreckels and Babcock coordinated with San Diego hoteliers to prepare for upper class, wealthy Eastern and Midwestern businessmen who sold-off stock dividends in early January and arrived with their families between January 19th and 21st of each year (*San Diego Union* January 16, 1897).

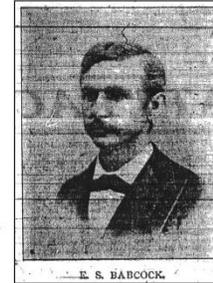
As many as 60,000 "dividenders" arrived with their families to fill the San Diego hotels, hop the Coronado Railroad, and tour the beach resort and its amenities and amusements, connect with tours to visit the streets of old Mexico, the Sweetwater Quarry and Dam, Mission Cliffs Gardens and partake of Southern California's many other points of interest.

Many of those tourists who either could not afford the Hotel Del Coronado for month-long visits or preferred to stay elsewhere booked hotel and apartment rooms in and around San Diego and frequented local businesses. To better meet this need, the Coronado Beach Company purchased the Josephine and Oxford Hotels at a Sheriff's sale (*San Diego Union* June 17, 1890). All of San Diego benefited from its reputation as a highly desirable Winter Resort. The development of San Diego's attractions as a Summer Resort also meant big business year around, as evidenced by this *San Diego Union* supplement to the April 15, 1900 edition.



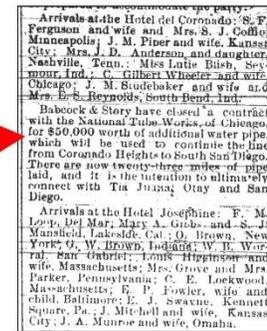
Elisha S. Babcock and Hampton L. Story

Elisha Spurr Babcock wintered in San Diego in 1884 to recuperate from tuberculosis (San Diego Historical Society, Biographical Files). A 34-year old civil engineer and former railroad investor from Evansville, Indiana, he bought six lots in Block 12 of the Bay View Homestead Addition Street (*San Diego Union* February 3, 1884).



By 1885, he built a residence on Nob Hill at 7th and "A" (*San Diego Union* January 8, April 8, May 26, June 27, 1885). He then acquired a pleasure yacht (*San Diego Union* September 15, 1885). His trips around "The San Diego Peninsula," as Coronado and North Island were known in 1884, caught his eye as a promising hunting and fishing site. According to often-repeated lore, his friend and shipmate one day, Hampton L. Story, agreed to journey over in a small boat to explore the place.

Babcock achieved the top of the social ladder in San Diego and Coronado in 1900, when he bought the very first custom ordered "electrical carriage" (automobile) and drove it around town (*San Diego Union* July 27, 1900). In 1901, he formed the 50-member hunting and fishing club on Lots 1-3 of the Jamul Ranch, which he later sold to the California Mountain Water Company in 1897 (*San Diego Union* October 18, 1901, February 6, 1897).



Although he sold his interests to Spreckels and assumed a position as an employee, he continued his involvement with other enterprises and businesses in Coronado and San Diego, as he had been doing all along. He hired San Diego architect C.W. Houts to design and build a 10-room cottage on a 237-foot wide lot directly across from the Hotel Del Coronado in 1900 (*San Diego Union* September 16, 1900).

First Rail in Coronado. Babcock and Story obtained right-of-way from Orange Avenue in Coronado all the way around San Diego Bay and up the eastern side to 5th and "L" Streets in San Diego between 1885 and 1886 to build the Coronado Railroad. After grading the streets, Babcock and Story ordered rail lines and a "50-foot excursion car" to transport workers, guests and business people around Coronado (*San Diego Union* March 3, 1886). By the end of August, Conductor Harry Stewart drove several hundred passengers on each trip from the ferry landing to the Hotel Del Coronado (*San Diego Union* August 20, 1886).



They also purchased 23-miles of pipes to provide water to service the resort. The bark U.S.S. *William McGilvery* delivered steel rails on April 21, 1888 for railroad construction (*San Diego Union* April 21, 22, 1888).

Nineteen years after the famous Golden Spike linked the East and West rail lines in Utah on May 7, 1869, Babcock and Storey completed the Coronado Railroad from San Diego to Coronado in 1888. During the 1885 to 1894 period, Coronado was as much a suburb of the City of San Diego as Ocean Beach, Pacific Beach, and La Jolla. Babcock and Storey built a fabulously successful destination resort and paid hundreds of thousands of dollars to San Diego businesses to purchase equipment, supplies, and hire workers to carry off the project.

Funding and Fares. Initial funding for the Coronado Railroad came from a portion of \$500,000 raised by Babcock from San Diego financial institutions (*San Diego Union* July 4, 1888). Babcock and Storey, along with their business associates, routinely traveled the Coronado Rail and switched to other rails going to points north to San Francisco, San Pasqual, Escondido, and Los Angeles and from their homes in San Diego (*San Diego Union* April 14, April 27, October 23, November 4, November 9, 1890). Round trip fares were set for the Coronado Railroad as \$0.20 per day (*San Diego Union* July 18, 1886). The Coronado Beach Company built a round house and acquitted eight flat cars to be used by the Coronado Railroad for hauling lumber, coal, and other vital bulk materials to and from Coronado (*San Diego Union* July 6, 8, 1886).

Coronado Beach Company, Mexican Memorial Adobe. The Coronado Beach Company maintained offices in San Diego from 1885 until 1887 and continued conducting business in San Diego through its entire existence. The commemorative Mexican adobe building built for tourist interest became the office of the Coronado Beach Company (*San Diego Union* May 12, 1887). Babcock and Storey hired a large work force of Mexican laborers for that project. The building was 3-stories and had general offices (*San Diego Union* October 27, 1887). Across Orange Street, they built a horse stable for office workers (*San Diego Union* August 11, 1887).

Infrastructure for Housing. San Diego businesses profited greatly from the retail sale of grading equipment, pipe trenching and laying equipment, water pipe, lumber, concrete, wall tile, hardware and trim and plumbing for the entire development of Coronado between 1885 and 1894. By February of 1888, Babcock and Storey purchased \$50,000 worth of water pipe from the National Tube Works of Chicago and installed pipes to extend water from Russian Spring at Coronado Heights to connect up with their 23-miles of pipe between San Diego, Tijuana, South San Diego, and Otay (*San Diego Union* February 10, 1888). They also formed the Coronado Beach Lumber Company to act as middleman between San Diego lumber companies and local residents. One of the first orders came from famous San Diego horticulturalist Kate O. Sessions to build a residence and flower hot house on Block 252 (*San Diego Union* February 10, 1888).

San Diego Agriculture For Hotel Guests. The Coronado Railroad transported bulk deliveries of meat, vegetables, and grain products to the Hotel Del Coronado and other hotels for kitchen service to guests. To service the Hotel Del Coronado with vegetables, the Coronado Beach Company purchased farmland in the San Pasqual Valley of San Diego (*San Diego Union* December 10, 1887). The farm produced vegetables, poultry, and livestock for the restaurants.

29



Coronado Fruit Package Company. The City of San Diego received thousands of agricultural fruit packing boxes delivered on the Coronado Railroad. Spreckels appointed E.S. Babcock, Jr. to manage the company and supervise its 75 employees (*San Diego Union* February 8, July 14, 26, August 11, 21, 28, September 1, 8, 11, 22, 27, October 26, November 24, December 22, 1888). A machine shop turned logs into box parts that were assembled by the factory workers, loaded on to pallets, and shipped by rail to lemon, orange, cherry, and other fruit packaging plants around San Diego City and County and National City. The company shipped 120,000 5-pound berry and 25-pound apricot boxes by Coronado Railroad in June of 1889 (*San Diego Union* June 18, 1889). In addition to hauling fruit boxes, the Coronado Railroad carried agricultural products in bulk to San Diego markets. A good example can be found in a *San Diego Union* article on September 6, 1890 which noted that G.D. Clark was shipping 30-tons of barley from South San Diego by the Coronado Railroad.

Tourism and Entertainment. Thousands of San Diego residents and business merchants directly enjoyed San Diego and Coronado by traveling back and forth on the Coronado Railroad for tourism and entertainment. Babcock and Storey developed Coronado into a high quality destination amusement resort in 1887 to lure clientele into San Diego. Attractions included beautiful Spring gardens, concerts on Sunday afternoons by the City Guard Band, polo, hunting, yachting, swimming, dancing, gambling, and thousands of San Diegans traveled by ferry and train to Coronado (*San Diego Union* April 26, 1887). To commemorate Mexican history in San Diego, the Coronado Beach Company erected an adobe house for visitors (*San Diego Union* June 2, 1887). To keep order, the City of San Diego assigned two police officers to Coronado, but they found the class of clientele peaceful (*San Diego Union* May 18, 1887). At the one-year anniversary party, Storey delivered a speech on the history of the Coronado Beach Company and the bark U.S.S. *Theobald* sailed by with "all its flags out yesterday in honor of anniversary day of Coronado" (*San Diego Union* November 13, 1887). For the July 4th celebration in 1891, Coronado Beach Company retained T.J. Fischer to design and built an Asian-style band stand and flag pole on Orange Avenue (*San Diego Union* July 7, 1891). The Hotel Del Coronado built a wrought iron pier out into the ocean, which became popular with rod and reel fishermen at the turn of the century (*San Diego Union* October 19, 1900).

Hotel Del Coronado. San Diego lumber companies, carpenters, construction men, hardware companies, and landscape nurseries were directly associated with the Hotel Del Coronado during grading and construction and shipped their materials on the Coronado Railroad. The crown jewel in Babcock and Storey's plan was the Hotel Del Coronado. They selected a site on the south edge of North Island, directly on top of a prehistoric archaeology shell midden (photographs at the Hotel Del Coronado Museum show construction cuts through a 10-foot deep shell midden). They developed credit from San Diego banks and purchased building material from San Diego suppliers and began receiving orders for lumber, concrete, steel and other materials by ferry, developed water delivery infrastructure, and commenced construction of the Coronado Railroad between 1885 and 1888. They then advertised San Diego and Coronado as a destination resort in New York, Chicago and began negotiating with the Santa Fe Railroad to promote his interests (*San Diego Union* September 9, 13, 14 1890).

30



Tent City. During Summer months, the more adventurous tourists and San Diego residents began pitching private tents and camping for weekends on the beach south of the Hotel Del Coronado. By 1900, as president of the Coronado Beach Company, Babcock worked out a deal with the Santa Fe Railway Company to plan for large summer crowds. Both these companies worked together to hire crews to level the beach south of the hotel and between the Coronado Railway lines. The Santa Fe Railroad collaborated with the Coronado Beach Company to sell tickets and then wire the Coronado Beach Company to reserve for the guests (*San Diego Union* April 15, 1900). Groceries, sundries, and liquor were ordered from San Diego businesses and delivered by rail to be available for the tourists when they arrived.



Tent City, 1920. Note Chinese restaurant in upper right. San Diego Historical Society.

Spreckels improved the dance pavilion, theaters, and casino to keep the guests and San Diego visitors entertained from June through September. By 1903, the tents ranged from simple canvass empty structures to wood frame, canvass-sided, palm-thatch roof, cottages furnished with cots, dressers, mirrors, toiletry and rented for \$5.00 a month. That same year, telephone lines were extended from San Diego and telephones made available in Tent City. Although Babcock ordered fifty more tents by the end of Summer in 1903, he retired from the Coronado Beach Company (*San Diego Union* July 28, August 30, 1903) and focused his efforts on other enterprises such as the Western Salt Works. Tent City continued to exist until 1936, when the State of California demolished the community to build a highway through Coronado to North Island Naval Station.

31



Chinese Labor in 1885. Babcock and Story arranged for fifty Chinese laborers from San Diego on December 8, 1885 and two days later “a gang of about thirty Chinamen were towed over yesterday morning in a barge to the peninsula with tents, and full camping outfits” to clear and level the land (*San Diego Union* December 8, 10, 1885). By the end of December, “the tents, camps and brush fires, and other signs of activity on the Peninsula, give it quite the animated appearance” (*San Diego Union* December 30, 1885) Lumber arrived and carpenters built a boarding house for the non-Chinese work crew (*San Diego Union* December 1, 1885).

Landscaping. San Diego botanist James Orcutt was directly associated with the Hotel Del Coronado during its early years. Orcutt is famous in the biology science world for identifying numerous distinct botanical species that bear his name. Orcutt’s papers are preserved at the San Diego Historical Society. Babcock and Story hired a landscape engineer to create an attractive and artistic landscape design and then hired internationally important Orcutt to select trees, shrubs, and flowering plants for the landscaping (*San Diego Union* December 8, 1885; *San Diego Union* January 29, 1886). Perry’s Mill of San Diego built two large water tanks to supply the work parties (*San Diego Union* December 13, 1885). Water wells were drilled at Russian Spring to supply the tanks (*San Diego Union* January 6, 1886). Orcutt planted 275 orange trees at what was then known as “Coronado Beach” (*San Diego Union* February 25, 1886). A week later, he added camphor, tea and coconut trees and the following week, walnut trees (*San Diego Union* March 5, 13, 1886). Near mid 1887, Orcutt planted four-foot tall palm trees between the orange trees along Orange Avenue (*San Diego Union* April 6, 1887). Gardens and open areas were festooned in colorful spring flowers and citizens from all over San Diego visited to see the wonders (*San Diego Union* April 26, 1887). For a beautification program in 1889, the Coronado Beach Company gave away marguerite plants to form borders around all the houses in the community (*San Diego Union* April 18, 1889). All during his association with the Hotel Del Coronado, Orcutt traveled back and forth with tree specimens on both the ferry and Coronado Railroad. He commuted from Chollas Valley in San Diego. He remains famous for his scientific contributions to the botanical world.

Coronado Beach Company Land Auctions to San Diego Speculators. The Coronado Railroad transported thousands of real estate land speculators between San Diego and Coronado. Once Babcock and Story got the resort operating, it took on a life of its own. They sold shares to investors from San Diego and Los Angeles and auctioned land to raise \$400,000 a month to be reinvested and completed the Coronado Hotel on February 19, 1888 (*San Diego Union* February 19, 1888), which achieved National Register listing on May 24, 1977 (Letter from Cecil D. Andrus to Lionel Van Deerlin, May 24, 1977, Hotel Del Coronado).

Acquisition of San Diego Peninsula. Babcock and Story found the hunting and fishing to be a great restorative and returned to the County of San Diego’s Recorder’s Office to learn who owned the land (*San Diego Union* August 11, 1885). The earliest record indicates attorneys Archibald C. Peachy, Frederick Billings, and William H. Aspinwall filed a Spanish land grant claim with the Federal courts, but the City of San Diego challenged arguing that under the 1852 Treaty of Guadalupe Hidalgo, the property was included with the Pueblo lands surveyed by Santiago Arguello and Thomas Aguirre and filed with Mexican authorities in 1843 (*San Diego Weekly* September 22, 1870).

32



Aspinwall sold his interest to the Texas Pacific Railroad Company for \$60,000 in 1871 and it was bonded to the Thomas F. Scott & Company in 1872 (*San Diego Union* May 19, 1872), which defaulted back to Aspinwall. Peachy, Billings, and Aspinwall sold their interests to Charles F. Holly for \$110,850 in 1872 (*San Diego Union* August 27, 1872). Holly lost the land for delinquent mortgage payments due to his alleged "death" and Aspinwall, Peachy, Billings took back 1,046.5 acres and Col. George W. Granniss also bought a share (*San Diego Union* February 28, March 2, 1873). In a strange twist of law, Granniss of Halleck, Peachy, & Billings filed a suit based on the Peachy-Aspinwall Grant to prevent the City of San Diego from seizing the land for back taxes and the City Attorney opined the City of San Diego had no grounds for levying taxes (*San Diego Union* January 21, April 10, 1877). Then, a syndicate out of Omaha, Nebraska and Milton Santee announced they purchased 4,185 acres of the Peninsula for \$105,000 (*San Diego Union* June 26, 27, 28, 1885). The July 5, 1885 *San Diego Union* corrected the cost as \$110,000.

Due to Holly's alleged death, the State Board of Equalization attempted to assess the sale at \$10.00 an acre to the syndicate, which caused the sale to collapse (*San Diego Union* July 26, 29, 1885). At the Board of Equalization hearing, realtor Daniel Choate testified that 2,000 acres were worthless and the remaining 2,185 were worth \$50.00 an acre (\$10,925). To everyone's astonishment, Holly turned up alive and well in a New Jersey saloon and legal proceedings for back mortgage payments were filed by Col. Granniss (*San Diego Union* August 9, 1885). The syndicate left San Diego and Holly quitclaimed to the new purchasers (*San Diego Union* September 5, 1885).

As the drama of Holly's death and resurrection and quitclaim, Col. Granniss' mortgage foreclosure, the Board of Equalization fiasco, and the syndicate's withdrawal, Babcock and Story visited the Peninsula and decided to raise capital to buy it (*San Diego Union* August 4, 1885). They sold shares to Josephus Collett of Terra Haute, Indiana and Heber Ingle of Evansville, Indiana for \$27,500.00 to raise capital for the purchase and joined with Jacob Gruendike to acquire the land for \$110,000 (*San Diego Union* July 11, November 22, December 20, 1885).

Real Estate Auctions. By the end of November in 1886, Babcock, Story, and Gruendike had sold \$100,000 worth of lots (*San Diego Union* November 12, 13, 14, 16, 17, 1886). The real estate sales and tourist attractions drew more than 5,000 people a day, many of whom returned to San Diego in the evenings. After New Years, Babcock and Story had built a lumber-planing mill, lights for the Coronado Gas & Electric Light Company, and were well into construction of the Hotel Del Coronado (*San Diego Union* January 19, 1887). By spring of 1887, the City of San Diego recorded Coronado as the "Second Ward" and began levying taxes on sold lots at \$1.50 per \$100 of assessed value (*San Diego Union* May 24, October 19, 1887). By December, Babcock, Story and Gruendike had laid out survey lines for subdivision of Coronado Heights, about five miles southeast of the Hotel Del Coronado (*San Diego Union* December 18, 1887). Two years later, Coronado Beach Company installed five fire hydrants along Orange Avenue (*San Diego Union* January 1, 1889). In 1891, the Coronado Beach Company issued pamphlets expounding on the benefits of living in Coronado (*San Diego Union* July 4, 1891).



San Diego Business Benefits. San Diego businesses profited from developing Coronado, as most of the building materials, contractors, and labor came from San Diego. Even the 250 tons of English steel ordered for the rails went through a San Diego broker. In all likelihood, the San Diego Chinese labor broker Ah Quin recruited the Chinese laborers from the San Diego Chinese community who cleared Coronado brush, helped Orcutt landscape around the Coronado Hotel, worked as employees of the hotel and installed the Coronado Railroad ballast stones (*San Diego Union* June 14, 1888).

Mexico Ties and Lumber Mills. Babcock and Story also planned to build a Mexican rail and negotiated with British engineer Randall H. Pye to extend their rail as far south as San Quintin, Baja California (*San Diego Union* November 28, 1890). Among the San Diego businesses to profit from construction materials shipped on the Coronado Railroad was West Coast Lumber Company, owned by C.J. Fox (*San Diego Union* July 26, 1893). Fox later shipped raw logs to the Coronado Lumber Company planing mill.

Coronado Railroad Final Spike and Inauguration. Nearly all of San Diego turned out for the ceremony of driving the final spike and inauguration of the Coronado Railroad. Inauguration of the Coronado Railroad for its link between National City and San Diego occurred January 30, 1888, according to an article in the *San Diego Union*. Spreckels was on hand for the final spike to be driven on June 7, 1888. In spite of the formal ceremonies, sixty Chinese rail workers were putting the final touches on ballast stone installation a week later (*San Diego Union* June 12, 1888). The first runs around San Diego Bay occurred two days later with excursions and fanfare (*San Diego Union* June 14, 1888).

Quarry Stone and the Zuniga Jetty. Perhaps one of the most important jobs for the Coronado Railroad was to transport hundreds of tons of enormous boulders to be hauled on a special spur across North Island Naval Station to U.S. Army Fort Pio Pico to build Zuniga Jetty at the mouth of San Diego Harbor (*San Diego Union* May 9, 1892).



The United States Army Corps of Engineers built a special pier over 600-feet out from shore to transport special cars loaded with the boulders, then dump them into the ocean. The boulders came all the way from the Sweetwater Quarry in Spring Valley by the San Diego & Arizona Railroad, then to the Coronado Railroad and out to Zuniga by a Baldwin locomotive (*San Diego Union* June 15, 1899; October 8, 1903, *San Diego Union* – figure below).



This project was vital to America's use of San Diego Harbor for international shipping and deep draft Navy shipping to defend the harbor and City of San Diego.

Criteria b Conclusion.

SOHO submits that the direct association of Babcock, Story, and Spreckels with the 7.5-mile long industrial archaeology landscape linear resource of the Coronado Railroad meets Criterion b to qualify it as a Historic Landmark.

Criterion c – Architecture. Resources are those that embody the distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of indigenous materials or craftsmanship.

The Coronado Railroad architecture embodies distinctive characteristics as the best surviving example of a Short Line railroad in San Diego, especially along the 7.5-mile section proposed for City of San Diego historic landmark status. The City of San Diego has not yet landmarked any railroad architecture, so this is the first opportunity to preserve one good example of short line railroad architecture.

Secretary of the Interior's Standards and Guidelines for Preservation Projects

The following is an analysis of how the Coronado Railroad meets the Secretary of the Interior's Standards and Guidelines for Preservation Projects (39 C.F.R. 67) and ten rehabilitation standards:

- 1. Use of property as originally intended.** The Coronado Railroad was in continuous use until the early 1950s during its historical period of significance and this 7.5-mile section continued to be used by the San Diego Railway Museum until July 2003.
- 2. The character will be retained.** The 30-foot by 7.5 mile right-of-way retains its historic character as an industrial archaeology landscape linear resource. MTDB does not intend to allow a bikeway in the Right-of-Way. Photographs show weeds have grown up between the rail tracks and ties. In an unauthorized action, the Immigration and Naturalization Service removed a portion of one trestle (to be repaired soon), and portions of the rails have been partially covered by road fill. The physical appearance of the Coronado Railroad fits into the surrounding cultural landscape, as shown on photographs in this rebuttal. Walking the railroad tracks evokes a strong sense of historical place, especially in the marshlands where the oldest rail ties go back to 1899-1920s and the landscape has not significantly changed. The Coronado Railroad retains more railroad architecture and artifacts than the Golden Spike Historic Landmark, which requires a stretch of the imagination to envision the missing rails, buildings, and workers' camps.
- 3. Preservation of the integrity of the structures and setting.** The railroad ballast, rails, ties, and artifacts from the 1888-1953-time period retain approximately 95% of their historic integrity and the setting is higher. This analysis has shown that the 7.5-mile segment of the Coronado Railroad with contributing sites retains high degrees of integrity. Interpretive points at Gunpowder Point, Rohr Aircraft Plant, Western Salt Works, and the marshlands can provide a strong sense of history by viewing and with historic photographs and other methods of interpretation. Although modern cars park in the parking lot and a modern guard shack by a transmission line are visible from the rail at Rohr, the original saw tooth aircraft factory buildings are clearly visible. The integrity of Gunpowder Point is sufficient that Chula Vista has included interpretive signs along nature trails. The marshland integrity is close to 100% for the full range 1888-1953 period.



The MTDB has instructed the INS to replace the pieces of the railroad trestle and this should be done in accordance with the Secretary of the Interior’s Standards for Rehabilitation of Historic Properties.

4. **Architectural status in its own right.** Historical changes to the Coronado Railroad between 1888 and 1953 have attained architectural status in their own right. Those changes of rails, ties, and replacement pieces of trestles are at least 45-years old and contributing elements to understanding the history of World War II and Korean War Rohr Aircraft Plant and War Department strategies for disbursement of aircraft part production and rail transport to Naval Air Station North Island and aircraft plants in San Diego. During World War II, most of the engine manifolds were shipped by rail to Consolidated Vultee for B-24 bomber and PBY aircraft assembly, but jet aircraft parts were shipped to Rohr, Convair, and other plants through the end of the Korean War. The changed railroad equipment and architecture from 1940 through 1953 have attained local San Diego architectural status in their own right.
5. **Rhythm and height.** The rails, ties, and ballast along the entire Coronado Railroad right-of-way have retained the rhythm and height that existed during the 1888-1953 historical time period. Nothing has been built on that right-of-way to break up this rhythm and height. From vantage points addressed in this rebuttal, viewsheds out toward the Western Salt Works, Gunpowder Point, Rohr Aircraft Plant, marshlands, and San Diego Bay demonstrate this effect.
6. **Repair rather than replacement of deteriorated features.** During the historical 1888-1953 period, railroad trestles and tracks were repaired by in-kind replacement of similar parts and not replaced by inappropriate materials. When compared to the Right-of-Way from other short lines that now have concrete ties and ballast, the Coronado Railroad still retains the historical materials in higher degrees. MTDB will work with INS to repair the portion of the trestle removed for illegal immigrant surveillance and SOHO is available to work with MTDB to ensure repair is consistent with the Secretary of the Interior’s Standards.
7. **Integrity.** The Coronado Railroad retains 100% of the right-of-way for the 30-foot by 7.5-mile segment of industrial archaeology landscape linear feature proposed for City of San Diego, Historic Landmark status. Loss of integrity is estimated at 5%, which is primarily INS removal of trestle parts and partial paving over of rails. Within the historic time period and contributing landscape features that span through World Wars I, II and Korea, changes to rails, ties, trestles, and addition of concrete culverts and channels contribute to understanding different historic contexts and uses. Thus, the issue of historic integrity for each of the contributing landscape features (Gunpowder Point, Rohr Aircraft Plant, Western Salt Works) within the whole linear feature assume a different meaning than presented in the HRB Staff’s initial report. Change throughout the continuous use period is part of the history of railroads, as stated by Superintendent Barker in his 1962 interview. Even the removal of original rails and ties in San Diego in 1919 and 1980s removal of rail and ties between Imperial Beach and Coronado is not a significant loss of integrity when evaluating the nomination as an industrial archaeology landscape linear feature under the General Guidelines of 1999.



8. **Archaeology.** The entire Coronado Railroad 7.5-mile segment under consideration for historic landmark status must be evaluated as an archaeology landscape feature. By nature of archaeology, not all the parts are going to be present. Archaeological ruins, scattered remains of industrial factories, and portions or railroad tracks are not the same as historic architectural evaluation of standing buildings that may, for example, have had wood windows replaced with aluminum. Typically, the federal regulations require archaeological resources to be able to contribute to one or more on-going scientific research questions. Landscape archaeology differs somewhat in that the resource needs to convey interpretation of prehistoric or historic cultural periods or themes. In this instance, sufficient trestles, railroad tracks, ballast rock, culverts, and associated features exist along the right-of-way to convey interpretation of the various historic contexts such as construction of the railroad by Chinese and other workers in 1888, the Western Salt Works, Hercules Powder Plant, and Rohr Aircraft Plant which provide context for interpretation. There remains high potential for Chinese railroad worker camps to be located outside the Right-of-Way in the landscape to either side of the rails, especially in the marshlands. Moreover, investigation is needed in the unevaluated prehistoric archaeology shell midden that is visible along the line south of National City
9. **New Additions.** No new additions to the railroad have occurred since 1953, although concrete water conveyance features are documented as late as 1959. Given the 1940 to 1953 wartime historic contributing time period, changes in the late 1950s do not detract significantly from the historic landscape.
10. **Non-conforming additions.** There are no non-conforming additions to the Coronado Railroad in the 30-foot by 7.5-mile right-of-way.

Conclusion of Historical Significance

This rebuttal to the HRB Staff report differs from typical historic landmark nominations in that it corrects mis-information and contributes new information that has not been submitted into the public record. The most relevant new information is the General Guidelines developed as a result of National Park Service policies concerning historic landscapes published in 1999, and not available when Alex Bevil wrote the original report.

Evaluation of linear resources such as the Coronado Railroad under these General Guidelines presents entirely new perspectives on industrial archaeology landscapes beyond the urban core or suburban City of San Diego. Additionally, SOHO corrected research criticisms by conducting fresh research into primary sources such as the *San Diego Union* to provide more information to substantiate the historical significance documented in this rebuttal.

The 1940 War Department policy to disburse aircraft manufacturing plants to keep enemy bombers from destroying all aircraft production plants is new information that was not raised previously. In addition, field inspection by SOHO revealed a previously undisclosed prehistoric archaeological site in a portion of the railroad earthen cut south of National City, which is new information. Finally, new primary information concerning possible Chinese construction camps associated with the Coronado Railroad needs to be considered.



All these interpretive industrial archaeology landscapes and archaeology sites along the Coronado Railroad contribute to the historic significance of the resource to San Diego.

For these reasons and the whole record presented in this report, SOHO recommends that the HRB designate the Coronado Railroad as a City of San Diego, Historic Landmark under:

Criterion a — Cultural Landscape and Archaeological Site. Industrial archaeology landscape linear resource; railroad industrial archaeology, prehistoric shell midden, and Chinese working camps in the landscape viewshed;



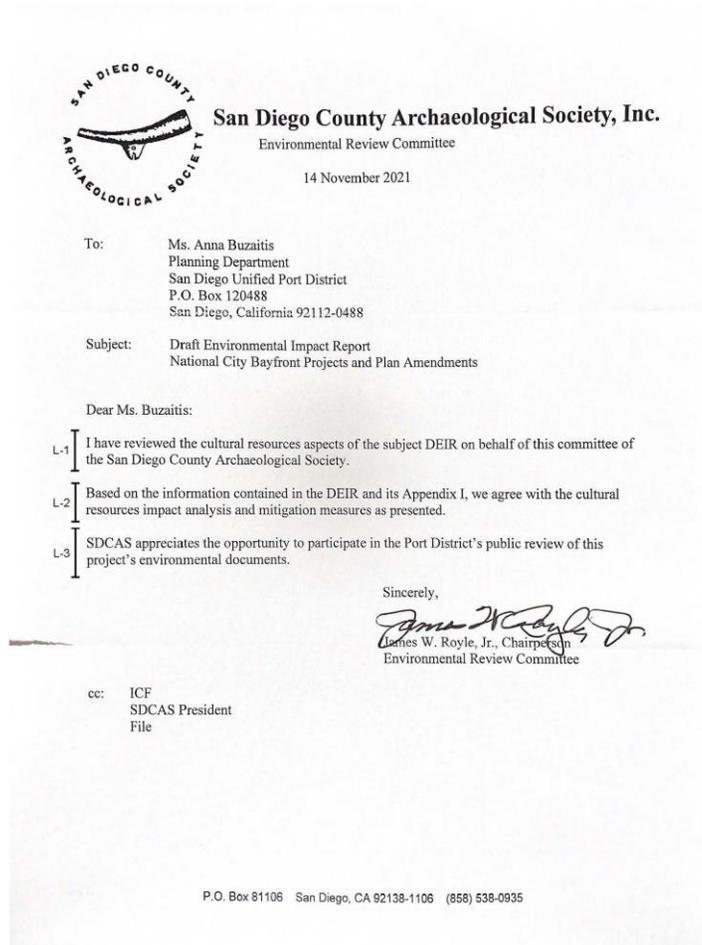
View from the Coronado Railroad looking northwest towards Gunpowder Point and Point Loma. Photo by Bruce Coons.

Criterion b — Historical Person. Association with important historical persons: John D. Spreckels, Hampton L. Story, and Elisha Babcock;

Criterion c — Architecture. Historic landscape continuous use 1888-1953 railroad architecture and contributing elements.



Comment Letter L



Response to Comment L-1

This comment is an introductory comment stating that the San Diego County Archaeological Society, Inc. (SDACS) has reviewed the Draft EIR. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required as a result of this comment.

Response to Comment L-2

This comment notes that based on the information in the Draft EIR, SDCAS agrees with the cultural resources impact analysis and mitigation measures.

No changes to the Draft EIR are required as a result of this comment.

Response to Comment L-3

This comment concludes noting they appreciate the opportunity to participate in the District's public review.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required as a result of this comment.

Comment Letter M



November 12, 2021

Anna Buzaitis
 Program Manager
 Planning
 Port of San Diego
 3165 Pacific Hwy
 San Diego, CA 92101

Via: abuzaiti@portofsandiego.org

RE: EHC Comments – Balanced Plan Draft Environmental Impact Report

Dear Anna Buzaitis:

M-1 Environmental Health Coalition (EHC) has been actively involved in the Balanced Plan project and appreciates the opportunity to provide comments on the Draft Environmental Impact Report (DEIR). The Balanced Plan is a large, complicated project and EHC appreciates the work that the Port has done thus far; however, EHC would like to raise some significant issues, which are summarized below and subsequently explained in more detail as necessary.

EHC’s High-Level Summary of Comments:

M-2

- **Pepper Park.** Access to the park and the park itself need to be further mitigated to ensure access while accounting for the worst sea level rise (SLR) projections in 2100. The DEIR shows much of the pedestrian access to the park, and the park itself being inundated in the future. The park expansion cannot count as a “win” for the community if access, and the park itself, will be significantly limited due to future inundations. This is not equitable particularly since it is anticipated that the park will experience the worst flooding relative to all components of the project. This issue is further compounded as Granger Hall is still considered an option for the Pepper Park expansion despite the structure’s aesthetic impacts, its likelihood of being flooded in the future, its considerable costs to relocate it to the park, and significant opposition from local residents who have long advocated for more green space (vs. buildings) in the park.

M-3

- **Executive Order N-79-20.** The DEIR did not (but must) analyze Governor Newsom’s Executive Order N-79-20¹, established in 2020, to transition drayage

¹ https://www.gov.ca.gov/wp-content/uploads/2020/09/23_20-EO-N-79-20-Climate.pdf
 Page 1 of 5

Response to Comment M-1

This comment is an introductory statement and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments that follow are listed separately along with the District’s individual responses.

The comment indicates that there are subsequent comments that follow.

Response to Comment M-2

This comment states that Pepper Park and access to the park need to be further mitigated to ensure community access is maintained under the worst-case sea level rise projections in 2100. The commenter states that the Draft EIR shows that part of the pedestrian access to the park and the park itself would be inundated by future sea level rise. The commenter also summarizes their reasons for opposing the relocation of Granger Hall to Pepper Park.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City’s request. This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. The specific comments raised in this summary are addressed by the District in response to the more detailed comments below (see Responses to Comments M-7, M-8, M-18, M-19, and M-20).

Response to Comment M-3

The comment states that the Draft EIR must analyze consistency with Executive Order (EO) N-79-20, which states that the goal for California is the following: 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035; 100% of medium- and heavy-duty vehicles in the state will be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks; and 100% of off-road vehicles and equipment will be zero-emission by 2035 where feasible. EOs apply to state government operations and not local government or special districts. EOs are not law. Regardless, the project does not propose any changes to terminal operations that would increase truck or equipment operations. The proposed project does not conflict with the MCAS goal setting objectives or the goal of attaining 100 zero-emission truck trips by 2030 and 100% cargo handling equipment (off-road vehicles) by 2030. The proposed project’s consistency with statewide

goals as well as the MCAS and Community Emissions Reduction Program (CERP) are provided in Section 4.2, *Air Quality and Health Risk*, of the revised Draft EIR (Volume 2 of this Final EIR); more specifically, the MCAS and CERP consistency analyses are provided in Section 4.2.4.3. No changes to the Draft EIR are required as a result of this comment.

- M-3 cont. | trucks to zero emission vehicles (ZEV) by 2035.
 - M-4 | • **Final Maritime Clean Air Strategy (MCAS).** The MCAS contains policies and strategies to address public health and air quality that must be disclosed, analyzed, and incorporated into the EIR.
 - M-5 | • **Final AB 617 Community Emissions Reduction Program (CERP).** The CERP contain policies and strategies to address public health and air quality that should be disclosed, analyzed and incorporated into the EIR.
 - M-6 | • **California Coastal Commissioner Environmental Justice Policy.** The DEIR must analyze the California Coastal Commission’s Environmental Justice policy².
- EHC’s Detailed Comments:**
1. **Section 4.1 Aesthetics**
 - M-7 | a. EHC agrees that the relocation of Granger Hall could result in a significant impact to the visual quality of Pepper Park and the surrounding waterfront area because of the size and location of the building. However, this impact has not been adequately disclosed, analyzed and/or mitigated because of the limited information with respect to the proposed view/public access corridors and the range of potential/optional locations for Granger Hall. For example, what is the specific extent of the various view corridors and how would the range of sites for Granger Hall potentially impact these views and visual quality of the park? The redesign of the park should undergo its own subsequent planning process vs trying to address only certain park amenities in the Balanced Plan EIR. Granger Hall should be removed as an optional element for Pepper Park not only because of its potential aesthetic impacts but also for other reasons discussed in this letter (e.g., flooding, significant community opposition to adding this building to the park etc.).
 - M-8 |
 - M-9 |
 2. **Section 4.2 Air Quality and Health Risk and Section 4.6 Greenhouse Gas Emissions and Climate Change**
 - M-10 | a. EHC agrees that the contribution of project-related emissions is considered significant. In 2020, Governor Newsom established Executive Order N-79-20 to transition drayage trucks to zero emission vehicles (ZEV) by 2035. The Governor’s Executive Order could help to significantly reduce the air quality impacts with the proposed project but it was not disclosed and/or analyzed in the DEIR and should have been; therefore, it must now be addressed in the EIR.
 - M-11 | b. The EIR needs to include a consistency analysis and mitigation measure(s) to address the Port’s Final MCAS that was approved by the Port Board on 10/12/21. EHC believes that the EIR must require an analysis of the MCAS and offers the following justification for this:
 - i. The release of a draft EIR does not freeze applicable rules, policies, or regulations. The CEQA Guidelines are amended from time to time and, pursuant to the CEQA Guidelines Section 15007, they apply

² https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf
Page 2 of 5

Response to Comment M-4

The comment states that the Draft EIR must analyze consistency with the MCAS.

An EIR must consider whether a proposed project is inconsistent with applicable policies and plans. With respect to potential impacts on air quality, State CEQA Guidelines Section 15125(d) requires an EIR to discuss any inconsistencies with the applicable air quality attainment or maintenance plan or state implementation plan. The Draft EIR complies with this requirement by discussing whether the proposed project is inconsistent with the San Diego Air Pollution Control District’s (SDAPCD’s) Regional Air Quality Strategies (RAQS) or State Implementation Plan (SIP) in the analysis of potential impacts under Threshold 1 in Section 4.2 (as discussed in Section 4.2.4.3, which considers whether the proposed project would “conflict with or obstruct implementation of the applicable air quality plan”). (See State CEQA Guidelines, Appendix G, Section III(a).) In addition, the proposed project’s consistency with statewide goals as well as the MCAS and CERP are provided in Section 4.2 of the Draft EIR; more specifically, the MCAS and CERP consistency analyses are provided in Section 4.2.4.3.

No changes to the Draft EIR are required as a result of this comment.

Response to Comment M-5

The comment states that the Draft EIR must analyze consistency with the Assembly Bill (AB) 617 CERP.

See Response to Comment M-4.

No changes to the Draft EIR are required as a result of this comment.

Response to Comment M-6

This comment requests that the Draft EIR analyze the California Coastal Commission’s EJ Policy.

A discussion related to the project’s consistency with the EJ sections of the Coastal Act and the Coastal Commission’s EJ Policy has been added to Section 4.9, *Land Use and Planning*, of the revised Draft EIR. Also see Response to Comment D-13.

Response to Comment M-7

This comment states that the impacts of relocating Granger Hall have not been adequately disclosed, analyzed, and/or mitigated because the Draft EIR provides only limited information with respect to the proposed

public access corridors and the range of potential locations for Granger Hall. The comment asks about the specific extent of various view corridors and how optional locations for Granger Hall would potentially impact view corridors.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request.

Response to Comment M-8

This comment states that the redesign of the park should undergo a subsequent planning process.

The planning process for the park has begun and includes extensive public outreach. The initial concepts are directed at protecting public view corridors and usage of Pepper Park and is aligned the intent of the Balanced Plan, which was created in response to a robust public planning process to identify a reconfiguration of land uses to optimize recreational, maritime, and commercial uses within the National City Marina District, which is the area generally north of Sweetwater Channel and west of the Sweetwater National Wildlife Refuge (Paradise Marsh). No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment M-9

This comment requests that Granger Hall should be removed as an element for Pepper Park not only for aesthetics purposes but also due to flooding and community opposition to adding the building to the park. See Responses to Comments M-7 and M-8.

Response to Comment M-10

This comment agrees with impact determinations in the Draft EIR, and states that the Draft EIR must analyze consistency with EO N-79-20. This comment is similar to a previous comment. See Response to Comment M-3. No changes to the Draft EIR are required as a result of this comment.

Response to Comment M-11

This comment states that the Draft EIR must analyze consistency with the MCAS, and provides justification for such an analysis in subsequent comments. Comments M-12 through M-14 relate to this comment.

This comment is similar to a previous comment. See Response to Comment M-4. No changes to the Draft EIR are required as a result of this comment.

M-11 cont. prospectively only. "If a document meets the content requirements in effect when the document is set out for public review, the document shall not need to be revised to conform to any new content requirements in guideline amendments taking effect before the document is finally approved." (14 Cal. Code Regs. § 15007(c)). However, this dictates the CEQA procedural and substantive requirements applicable to EIRs – it does not foreclose application of new agency regulations or policies during the CEQA review process. Indeed, CEQA itself contemplates new information of importance after the release of a draft EIR and mandates recirculation in certain circumstances. (Pub. Res. Code §21092.1; Laurel Heights Improvement Ass'n v Regents of Univ. of Cal. (1993) 6 C4th 1112, 1130).

M-12 ii. In California, unless a tentative map or development agreement are approved, vested rights are not acquired until a building permit is issued and substantial investment is made. (Avco Community Developers, Inc. v. South Coast Regional Com. (1976) 17 Cal.3d 785, 797; Gov. Code, §§ 65864–65869.5 [development agreement]; Gov. Code, §§ 66498.1–66498.9 [vesting tentative map]). To find otherwise would cause serious impairment of the government's right to control land use policy. (Id.). Thus, government agencies may generally apply new laws retroactively when such an intent is apparent. "Absent equitable estoppel, upon which the judicial vested rights doctrine is based, a governmental agency may change requirements late into the development process in spite of the property owner's expenditure of substantial sums." (Davidson v. County of San Diego (1996) 49 Cal.App.4th 639, 646). Local ordinances may also confer vested rights earlier than available under the judicial doctrine. (Id.). However, the Port has no such local regulation. Because no vested rights apply absent the aforementioned circumstances, the MCAS applies to any projects not yet approved. Therefore, the Port has an obligation to provide an MCAS consistency analysis in its CEQA documents to reflect a good faith effort at full disclosure.

M-13 iii. The Port describes the MCAS as a planning and policy document aimed at reducing environmental impacts:

1. In 2019, the Board of Port Commissioners (Board) adopted a resolution authorizing Port staff to update the Port's 2007 Clean Air Program to align with State programs, develop District-related strategies, and identify projects that would reduce emissions and improve air quality. This update has evolved into the proposed project, the Maritime Clean Air Strategy (MCAS), which is a planning document that identifies long and near-term goals and policies, and identifies potentially feasible strategies and measures, to help reduce emissions while promoting maritime operations. (CEQA and Coastal Determinations And Notice Of Approval, MCAS, October 12, 2021³).

M-14 iv. The MCAS itself notes that Portside Community residents continue to suffer a disproportionate burden of environmental afflictions, including

³ https://pantheonstorage.blob.core.windows.net/ceqa/2021-0120_Maritime_Clean_Air_Strategy_Final_Cat_Det.pdf
Page 3 of 5

Response to Comment M-12

This comment provides justification for why the Draft EIR must analyze consistency with the MCAS. See Responses to Comments M-3 and M-4.

Response to Comment M-13

This comment provides justification for why the Draft EIR must analyze consistency with the MCAS. See Responses to Comments M-3 and M-4.

Response to Comment M-14

This comment provides justification for why the Draft EIR must analyze consistency with the MCAS. See Responses to Comments M-3 and M-4.

M-14 cont.	air pollution, and more needs to be done to reduce these impacts. (MCAS, p. S-1). As a policy document to guide future decision-making, and as the successor to the Port's Clean Air Program ⁴ , the MCAS intended to address physical environmental impacts and provide potential solutions that inform project alternatives and mitigation measures. Inconsistency with the MCAS will likely result in significant environmental impacts by frustrating the Port's ability to meet its health impact, air quality, and greenhouse gas reduction goals. Merely assessing a project's compliance with state goals will not reveal such impacts because the MCAS goes beyond state requirements. Therefore, there is no legal or policy justification for omitting such an analysis of the MCAS here.
M-15	3. Section 4.8 Hydrology and Water Quality a. Please explain how seawater intrusion, as a result of the projected SLR, may exacerbate groundwater pollution issues within the project area.
M-16	4. Section 4.9 Land Use and Planning a. The DEIR did not, and must, analyze the California Coastal Commission's Environmental Justice policy ⁵ .
M-17	b. MM-LU-1 to MM-LU-3 should account for SLR through 2100 (vs 2050).
M-18	c. MM-LU-2 (and the "project description") should be revised to remove the potential relocation of Granger Hall to Pepper Park because of the significant risk of future flooding issues. Impacts LU-1 to LU-3 explain that Pepper Park and its expansion (inclusive of the potential relocation of Granger Hall) could be temporarily inundated in 2030 and 2050 and temporarily or permanently inundated by 2100. Therefore, continuing to include the option of relocating Granger Hall to Pepper Park could place this historical building in a new location that would be temporarily inundated in 2030 and 2050 and temporarily or permanently inundated by 2100.
M-19	d. MM-LU-2 should be revised to require that Pepper Park, and the multi-modal connections to it, be designed to ensure public access even while accounting for SLR through 2100 (vs 2050) otherwise utilization of National City's only park west of I-5 will be further diminished as a result of future flooding.
M-20	e. MM-LU-4 and MM-LU-5 should be revised to account for SLR through 2100 (vs monitoring and proposing strategies every 5 to 10 years to address SLR 2100 flooding projections). MM-LU-4 and LU-5 are attempting to monitor the SLR 2100 projections (every 5 to 10 years) and then propose strategies to address flooding and inundation in the future. The DEIR already discloses the projected flooding and inundation impacts in 2100 and, therefore, should include measures to address those impacts now vs developing a program to monitor and develop new strategies in the future.
M-21	5. Section 5 Cumulative Impacts a. The cumulative analysis, similarly to the AQ and GHG sections, must address and analyze Executive Order N-79-20, the Final MCAS and the Final AB 617 CERP.

⁴ Notably, the Port routinely provided a Clean Air Program consistency analysis in its CEQA documents. (See, TAMT Redevelopment Plan and Demolition and Initial Rail Component EIR).

⁵ https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf
Page 4 of 5

Response to Comment M-15

The commenter asks the District to explain how seawater intrusion, as a result of projected sea level rise, may exacerbate groundwater pollution issues within the project area.

A sea level rise discussion was included in the EIR for informational purposes. Rising sea levels would cause unconfined coastal groundwater levels to rise. Under existing conditions, groundwater levels in the project area are predominantly 2–5 meters below ground and vary from 1–2 meters near Pepper Park and 0–1 meter adjacent to Paradise Marsh. As discussed in Section 4.7, *Hazards and Hazardous Materials*, contaminated groundwater is present in the project area. Per mitigation measures contained in Section 4.7, Soil and Groundwater Management Plans for the City Program – Development Component, Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component would be prepared prior to the commencement of any construction activities associated with those project components to characterize the extent and concentration of groundwater contamination underlying the project site. Regardless, the existing groundwater levels would not be exacerbated by the proposed project.

No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment M-16

This comment states that the Draft EIR must analyze the California Coastal Commission's Environmental Justice Policy.

A discussion related to the project's consistency with the EJ policies of the Coastal Act and the Coastal Commission's EJ Policy has been added to Section 4.9 of the revised Draft EIR. Please see Responses to Comments D-13 and M-6. No changes to the Draft EIR are warranted based on this comment. This comment is included in the record for consideration by the Board.

Response to Comment M-17

This comment states that **MM-LU-1** through **MM-LU-3** should account for sea level rise through 2100.

Pepper Park will be designed and constructed in phases, which allows for ongoing reassessment of the sea level rise mitigation measures included in the EIR and provides a built-in opportunity for adaptive management

over time, which is a best practice given the scientific uncertainty in sea level rise projections when looking out past 2050. In addition, **MM-LU-4** and **MM-LU-5** require periodic reassessment over time and the identification of appropriate adaptation strategies, which in combination with **MM-LU-1**, **MM-LU-2**, and **MM-LU-3** will mitigate the potential impacts of sea level rise through 2100.

No changes to the Draft EIR are required as a result of this comment.

Response to Comment M-18

This comment states that **MM-LU-2** and the project description should be revised to remove the potential relocation of Granger Hall to Pepper Park due to the potential for future flooding.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request.

Response to Comment M-19

This comment states that **MM-LU-2** should be revised to require the design of Pepper Park, and the multimodal connections to it, to account for sea level rise through 2100.

Pepper Park and any multimodal connections to it will be designed and constructed in phases, which allows for ongoing reassessment of the sea level rise mitigation measures included in the EIR and provides a built-in opportunity for adaptive management over time, which is a best practice given the scientific uncertainty in sea level rise projections when looking out past 2050. In addition, **MM-LU-4** and **MM-LU-5** require periodic reassessment over time and the identification of appropriate adaptation strategies, which in combination with **MM-LU-1**, **MM-LU-2**, and **MM-LU-3** will mitigate the potential impacts of sea level rise through 2100.

No changes to the Draft EIR are required as a result of this comment.

Response to Comment M-20

This comment states that **MM-LU-4** and **MM-LU-5** should be revised to require the initial design to account for sea level rise through 2100 rather than relying on a monitoring and revision approach given the projected impacts in 2100.

The disclosed impacts in 2100 range from only periodic flooding during a rare 100-year storm event to permanent flooding. The uncertainty in sea level rise projections when looking out to 2100 is significant. Because of this uncertainty, an adaptive management approach, as required in the

mitigation measures, that requires the project to be designed to accommodate future increases in protective measures and requires periodic monitoring, reanalysis, and development of appropriate adaptation measures, is the most prudent approach to addressing long-term impacts.

Response to Comment M-21

This comment states that the cumulative analysis must address and analyze EO N-79-20, the Final MCAS and the Final AB 617 CERP. See Responses to Comments M-3 and M-4 above.

Sincerely,



Danny Serrano, AICP
Campaign Director

Comment Letter N



November 16, 2021

Anna Buzaitis
Planning Dept.
Port of San Diego
P.O. Box 120488
San Diego, CA 92112-0448

Re: GB Capital Holdings Comments on National City Bayfront
Projects & Plan Amendments

Dear Mrs. Buzaitis,

The following provides our comments to the above referenced Draft Environmental Impact Report (DEIR) related to GB Capital Holdings' project as described in the DEIR. We find that the DEIR is fully compliant within the requirements of the California Environmental Quality Act (CEQA), we support and appreciate the Port's efforts in making our project come to fruition. The comments below reflect a different point of view than the conclusions reached in the DEIR and not to its conformance with CEQA.

N-1

The GB Capital Project provides enhanced revenue to the Port and increases recreational opportunities to the citizens of the state. National City has very little Bayfront land and access therefore, it is paramount to maximize the land use. Many of our project components offer affordable recreational opportunities not found in other Port membership cities. In sum, the project includes a new RV camping facility, dry boat storage, future hotel rooms, bay access, enhanced mooring and dockage, improved bikeways and protects the surrounding environmental resources.

N-2

GB Capital's major concern is with Alternative 4 of the DEIR which is described as the 'Environmentally Superior Alternative'. The DEIR Alternative 4 analysis eliminates one of GB Capital hotels and substantially reduces the hotel room count for the remaining hotels. The DEIR Alternative 4 analysis provides for a 50% overall reduction in GB Capital's hotel development plans.

N-3

4980 N. Harbor Drive
Suite 200
San Diego, CA 92106
p: 619.688.9217
f: 480.247.5663
office@gbcaptholdings.com

Response to Comment N-1

The comment notes the Draft EIR is fully compliant with the requirements of CEQA and indicates that the comments following are not in conformance with CEQA.

This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately along with the District's individual responses.

Response to Comment N-2

The comment summarizes the GB Capital Component and numerous project components.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are necessary, and no further response is necessary.

Response to Comment N-3

The comment expresses concern with Alternative 4 of the Draft EIR as the analysis eliminates one of GB Capital hotels, provides 50% overall reduction in GB Capital's hotel development plans, and fails to meet Objectives 1 and 3 due to not generating the economic revenue for the City through increased Occupancy Tax and not maximizing recreational opportunities for visitors or maximizing economic development opportunities.

See Response F-8.



N-3
cont.

Our 11-story hotel would be reduced to 6 stories and would contain 140 rooms; down from 282 rooms. The 40 room 3-story hotel would be eliminated entirely. In total, 182 rooms would be eliminated along with their associated TOT revenue. The DEIR claims that this alternative meets all the Project Objectives, but this is not the case. The significant reduction in project scope result in a failure to meet Project Objectives 1 and 3.

Project Objective 1 States;

*Further activate the project site by modifying the land uses and their configurations to foster the development of high-quality commercial and recreational uses to maximize employment opportunities, **maximize recreational opportunities for visitors, maximize economic development opportunities, and to improve cargo and transportation efficiencies of maritime industrial uses associated with operations at NCMT.***

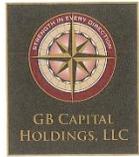
Project Objective 3 States:

*Implement cohesive commercial development that is designed to enhance enjoyment of the National City Marina District and surrounding city area, contribute to the area's economic vitality, and generate **economic revenue for the City including through increased Transient Occupancy Tax.***

A 182 hotel room count reduction fails to meet Objective 3 because it does not generate the economic revenue for the City through increased Occupancy Tax. It fails to meet Objective 1 because it does not maximize recreational opportunities for visitors or maximize economic development opportunities.

A reduction of 182 hotel rooms is highly likely to render the hotel project infeasible. These hotels require a precise inventory of rooms to become economically viable. A 50% reduction is highly unlikely to produce enough revenue to pay for construction and would result in over a 50% reduction in operating income. The decrease in hotel rooms directly leads to a significant decrease in revenue to the Port and to the City.

4980 N. Harbor Drive
Suite 200
San Diego, CA 92106
p: 619.688.9217
f: 480.247.5663
office@gbcapitalholdings.com



N-4 GB Capital is also concerned with Alternative 2 – No Waterside Development in Sweetwater Channel Alternative. The lack of development within the channel would have adverse effects on the development of a dry boat storage. The development within the channel allows a location for the dry boat storage vessels to be stored as they are launched and retrieved for the boaters use. This alternative would not meet Project Objective 1 and 2 as it fails to produce an economically viable project and does not maximize recreational opportunities for visitors. The Port should support the project as proposed.

N-5 The Port should make a finding that Alternative 1 fails to meet Project Objectives 1 and 2 because the alternative analysis fails to produce an economically viable project. Instead, the Port should support the project as proposed.

N-6 In Chapter 3, pg. 3-14 through 3.4.1.4 GB Capital will have to remove the southwest portion of its current leasehold in order to provide for the expansion of Pepper Park. We are agreeable to this point provided that the expanded park development allows for dry boat storage and travel upon the drive path.

N-7 We suggest that the parking lot remain in its current configuration and be maintained as park parking and that the drive path be used for vehicles traveling to and from the dry boat storage. Dry boat storage is a lower cost alternative than mooring a boat in the marina. It provides the community with the opportunity to gain access to the bay without the expense of docking at a marina. The dry boat storage facility increases recreational access to the bay which is one of the principal goals of the California Coastal Act and is consistent with the recreational goals set out in the Port's Master Plan.

N-8 This increase of park use can be adequately parked as the DEIR finds that the park is in need of 23 additional parking spaces. Should there be a need for additional parking, the Port should consider using "flex parking." We would like to work with the Port to find the appropriate location for flex parking that would meet the need of visitors, users of the dry boat storage, along with the other project elements. For example, additional parking at the marina may be utilized for events at the park by providing parking machines. The Amphitheater,

4980 N. Harbor Drive
Suite 200
San Diego, CA 92106
p: 619.688.9217
f: 480.247.5663

office@gbcapitalholdings.com

Response to Comment N-4

The comment raises several concerns with the No Waterside Development in Sweetwater Channel Alternative (Alternative 2) of the Draft EIR, stating that the alternative would not meet Objectives 1 and 2 as it does not maximize recreational opportunities and fails to produce an economically viable project. The comment explains the lack of development within the channel would have adverse effects on the development of dry boat storage.

See Response to Comment D-10. As stated in the Draft EIR, the proposed project's No Waterside Development in Sweetwater Channel Alternative (Alternative 2) would meet some but not all of the project objectives listed under Section 7.3, *Selection of Alternatives*. Therefore, it is imperative that City and District decision-makers balance the economic needs of all parties, including GB Capital's, while mitigating significant impacts to the extent feasible.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required.

Response to Comment N-5

The comment states that the No Project Alternative (Alternative 1) of the Draft EIR fails to meet Objectives 1 and 2 because the alternative analysis fails to produce an economically viable project.

The No Project Alternative is required by CEQA to discuss and analyze potential impacts that would occur if the project was not implemented. Under the No Project Alternative, the site would operate in its current state, and the land use redesignations associated with the Balanced Plan would not occur. The No Project Alternative would not meet any of the project objectives listed under Section 7.3. No changes to the Draft EIR are required as a result of this comment.

Response to Comment N-6

This comment states that part of the proposed Pepper Park expansion is within the existing GB Capital leasehold and that GB Capital would be "agreeable" to allowing part of their leasehold to be part of the park if it

would allow a drive path for moving dry boat storage boats into the water in that area.

This comment correctly notes that a portion of the Pepper Park expansion included in the Balanced Plan is part of the existing GB Capital leasehold. As described in the Draft EIR project description (specifically, Section 3.4.2.1 on page 3-33), the GB Capital Component of the project proposes to construct and maintain “an approximately 4,400-square-foot pier platform...with floating docks, and two gangways immediately northeast of the National City Aquatic Center.” The project description further states that when the pier platform is “not in use (i.e., placing boats from dry boat storage into the water or removing them from the water), the pier platform and gangway would be open to the public. As described in the Draft EIR, the pier platform, floating docks, and gangways, which would be within part of the park expansion area of the Balanced Plan (northeast of the aquatic center), would serve the dry boat storage area proposed as part of the GB Capital Component, as well as the general public as a viewing platform.” The dry boat storage would need to be located on an area with a Commercial Recreation land use designation, not a Park/Plaza land use designation.

As a result of this comment, the Balanced Plan has been revised and a new draft Port Master Plan Amendment (Appendix Da of this Final EIR) added to accommodate the proposed access path for the dry boat storage operation. Section 3.4.1.2, [Balanced Plan] *Public Access Improvements*, of the revised Draft EIR (Volume 2 of the Final EIR) has also been revised as a result of this comment, as follows:

The easternmost part of the park expansion would extend 18 feet east of the existing park's eastern boundary (see Figure 3-4a); the subsequent 24 feet to the east would remain as a Commercial Recreation land use designation and be used as an access pathway associated with GB Capital's proposed dry boat storage operation, which would involve access to and from the pier platform proposed by GB Capital northeast of the aquatic center (see Section 3.4.2.1, *GB Capital Component, Phase 1*). A minimum 8-foot-wide waterside promenade would be located east of the dry boat storage access pathway (within the marina leasehold); see Figure 3-4a. The area that is proposed to remain as a Commercial Recreation land use designation is approximately 0.2 acre (see Parcel B3a on Figure 3-4b) and, as such, the northernmost part of the proposed park expansion (north of the existing Pepper Park parking lot) would be

expanded by an additional 0.2 acre (see Parcel P1a on Figure 3-4b), as shown on Figure 3-4b. The total park expansion would still be 2.5 acres.

Response to Comment N-7

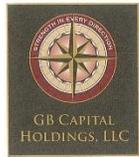
This comment suggests that the part of the proposed Pepper Park expansion that is within the existing GB Capital leasehold, and is currently part of the Pier 32 Marina parking lot, remain in its current configuration and be maintained as parking for the Pepper Park expansion, as well as a drive path for moving dry boat storage boats between the water and the dry boat storage. This comment further states that a dry boat storage facility would increase recreational access to the Bay, which is one of the goals of the Coastal Act. The District acknowledges that Section 30224 of the Coastal Act states that “[i]ncreased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors...” However, as stated in Response to Comment N-6, a dry boat storage facility would need to be sited on an area designated for a Commercial Recreation use. As a land use planning matter, use of the park as an intermittent drive path for moving dry boat storage boats between the water and the dry boat storage is unlikely to be consistent with a “public park” land use.

As a result of this comment, the Balanced Plan has been revised and a new draft Port Master Plan Amendment (Appendix Da of this Final EIR) added to shift part of the eastern part of the park expansion to the area north of the boat launch ramp. This would allow for the park to be expanded eastward, while also allowing the pier platform, floating docks, and gangways that would serve GB Capital’s proposed dry boat storage, without interfering with the future park expansion.

Response to Comment N-8

This comment suggests that the additional 23 parking spaces that are required for the Pepper Park Expansion [per **MM-TRA-7**] should be “flex parking” that would meet the parking needs of visitors, dry boat storage users, and other project components.

MM-TRA-7 has been revised to state that the additional 23 spaces will be designed to be flex spaces that can be used as either an active area of the park or parking for public uses and coastal access within the project area.



- N-8 cont. | Granger Hall, or any type of event center in the area may increase the need for parking on an interim basis.
- N-9 | Chapter 3, pg. 3-14 / 3.4.1.5 –
The proposed modifications to the Aquatic Center may require an increase in admission fees. We recommend that any increase does not result in impacting visitor access to the Center. We suggest that some type of application be available for a certain percentage of disadvantaged community members so they can participate in the Center's activities. This is one small step toward social equity.
- N-10 | Chapter 4, pg. 4.1-19
We believe that the visual impacts have been overstated. Particularly, KOP2 which overstates the visual impacts to the Sweetwater Channel. The siting of our improvements maintains these visual view corridors. Many of our public users will have access to our decks which will help mitigate view impacts.
- N-11 | Chapter 4, pg. 4.1-39
MM-AES-1 Calls for construction screened fencing to be installed for cabins or dock work in the water. Although the work may be completed at the same time, there should be an exception that if only water work is complete, that no fencing or screening should be required. Regardless of the fencing the water will be below the fencing and jetty. If the water work is taking place inside the marina, the fence will not block the view of the construction. If the work is taking place in the channel, it will be below the jetty and therefore fencing will not screen the work.
- N-12 | Chapter 4, pg. 4.2-44
MM-AQ-5 Tier 3 and 4 construction equipment on the marina side is a concern. We suggest that the 200-mile rule be implemented in both Tier 3 and 4. This should also apply to the landside. If a piece of equipment is not available or the duration of the use of the equipment is under a particular threshold then the tiering standards should not apply.
- N-13 | Chapter 4, pg. 4.2-45
MM-AQ-6 calls for the staggering of projects to reduce emissions. The example given is the GB Project and the moving of Granger Hall. Revenue generating projects should take priority over tax funded projects. A delay in

4980 N. Harbor Drive
Suite 200
San Diego, CA 92106
p: 619.688.9217
f: 480.247.5663
office@gbcapitalholdings.com

Response to Comment N-9

This comment states that the proposed modifications to the National City Aquatic Center may require an increase in admission fees, and the commentor recommends that any increase in admission fees does not result in an impact on visitor access to the aquatic center. The comment further states that a process should be established that allows a certain percentage of disadvantaged community members to participate in the aquatic center activities. Special Provision #11 of the existing CDP for the National City Aquatic Center (District Document No. 57961) states that “No person shall be denied participation in aquatic center programming on the basis of financial ability/inability to pay.”

The City of National City originally requested that such restrictions be added to the proposed project. However, the City has abandoned this project component. Removal of this project component has been reflected in Section 2.2, Summary of Project Description Revisions.

Response to Comment N-10

The comment states that the visual impacts, particularly for KOP 2, are overstated in the Draft EIR.

The five KOPs described in Section 4.1, *Aesthetics and Visual Resources*, of the Draft EIR are all vista areas that could be affected by the proposed project, either from an adverse effect on the location of the KOP itself or due to an adverse effect on the view the KOP provides. Aesthetic experiences can be highly subjective and vary from person to person; therefore, the Draft EIR evaluated aesthetic resources using a process that identifies the visual features of the area, their importance, and the sensitivity of the associated viewers objectively. No changes to the Draft EIR are required.

Response to Comment N-11

The comment identifies **MM-AES-1** which states, “[c]onstruction-screening fencing shall be depicted on construction plans and, prior to issuance of construction permits, the District’s Development Services Department shall confirm such fencing is depicted on the appropriate construction plans. Construction screening shall include, at a minimum, installation of 8-foot-tall fencing covered with view-blocking materials to block the view of construction for the duration of the construction period.”

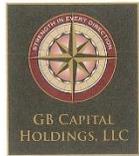
This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required.

Response to Comment N-12

The comment expresses concern regarding **MM-AQ-5**, particularly about Tier 3 and Tier 4 construction equipment. GB Capital suggests that the 200-mile rule be implemented in both tiers on the marina and land side. As stated in the Draft EIR, if clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component will prioritize use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. No changes to the Draft EIR are required as a result of this comment.

Response to Comment N-13

The comment expresses concern regarding **MM-AQ-6**, stating that revenue-generating projects should take priority over tax-funded projects, which is a policy matter and not a CEQA mandate. As stated in Section 4.2, *Air Quality and Health Risk*, **MM-AQ-6** would limit overlap of activities associated with separate projects and separate project components to allow project objectives to be carried out to the fullest potential. No changes to the Draft EIR are required as a result of this comment.



N-13 cont. generating revenue causes fees to the municipalities to be delayed and compromises the Project Objectives from being carried out to their fullest.

Chapter 4, pg. 4.3-61

N-14 Figure 4.3-6 shows the extent of Eelgrass within the Sweetwater Channel. GB Capital's method of installing mooring systems is a modification to the typical way installation occurs. Our method creates a smaller footprint and eliminates the chain from dragging along the seabed. This change would reduce the effects, coverage, and damage caused by mooring. MM-BIO 12.

Chapter 4, pg. 4.3-64

N-15 MM-BIO-11 Compensatory Mitigation for Impacts on Coastal Sage Scrub. When Marina Way was installed the B-2 parcel was grubbed and graded removing all vegetation from the site. At one point, vehicles from NCMT were parked on the lot, irrigation was put on the bank and the bank was planted. The area was always slated as a commercially developable site.

Chapter 4, pg. 4.3-67

N-16 Overwater coverage - The existing marina was created from a vacant lot then bay water was released into the basin. Mitigation for any Eelgrass impact may be achieved within the marina basin itself and the water created. Water coverage from this build is to be used for shading in marina and channel.

Chapter 4, pg. 4.5-1

N-17 GB Capital would like to explore using solar or wind energy by placing these alternative energy sources on top of the boat storage facility. These items may need to extend above the 65' build envelope. Currently it is our understanding that there is not a height restriction within this area of development. If there is a restriction, this EIR and new zoning could allow it.

Chapter 4, pg. 4.5-12

N-18 The DEIR states that energy use during the operation amounts to an additional 95 vessels for the project. Credit should be allocated for energy savings as these boats are not being towed to and from the water from inland locations. A principal benefit of dry storage is that it prevents bottom paint and topside cleaning on a regular basis in the Bay and any spills are contained within the landside facility which is better equipped to handle any environmental disturbance.

4980 N. Harbor Drive
Suite 200
San Diego, CA 92106
p: 619.688.9217
f: 480.247.5663

office@gbcapitalholdings.com

Response to Comment N-14

The commenter states that GB Capital will use less impactful moorings for the floating docks proposed for their waterside development. In the revised Draft EIR, **MM-BIO-12** includes additional language reflecting this. It states: The proposed vessel moorings shall use ecologically sensitive mooring systems that minimize contact with the ocean bottom to reduce scouring impacts. Examples of these systems include flexible lines with anchors that are permanently embedded into the bottom. The GB Capital Component shall include educational materials to boat operators describing how ecological moorings work and specifying that boat operators shall utilize the ecological moorings.

Response to Comment N-15

This comment references **MM-BIO-11** and further states that when the existing Marina Way was constructed, all vegetation was removed on Parcel B-2, after which the site was irrigated and vegetation was added.

It appears the commentor meant to say Parcel B-6, which appears to have been graded in 2000 (based on Google Earth imagery) and maintained in a vegetative-free state until approximately 2010 when shrub vegetation re-appears in the aerial imagery. Regardless of this history, the site supported native coastal sage scrub species during baseline biological surveys conducted for the proposed project, and impacts on this parcel will require mitigation in accordance with the provisions in the Final EIR.

Response to Comment N-16

This comment states that the existing marina was created from a vacant lot, and, therefore, the marina resulted in the net gain of open water within the Bay. The commenter further states that mitigation for eelgrass impacts may be achieved by using the credits from the gain of open water habitat from the creation of the marina to address impacts on eelgrass resulting from the proposed project.

As stated in Response to Comment B-29, the District's understanding is that the open water credits from creation of the marina may be used for impacts on open water habitats resulting from the proposed project. However, open water credits typically are not to be used to mitigate for impacts on eelgrass habitat. However, it may be possible, through coordination and negotiation with the resource agencies, to use a portion of the open water credit as mitigation for eelgrass habitat, but the ratios

would be higher because of the ecological significance of eelgrass compared to open water habitat. No revision to the Draft EIR is required in response to this comment.

Response to Comment N-17

This comment states that GB Capital, the project proponent for the GB Capital Component, would like to explore using solar or wind power on top of the dry boat storage facility proposed as part of the GB Capital Component, and that this may extend the height of the dry boat storage facility above the 65 feet maximum height that is identified for the dry boat storage (see Section 3.4.2.1 on page 3-31 of the Draft EIR). The suggestion in this comment is not part of the project that was evaluated in the EIR. If the District selects the Marina Way realignment that would allow for dry boat storage to be constructed west of the realigned roadway (see also Response to Comment N-6), then in a future application, GB Capital could propose a solar or wind energy project subject to relevant land use restrictions.

Response to Comment N-18

This comment states that an energy savings credit should be allowed due to the fact that boats housed at the project site would no longer need to be towed to the water from inland areas. The project proponent, GB Capital, has not provided any substantial evidence to support this assertion. While it stands to reason that the proposed project could reduce the need to tow some boats to the Bay, the details regarding this—specifically, the number of boats this applies to, locations where boats would otherwise be housed, the number of days the boat would otherwise be in the water—are unknown. Therefore, revisions to the Draft EIR are not required as a result of this comment.

Response to Comment N-19

The comment notes that a principal benefit of dry storage is that it prevents bottom paint and topside cleaning on a regular basis and any spills are contained within the landside facility.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.



- N-20 Chapter 4, pg. 4.5-12
 "Effects of the project on energy resources MM-GHG-6 and MM-GHG-7 would require project proponents to incorporate renewable energy and /or the purchase of an equivalent of GHG offsets at the time of future design."
 GB Capital would like the ability to bank GHG credits in advance.
- N-21 Chapter 4, pg. 4.6-36
 We believe it is important to try to recycle whenever possible, this would include water resources. We would like to include a water tank above the plane of the Dry Boat storage or as a standalone unit that could also act as a marquee for the Area. Penetrations above 65' in this area were not contemplated nor a stand-alone unit. Accommodation should be allowed for such beneficial uses.
- N-22 Chapter 4, pg. 4.6-38
 It is important to note that our project will use electric forklifts for moving boats and other equipment in the dry boat storage facility. Electric forklifts reduce toxic air emissions and decrease noise. The lifts are so quiet that a white noise generator is used to notify pedestrians that the forklifts are operational and are moving.
- N-23 Chapter 4, pg. 4.6-39
 "The required reduction **may** be reduced by the District based on the actual amount of development and activities associated with that development and the other adjustments provisions specified below." We believe the "may" should be a "shall upon request and verification".
- N-24 This would allow the possibility of GHG credits to be banked if generated for the project. They could then be utilized for future development are placed into a cap-and-trade program for sale as they will be expensive to produce, and this would create a way for the developer to recover part of their cost while still mitigating the project.
 This concept is important to our project as it is phased.

4980 N. Harbor Drive
 Suite 200
 San Diego, CA 92106
 p: 619.688.9217
 f: 480.247.5663
 office@gbcapitalholdings.com

Response to Comment N-20

This comment relates to the requirements in **MM-GHG-6** and **MM-GHG-7**, and requests that GHG offsets or credits be purchased and banked in advance.

The banking of offsets is included in the language in **MM-GHG-6**. As stated in Section C.2(a) of **MM-GHG-6**, the project proponent shall purchase 2 years of credits at the start of each project. Section C.2(b) of **MM-GHG-6** states that prior to the third year of operation, the project proponent can purchase additional offsets. These additional offsets can be used for future years.

MM-GHG-7 is not applicable to the GB Capital Component.

No changes to the Draft EIR are warranted based on this comment. However, **MM-GHG-6** was revised to clarify the reporting of credits and offsets is subject to the District's Planning Department, or successor department.

Response to Comment N-21

This comment states that the GB Capital Project Proponent would like to include a water tank in its project for water recycling and that this may extend the height of the dry boat storage facility above the 65 feet maximum height that is identified for the dry boat storage (see Section 3.4.2.1 on page 3-31 of the Draft EIR). The suggestion in this comment is not part of the project that was evaluated in the EIR. If the District selects the Marina Way realignment that would allow for dry boat storage to be constructed west of the realigned roadway (see also Response to Comment N-6), then in a future application, GB Capital can submit that project revision to the District, and the District can evaluate it at that time. No revisions to the Draft EIR are required as a result of this comment.

Response to Comment N-22

This comment states that the dry boat storage will use electric forklifts for moving boats and equipment around, and that electric forklifts reduce emissions and are quiet. The use of electric forklifts reduces emissions relative to traditional counterparts (i.e., powered by diesel or propane); this would not affect any analysis or conclusions in the EIR.

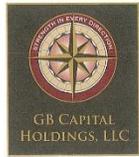
Therefore, no revisions to the Draft EIR are required as a result of this comment.

Response to Comment N-23

This comment states that electric forklifts are so quiet that a white noise generator is used to notify pedestrians that forklifts are operational and are moving. While electric forklifts are quiet, overall operation of the dry boat storage facility will likely involve additional noise sources such as the white noise mentioned in the comment, safety backup beepers, impact noise from loading and unloading boats from racks and trailers, and opening and closing of gates and doors. Because operational details, equipment specifications, and completed building designs were unavailable at the time of the EIR preparation, reasonable assumptions were made to facilitate the noise analysis (Section 4.10 of the Draft EIR), which identified significant noise impacts related to operation of the dry boat storage. This finding is reasonable due to many factors, such as the hours of operation (including the sensitive evening and nighttime hours), the proximity to the RV sites, and the unknown specifics regarding design and operation of the boat storage. **MM-NOI-8** requires the dry boat storage to be designed and operated to comply with the City of National City noise ordinance at the adjacent proposed RV resort. The acoustical report required as part of **MM-NOI-8** will allow for a detailed analysis based on complete design and operational details including, if necessary, noise control techniques. The noise analysis and associated mitigation do not need to be changed because the impact and mitigation are due to many factors that cannot be ruled out at this time. No revisions to the Draft EIR are required as a result of this comment.

Response to Comment N-24

This comment references a sentence in **MM-GHG-5** and states that “may” should be changed to “shall upon request and verification,” which would allow the project applicant the possibility of greenhouse gas emissions credits to be banked if generated for the project component. The comment further states that such credits could be utilized for future development by placing them into a cap-and-trade program for sale, which could allow the project proponent/developer to recover part of their development cost while still mitigating greenhouse gas emissions associated with the project. See Response to Comment N-20.



	Chapter 4, pg. 4.6-49
N-25	Parking control, via paid parking, can eliminate VMT for several parties. It may assist with shared parking that will be crucial to utilization of the Amphitheater if and when one is built at the park. Additionally, it may reduce the parking demand for all projects.
N-26	An MTS route is needed from trolley station to the park and to Pasha. How do we get MTS to accommodate as part of the SANDAG planning?
N-27	Chapter 4, pg. 4.6-49 EB3 calls for the project to achieve LEED Silver certification. We recommend that language be change to "or equivalent". An example is the 'Living Building Challenge' which exceeds these standards.
N-28	Chapter 4, pg. 4.7-49 MM-HAZ-7 Marina Way shall not contain traffic calming devices. If boat storage is to occur, traffic calming devices such as speed bumps or roundabouts could not be installed in the path of travel for the lift. Furthermore, the curb on the west side of Marina Way would be required to be less than rolled to allow the forklift with a vessel to travel to and from the dry stack. This modification may provide additional assistance to emergency vehicles transiting the area.
N-29	Chapter 4, pg. 4.8-35 In-Water Operations – An additional 95 vessels are noted as an impact. Gray and Black water discharges, vessel washing, bottom cleaning, and maintenance are listed. We believe that it is important to recognize that dry boat storage acts as a BMP to prevent the threats listed above while providing more opportunity for the public to participate in boating. In creating the additional capacity landside, the project will assist in controlling pricing within the Bay making boating more affordable by producing inventory.
N-30	The boat launching service would ensure that vessels grey and black water tanks are pumped as needed. Vessels would not be stored in the water for long durations, this would reduce or eliminate the need for in-water cleaning. This would allow a boater more choices of what paint, if any, to put

4980 N. Harbor Drive
Suite 200
San Diego, CA 92106
p: 619.688.9217
f: 480.247.5563

office@gbcapitalholdings.com

Response to Comment N-25

The comment states parking control, via paid parking, could eliminate VMT for several parties, and it may assist with shared parking that will be crucial to utilization of the amphitheater if constructed. Additionally, the comment states that parking control may reduce the parking demand for all projects.

Paid parking could help reduce the project's VMT; therefore, paid parking could be discussed as a parking strategy during the project permitting phase. This could be a strategy used in a TDM plan. No revisions to the Draft EIR are required as a result of this comment.

Response to Comment N-26

This comment states that an MTS route is needed from the trolley station to Pepper Park. The commentor also questions how to get the Metropolitan Transit System to accommodate an MTS route [to Pepper Park] as part of the SANDAG planning.

The District will coordinate and support planned transit improvements from MTS and/or SANDAG, as applicable. No revisions to the Draft EIR are required as a result of this comment.

Response to Comment N-27

The comment requests that language be added to the CAP Consistency Table (Table 4.6-15) to allow for LEED certification "or equivalent." This language is already accounted for in **MM-GHG-2**, but has been added to Table 4.6-15 to ensure consistency.

Response to Comment N-28

The comment identifies that **MM-HAZ-7** says Marina Way will not contain traffic calming devices. Further, the comment notes if boat storage is to occur [on Marina Way], that traffic calming devices such as speed bumps or roundabouts could not be installed in the path of travel for the lift. The comment states the curb on the west side of Marina Way would be required to be less than rolled to allow the forklift with a vessel to travel to and from the dry stack. The comment concludes that the modification may provide additional assistance to emergency vehicles transiting the area.

As described in Sections 4.7.4.3 and 4.13.4.3 of the Draft EIR, the mitigation measure (**MM-HAZ-11**) for the emergency access impact from the Marina Way realignment (**Impact-HAZ-7**) states that the Marina Way realignment will not include traffic calming devices (e.g., speed humps),

unless prior-written approval is obtained from the City Fire Marshal. No revisions to the Draft EIR are required as a result of this comment.

Response to Comment N-29

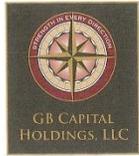
This comment states that page 4.8-35 of the Draft EIR identifies that the 95 additional vessels [proposed as part of the GB Capital Component] are noted as an impact. The comment further states that dry boat storage helps to prevent gray and black water discharges, vessel washing, boat bottom cleaning, and maintenance, and that dry boat storage will also assist in controlling pricing within the Bay by making boating more affordably by increasing the inventory for boat storage space.

Page 4.8-35 of the Draft EIR states that all marinas have the potential to discharge gray or black water, as well as generate pollutants from boat hull maintenance, in-water cleaning, and leaking oil; however, page 4.8-35 also states that although the increase in boats proposed in the project area could potentially increase pollutant levels above existing conditions, due to compliance with existing ordinances and regulations, proposed activities would not significantly increase water pollution, impacts would be less than significant and no mitigation measures are required. No revisions to the Draft EIR are required as a result of this comment.

Response to Comment N-30

The comment notes that the boat launching service [dry boat storage service] would ensure that vessels are pumped as needed and would not be stored in the water for a long duration to reduce or eliminate the need for in-water cleaning. Instead, vessels would be washed in the vessel storage facility, which would have proper BMPs implemented to prevent contaminants from entering the Bay.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Please also see Response to Comment N-29. No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.



- N-30 cont. on the bottom of their vessel. It allows staff to monitor the vessel bottoms and make recommendations that support protecting the environment. Vessels would be washed in the vessel storage facility that would have proper BMPs to prevent contaminants from entering the Bay. Failure of watertight seals in vessels would reduce the chance of a vessel sinking as it would be stored out of the water where it could not sink and create discharges. Light maintenance normally performed in a slip could now be conducted within the storage facility. These choices could be an option for the existing boaters at the facility as well.
- N-31
- N-32 The dry boat storage facilities also have the ability to manage storm water run-off for the area, preventing run off into the Bay by creating retention basins under the vessel storage racks.
- N-33 The marina currently is Clean Marina certified and management is engaged with this program at a board level. This program includes BMPs and SOPs that are provided to the boaters, vendors, and staff.
- N-34 Beyond this project, Pier 32 Marina is currently evaluating alternative options to address unwanted discharges into our Bay. These programs would be applicable to any development that may be approved. These options include adding a mobile pump out cart to the facility or adding sewer pumping hydrants that would be accessible from each slip. Vessel bottom cleaning as a mandatory service that would be provided by the marina by its employees.
- N-35 The bottom cleaning program would allow the marina to have direct engagement with boaters when bottom paint needs to be replaced. During these conversations, alternative and environmentally conscious paints will be discussed. Replacement of paint can be required in a timely fashion, which would allow the paint to work as designed, rather than to be scrubbed off. This will allow the underside of the vessel to be inspected on a normal basis and the management of the marina would be notified for action regarding deferred maintenance that could cause a vessel to sink and create a significant discharge in the basin.
- N-36 Chapter 4, pg. 4.10-3 MM-NOI-5 Hotels required to soundproof from rail noise and dry boat storage. The dry boat storage will act as a sound barrier. For public safety

4980 N. Harbor Drive
Suite 200
San Diego, CA 92106
P: 619.688.9217
F: 480.247.5663
office@gbcapitalholdings.com

Response to Comment N-31

The comment notes that failure of watertight seals in vessels would reduce the chance of a vessel sinking, and light maintenance could now be conducted within the storage facility.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. Please also see Response to Comment N-29. No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment N-32

The comment notes that the dry boat storage facilities would also manage stormwater runoff for the area by preventing runoff into the Bay by using retention basins under the vessel storage racks.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment N-33

The comment notes the marina is currently Clean Marina certified, and the program includes BMPs and standard operating procedures (SOPs) that are provided to the boaters, vendors, and staff. These SOPs would continue to be in effect and enforced as they are presently.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment N-34

The comment notes that Pier 32 Marina is currently evaluating alternative options to address unwanted discharges into the Bay, and these programs would be applicable to any development that may be approved.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR

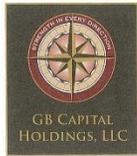
are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment N-35

This comment states that Pier 32 Marina is currently evaluating having vessel bottom cleaning as a mandatory service [for boats in dry boat storage, which is proposed in the GB Capital Component] that would be provided by the marina by the employees. This comment is not speaking to the adequacy of the EIR; therefore, no revisions to the Draft EIR are required as a result of this comment.

Response to Comment N-36

The comment references noise mitigation measures and the fact that proposed hotels are required to be designed and constructed to control noise from exterior sources. The comment specifically mentions noise from rail and dry boat storage activities. Although the comment references **MM-NOI-5**, the applicable mitigation measure dealing with hotels is **MM-NOI-6**. The comment states that the dry boat storage will act as a sound barrier; for public safety purposes, forklifts (at the dry boat storage) require a noise generator to warn others of their movement; and rail operations are the largest source of noise generation. The plans for the dry boat storage provided for the EIR analysis were conceptual in nature and did not indicate a solid structure; therefore, possible barrier effects could not be reliably included in the analysis. Detailed plans for dry storage would be subject to additional analysis. No changes to the Draft EIR are warranted based on this comment. However, it is noted that **MM-NOI-5** provides the opportunity for a solid/enclosed dry boat storage facility to be designed and evaluated as a potential noise barrier between the Pasha Rail Improvement Component and the proposed RV park at the GB Capital Component.



- N-36 cont. purposes, forklifts require a noise generator to warn others that it is moving. As identified, rail operations are the largest source of noise generation.
- Chapter 4, pg. 4.10-3
MM-NOI-8 We do not believe that the dry boat storage is a significant noise factor and should be reconsidered as such. Boat storage noises are not the same as a front-end loader. The electric lifts that would be utilized generate very little noise. In fact, they are required to have a noise generator on board to notify others in the vicinity of their operation that they are moving to address safety concerns.
- N-37
- Chapter 4, pg. 4.10-3
MM-NOI-9 We agree that the Amphitheater shall should be directed away from sensitive receptors. A sound engineer should be engaged in the design so that noise is limited. This would be similar criteria that is being implemented to private developers of hotels, RV park, dry boat storage, and rail lines. Receptors should be mitigated in some fashion other than coordination.
- N-38
- Examples could include: An allotment of tickets, pointing stages towards marine terminal, participation payment in noise reduction or sound proofing in other parts of the development, and maximum dBA thresholds and monitoring.
- Chapter 4, pg 4.10-20
Table 4.10-4 Speaks about Vibration Damage Criteria. If Granger Hall is to be placed in Pepper Park, it should be sited so that driving pile for the hotel site at Pepper Park does not affect the "Extremely fragile historic buildings, ruins, ancient monuments". Siting too near to the hotel site could create additional costs that make the hotel unfeasible to construct.
- N-39
- Chapter 4, pg. 4.13
Parking-General Comments:
Support MTS line from trolley to marine terminal, park, and marina. Appears that it could be valuable for access for the entire development.
- N-40

4980 N. Harbor Drive
Suite 200
San Diego, CA 92106
p: 619.688.9217
f: 480.247.5663
odhsc@gbcapitalholdings.com

Response to Comment N-37

The comment references **MM-NOI-8**, which addresses potential noise from the dry boat storage facility. The commenter states that “[w]e do not believe that the dry boat storage is a significant noise factor and should be reconsidered as such. Boat storage noises are not the same as a front-end loader. The electric lifts that would be utilized generate very little noise. In fact, they are required to have a noise generator on board to notify others in the vicinity of their operation that they are moving to address safety concerns.”

The plans for the dry boat storage provided for the EIR analysis were conceptual designs and did not include detailed operational scenarios, equipment specifications, or noise source data. The comment also does not provide such details to support a reliable re-analysis. No changes to the Draft EIR are warranted based on this comment. However, it is noted that **MM-NOI-8** requires an acoustical analysis of the dry boat storage facility during the architectural and engineering design phase. That analysis will determine if any additional noise control measures are necessary. If, based on details to be provided at the time of the analysis, the facility is found to comply with necessary noise limits as designed, then no additional noise control measures will be required.

Response to Comment N-38

The comment references **MM-NOI-9**, which addresses potential noise from the amphitheater at Pepper Park. The comment suggests that the amphitheater should be directed away from sensitive receptors and a sound engineer should be engaged in the design so that noise is limited, and states that this would be similar to the mitigation requirements for other project components (hotels, RV park, dry boat storage, and rail lines). The comment requests that amphitheater noise should be mitigated in some fashion other than coordination, and suggests the following examples: an allotment of tickets, pointing stages towards the marine terminal, participation payment in noise reduction or soundproofing in other parts of the development, and maximum A-weighted decibel (dBA) thresholds and monitoring.

Public outreach on the future park design was held in 2022; however, no final design has been determined. The most recent design does not include an amphitheater/community stage; however, if the design changes in the future to include such a facility, its orientation will be reviewed with resource agencies and adjacent stakeholders.

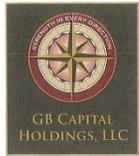
A design by a sound engineer is not practical because a permanently installed sound system is not proposed at Pepper Park; therefore, the hardware and configuration would vary from one event to the other. Unlike other noise sources considered in the EIR, the amphitheater would only operate occasionally, and each event with over 25 attendees would require a permit. As specified in the City's municipal code, the permit may allow noise limit exceptions or allowances on a case-by-case basis. **MM-NOI-9**, as currently written, notes that restrictions on maximum noise levels or hours of operation can be added to an event permit at the City's request. No revisions to the Draft EIR are required as a result of this comment.

Response to Comment N-39

The comment addresses potential future groundborne vibration impacts (i.e., building damage) and requests that Granger Hall should be sited so that it would not be impacted by pile driving for nearby hotel construction. The comment suggests Granger Hall falls into the vibration sensitivity category of "extremely fragile historic buildings, ruins, ancient monuments" and notes that siting Granger Hall too near to the hotel site could create additional costs that make the hotel unfeasible to construct. Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request.

Response to Comment N-40

The comment states support MTS line from trolley to marine terminal, park, and marina could be valuable for access for the entire development. Please see Response to Comment N-26.



- N-41 cont. Our intent would be to have a paid parking option on our property to assist with both management of parking availability and to assist our neighbors with overflow parking.
- N-42 An average boater utilizes their boat 9-12 times per year. The current facility can comfortably reduce parking requirements. Based on this data, the dry boat storage parking ratios should also be reduced. As an example, Point Loma Marina parking requirements have been calculated at 1 to .6.
- N-43 Chapter 4, pg. 4.14-1
MM-UTIL-3 Insufficient water line – currently 12" upgrade to 16". We recommend that the 12" line remain, but create a loop that will deliver the same capacity
- N-44 Chapter 4, pg. 4.13-15
Table 4.14-6 GB Capital seems to be indicated on the chart twice. It should be listed once.
- N-45 We appreciate the Port's commitment to carry forward the GB Capital Holdings, The Pasha Group, and National City's projects. We believe the DEIR adequately reflects the project components. We believe we can aid the Port in making the necessary findings to certify EIR and select our proposed project as the project that fully meets the Port's objectives.

Sincerely,



Greg Boehm
Chief Operating Officer

4980 N. Harbor Drive
Suite 200
San Diego, CA 92106
p: 619.688.9217
f: 480.247.5663
office@gbcapitalholdings.com

Response to Comment N-41

The commentor intends to have a paid parking option on their property to assist with both management of parking availability and to assist neighboring property owners with overflow parking. Please see Response to Comment N-25.

Response to Comment N-42

The comment states an average boater utilizes their boat 9–12 times per year. The comment identifies that the current facility can comfortably reduce parking requirements. Based on this data, the commentor concludes dry boat storage parking ratios should also be reduced. The parking supply requirements were based on rates from the District's Tidelands Parking Guidelines (January 5, 2001). These rates were developed from park surveys at District sites and are the most appropriate rates to use for this program level analysis.

Response to Comment N-43

The comment recommends that the existing Bay Marina Drive Pipeline discussed under **MM-UTIL-3** remain a 12-inch line with a loop that carries the same capacity provided by upgrading to a 16-inch line. As stated in Section 4.14, *Utilities and Service Systems*, the design, permitting, and construction of the new pipelines will be coordinated with the City Fire Marshal and Sweetwater Authority.

Response to Comment N-44

The comment states that within Table 4.14.-6, GB Capital should only be listed once. Table 4.14-6 identifies different portions of the GB Capital Component. No changes to the table are needed in response to this comment.

Response to Comment N-45

The comment letter concludes with GB Capital Holdings stating their appreciation for the District's commitment to carrying forward National City's projects. No changes to the Draft EIR are required as a result of this comment.

Comment Letter O



T 510.836.4200 1939 Harrison Street, Ste. 150 www.lozeaudrury.com
F 510.836.4205 Oakland, CA 94612 richard@lozeaudrury.com

Via Email

November 16, 2021

Anna Buzaitis, Program Manager
Planning Department
San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101
abuzaiti@portofsandiego.org

**Re: Comment on Draft Environmental Impact Report, National City Bayfront
Projects and Plan Amendments (EIR-2018-232; SCH 2018121054)**

Dear Ms. Buzaitis:

O-1 I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Draft Environmental Impact Report ("DEIR") prepared for the project known as National City Bayfront Projects and Plan Amendments (EIR-2018-232; SCH 2018121054), including all actions related or referring to changes to land and water use designations in the District's Port Master Plan, and amendments to the City's Local Coastal Program, General Plan, Harbor District Specific Area Plan, Land Use (Zoning) Code, and Bicycle Master Plan that would include changes to jurisdictional and subarea boundaries, and land use, specific plan, and zone designations in the City of National City ("Project").

O-2 After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. SAFER requests that the Planning Department address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project.

O-3 We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Richard Drury

Response to Comment O-1

This comment is an introductory comment stating that Lozeau Drury, LLP, is providing comments on behalf of Supporters Alliance for Environmental Responsibility (SAFER).

This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately below, along with the District's individual responses.

Response to Comment O-2

The comment states that the Draft EIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the project's impacts. The commenter requests that these shortcomings be addressed in a revised EIR and recirculated prior to considering approvals for the project.

As required, the Draft EIR examines the potential environmental effects of the proposed project, including information related to existing site conditions, analyses of the types and magnitude of individual and cumulative environmental impacts, and feasible mitigation measures that could reduce or avoid environmental impacts. In accordance with Appendix G of the State CEQA Guidelines, the potential environmental effects of the proposed project were analyzed for the following areas: aesthetics; air quality and health risk; biological resources; cultural resources; tribal cultural resources; paleontological resources; energy; greenhouse gas emissions and climate change; hazards and hazardous materials; hydrology and water quality; land use and planning; noise and vibration; population and employment; public services and recreation; transportation, circulation, and parking; as well as utilities and service systems. Table ES-1, presented at the end of the Executive Summary, provides a summary of the environmental impacts that could result from implementation of the proposed project and feasible mitigation measures that would reduce or avoid the impacts. No changes to the Draft EIR are required as a result of this comment.

Response to Comment O-3

The comment letter concludes with Lozeau Drury, LLP, noting they reserve the right to supplement these comments during review of the Final EIR for the project and at public hearings concerning the project.

The comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required as a result of this comment.

Comment Letter P

Anna Buzaitis

From: Silvia Calzada <silviacalzada@gmail.com>
Sent: Monday, November 15, 2021 3:33 PM
To: Anna Buzaitis
Subject: Comments: National City Marina District Balanced Land Use Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Atten: Anna Buzaitis, Program Manager
Port of San Diego's Planning Department

Re: National City Bayfront Project: the National City Marina District Balanced Land Use Plan (Balanced Plan)

- Comment -

~~~~~  
~~~  
Good afternoon Ms./Mrs. Anna Buzaitis and/or Board of Port Commissioners,

P-1
My name is Silvia Calzada, I have been a resident in the City of National City for more than 25 years, and a Member of the AB617 Community Steering Committee, the MCAS, CERP and Land-use Subcommittees.

P-2
Today, I write to you requesting the Port of Commissioners to consider two of the following recommendations for the National City Marina District Balanced Land Use Plan (Balanced Plan):

- P-3 1. Update and implement recent approved CERP and MCAS measures into this balanced plan; air quality improvement initiative at the Port of San Diego
- P-4 2. Addition of Green, open spaces and exclude the Granger Music Hall as an option in this particular land

P-5
One important element which needs to be addressed is the implementation of the new approved CERP and MCAS measures into the Balanced Plan. Recently, these measures were approved by the Port of San Diego but the balance plan has not been updated with such measures. Please disclose, analyze and incorporate these measures to support the mission in the reduction of emissions at our portside in National City.

Response to Comment P-1

This comment is an introductory comment from Silvia Calzada and does not raise any environmental issues requiring a response pursuant to CEQA.

The specific comments raised following this introduction are listed separately below, along with the District's individual responses.

Response to Comment P-2

The comment requests that the District Board consider two recommendations for the Balanced Plan, including implementation of recently approved CERP and MCAS measures into the plan, and adding green space to the project.

No changes to the Draft EIR are warranted based on this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment P-3

The comment states that measures from the MCAS and CERP need to be included in the EIR. A discussion related to consistency with the MCAS and CERP has been added to Section 4.2, *Air Quality and Health Risk*, of the revised Draft EIR (Volume 2 of this Final EIR); more specifically, the MCAS and CERP consistency analyses are provided in Section 4.2.4.3. Also see Responses to Comments M-3 and M-4.

Response to Comment P-4

This comment requests the addition of open space for green, open space and that the relocation of Granger Hall be excluded.

As stated in Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request.

As described in Section 4.12, *Recreation*, as a result of the proposed project, the total area of public park would be increased from approximately 5.2 acres to approximately 7.7 acres. Public outreach on the future park design was held in 2022; however, no final design has been determined.

No changes to the Draft EIR are warranted based on this comment. Park and program planning is currently undergoing a public planning process and the District encourages the commenter to participate.

Response to Comment P-5

The comment states that the project's consistency with the MCAS and CERP needs to be included in the EIR.

A discussion related to consistency with the MCAS and CERP has been added to Section 4.2 of the revised Draft EIR; more specifically, the MCAS and CERP consistency analyses are provided in Section 4.2.4.3. See also Responses to Comments M-3 and M-4.

^{P-6} Another element which needs to be addressed is the importance of green, open spaces in land-use planning for this particular project. During the development of the CERP, community members requested more green, open spaces. These green, open spaces not only provide significant environmental, economic, and social benefits but it will also increase air quality and attract people to visit the area. The expansion of 2.5 acres is an opportunity to fulfill this demand but the relocation of Granger Music Hall to this particular land, will not. Granger Music Hall is a historical landmark in the City of National City which deserves a special place of its own but not at Pepper Park.

^{P-7} Please consider these recommendations in your decision-making for the Bayfront project of Pepper Park. Thank you for your attention and interest in purifying our Portside Communities.

Response to Comment P-6

The comment notes that the proposed project’s expansion of 2.5 acres is an opportunity to fulfill the request for more green and open space identified during the development of the CERP. The comment suggests that the relocation Granger Hall would not fulfill the request for more open space.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City’s request.

As described in Section 4.12, *Recreation*, Pepper Park would be expanded by approximately 2.54 acres from approximately 5.2 acres to approximately 7.7 acres under the proposed project. The expanded recreational area would be available to the public. This comment is included in the record for consideration by the Board.

Response to Comment P-7

The comment letter concludes with Silvia Calzada thanking the District for their attention and interest in purifying Portside Communities.

This comment does not raise any issues requiring a response pursuant to CEQA.

Comment Letter Q

English Translation of 11/17/21 Letter from Lorena Chavez

| | | |
|---|--|--|
| <p>Mi nombre es Lorena Chávez y vivo en la comunidad de Old Town National City como residente de esta comunidad he participado en la petición para tener más áreas verdes. Para Pepper park pedimos que se agrandara mas este parque para tener un área recreacional más grande para las familias de Nacional City, así como tener un acceso peatonal o en bicicleta seguro para llegar al parque. Mi comentario es que agregar un Edificio a este espacio abierto no sería buena idea ya que quitaría parte del espacio que ya se ganó con los 2.5 acres que se van agregar al parque. Les pido que consideren también ajustar este proyecto a los documentos del MCAS y el CERP que se acaban de aprobar para que podamos tener un aire más limpio.</p> | <p>My name is Lorena Chávez and I live in the community of Old Town in National City and as a resident of this community I have participated in the petition for more green areas. For Pepper park we asked to enlarge this park to have a larger recreational area for the families of National City, as well as to have a safe pedestrian or bicycle access to get to the park. My comment is that adding a building to this open space would not be a good idea as it would take away some of the space already gained from the 2.5 acres being added to the park. I ask that you also consider bringing this project in line with the MCAS and CERP documents that were just approved so that we can have cleaner air.</p> | <p>Q-1
Q-2
Q-3
Q-4
Q-5</p> |
|---|--|--|

Response to Comment Q-1

This comment is an introductory comment stating the commentor has petitioned for additional green areas in National City.

This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately below, along with the District’s individual responses.

Response to Comment Q-2

This comment requests that Pepper Park be expanded to provide additional recreational space for the families of National City.

As described in Section 4.12, *Recreation*, Pepper Park would be expanded by approximately 2.54 acres from approximately 5.2 acres to approximately 7.7 acres under the proposed project. The expanded recreational area would be available to the public. No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

Response to Comment Q-3

This comment requests safe pedestrian and bicycle access to get to the recreational areas.

The proposed project consists of several public access improvements such as public access trails and bike paths that could be located between the habitat buffer and building setback. It will also provide a north–south public access corridor, allowing pedestrian, bicycle, and emergency vehicle access within the existing alignment of Marina Way, as shown on Figure 3-7 in the Draft EIR. The primary use of the north–south public access corridor would be for pedestrians and bicyclists, and no vehicular parking, permanent structures, or other impediments to access would be allowed. There would also be modifications to this north–south public access corridor to provide an east–west public access corridor, allowing pedestrian, bicycle, and emergency vehicle access within the existing alignment of 32nd Street, as shown on Figure 3-7. This east–west public access corridor would be for pedestrians and may also include an ancillary bicycle path; however, no vehicular parking, permanent structures, or other impediments to access would be allowed.

Modifications to this east–west public access corridor are proposed as part of the GB Capital Component. In addition, this component would

implement a new road realignment for Marina Way, public access/view corridors, and bicycle and pedestrian paths.

As described in Section 4.9, *Land Use and Planning*, of the Draft EIR the proposed project is consistent with Policy LU-2.4 of the National City General Plan, as the proposed project would increase pedestrian and bike paths throughout the project area, including Segment 5 of the Bayshore Bikeway to provide additional recreational open space areas and connect these areas to trails, bikeways, pedestrian corridors, and other open space networks, where feasible. Furthermore, the proposed project is consistent with Policy LU-9.4 of the National City General Plan, as the project components that would involve commercial development would all introduce a high-quality streetscape design, including the use of new bike paths and pedestrian walkways, where feasible, that promotes narrow roadways; bike lanes; minimal curb cuts; enhanced crosswalks; appropriate sidewalk widths; landscaped medians and parkways; wayfinding; enhanced paving; and other features that contribute to safe public access. No changes to the Draft EIR are necessary and no further response is required pursuant to CEQA.

Response to Comment Q-4

This comment expresses concern that the addition of buildings within Pepper Park would limit open space for designated green areas proposed as part of the 2.5-acre expansion of the park.

Please see Response to Comment P-4.

No changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA. However, this comment is included in the record for consideration by the Board.

Response to Comment Q-5

The comment states that the project's consistency with the MCAS and CERP needs to be included in the EIR. A discussion related to consistency with the MCAS and CERP has been added to Section 4.2, *Air Quality and Health Risk*, of the revised Draft EIR (Volume 2 of the Final EIR); more specifically, the MCAS and CERP consistency analyses are provided in Section 4.2.4.3. See Responses to Comments M-3 and M-4.

English Translation of 11/17/21 Letter from Margarita Garcia

| | | |
|--|---|------------------------------------|
| <p>Mi nombre es Margarita Garcia soy residente del Old Town de National City, mis comentarios son acerca del proyecto del Balanced plan y sobre todo lo relacionado con Pepper Park.
Quiero pedir al puerto que el parque sea un espacio al aire libre y recreativo para que tenga acceso la comunidad, no queremos ningún edificio como el Granger Hall porque nosotros siempre hemos querido un parque con espacios abiertos para la comunidad.
También les pido que tomen en cuenta el MCAS y el CERP que son dos documentos que se acaban de aprobar para reducir las emisiones toxicas y por lo cuales la comunidad también trabajamos para que fueran aprobados.</p> | <p>My name is Margarita Garcia, I am a resident of Old Town in National City, my comments are about the Balanced plan project and everything related to Pepper Park.
I want to ask the Port that the park be an open air and recreational space for the community to have access, we don't want any building like Granger Hall because we have always wanted a park with open spaces for the community.
I also ask you to take into consideration the MCAS and CERP which are two documents that have just been approved to reduce toxic emissions and which the community also worked to get approved.</p> | <p>R-1
R-2
R-3
R-4</p> |
|--|---|------------------------------------|

Response to Comment R-1

This comment is an introductory comment stating that that the comments that follow are related to the Balanced Plan and expansion of Pepper Park.

This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately below, along with the District’s individual responses.

Response to Comment R-2

This comment requests that the District develop additional recreational and outdoor space for the community to access.

As identified in Chapter 3, *Project Description*, of the Draft EIR, project objectives the District identified in coordination with the City include further activation of the project site by modifying the land uses and their configurations to foster the development of high-quality commercial and recreational uses to maximize employment opportunities, maximize recreational opportunities for visitors, and increase park space and recreational opportunities to enhance the waterfront experience for all visitors as well as maximize opportunities to attract tourism to the City.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis of environmental impacts presented in the Draft EIR. Therefore, no changes to the Draft EIR are required in response to this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment R-3

This comment requests that the District not partake in new development of buildings, including the relocation of Granger Hall, as it will limit open space for designated green areas.

Please also see Response to Comment P-4.

No changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA. However, this comment is included in the record for consideration by the Board.

Response to Comment R-4

The comment states that the project’s consistency with the MCAS and CERP needs to be included in the EIR.

A discussion related to consistency with the MCAS and CERP has been added to Section 4.2, *Air Quality and Health Risk*, of the revised Draft EIR (Volume 2 of the Final EIR); more specifically, the MCAS and CERP consistency analyses are provided in Section 4.2.4.3. See Responses to Comments M-3 and M-4.

English Translation of 11/17/21 Letter from Carmen Gaxiola

| | | |
|--|--|------------------------------------|
| <p>Mi nombre es Carmen Gaxiola tengo más de 20 años viviendo en National City. Mis comentarios son acerca del Balanced Plan y la expansión del Pepper Park.
En nuestra comunidad hemos pedido que haya más espacios recreacionales y al aire libre para que nuestros hijos y nietos disfruten del único parque que tenemos frente a la bahía en National City. No nos gustaría que pusieran ningún edificio como el Granger Hall, porque quitaría espacio designado para áreas verdes. También pedimos que tomen en cuenta el MCAS y el CERP para este proyecto porque hemos luchado para tener menos tóxicos, sobre todo de los camiones de diésel que pasan cerca a nuestra comunidad.</p> | <p>My name is Carmen Gaxiola and I have lived in National City for over 20 years. My comments are about the Balanced Plan and the expansion of Pepper Park.
In our community we have been asking for more recreational and outdoor spaces for our children and grandchildren to enjoy the only bay-front park we have in National City. We would not like to see any buildings like Granger Hall put up because it would take away space designated for green areas. We also ask that you take MCAS and CERP into consideration for this project because we have fought to have less toxic elements, especially from the diesel trucks that pass close to our community.</p> | <p>S-1
S-2
S-3
S-4</p> |
|--|--|------------------------------------|

Response to Comment S-1

This comment is an introductory comment stating that the comments that follow are in regards to the Balanced Plan and expansion of Pepper Park.

This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately below, along with the District’s individual responses.

Response to Comment S-2

This comment notes that the community requests additional recreational and outdoor space to enjoy the only bayfront park available in National City. Please see Response to Comment R-2. Project objectives aim to modify current land uses and their configurations to foster the development of high-quality recreational uses and to increase park space and recreational opportunities to enhance the waterfront experience for all visitors and maximize opportunities to attract tourism to the City.

This comment does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis of environmental impacts presented in the Draft EIR. Therefore, no changes to the Draft EIR are required in response to this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment S-3

This comment requests that the District exclude the relocation Granger Hall, as it would limit open space for designated green areas.
Please see Response to Comment P-4.

No changes to the Draft EIR are necessary, and no further response is required pursuant to CEQA. However, this comment is included in the record for consideration by the Board.

Response to Comment S-4

The comment states that the project’s consistency with the MCAS and CERP needs to be included in the EIR.
A discussion related to consistency with the MCAS and CERP has been added to Section 4.2, *Air Quality and Health Risk*, of the revised Draft EIR (Volume 2 of this Final EIR); more specifically, the MCAS and CERP consistency analyses are provided in Section 4.2.4.3. See Responses to Comments M-3 and M-4.

English Translation of 11/17/21 Letter from Adriana Medina

| Mi opinión como miembro de la comunidad. | My opinion as a member of the community. |
|--|---|
| <p>Mi nombre es Adriana Medina y yo soy parte de la comunidad de National City, a mi en lo personal me emociona mucho la ampliación del Pepper Park porque tendremos más espacio para más actividades recreativas como áreas de agua para los niños, más juegos, así toda la comunidad podrá disfrutar de más espacios recreativos que pueden incluir eventos con música, comida, etc. Otro aspecto que me gusta es que se mejorarían los accesos para llegar al parque porque necesitamos poder llegar no solamente en carro. Yo creo que agregar un edificio como Granger Hall no rompería con la petición de la comunidad de tener espacios abiertos, por eso no estoy de acuerdo con eso. Además de las áreas recreativas nos gustaría que este proyecto tome en cuenta el MCAS y el CERP documentos que apoyan la idea de mejorar la calidad de aire de nuestra comunidad. Gracias.</p> | <p>My name is Adriana Medina and I am part of the National City community, I am personally very excited about the expansion of Pepper Park because we will have more space for more recreational activities such as water areas for children, more games, so the whole community can enjoy more recreational spaces that can include events with music, food, etc. Another aspect that I like is that it would improve the access to get to the park because we need to be able to get there not only by car. I believe that adding a building like Granger Hall would not break with the community's request for open space, so I don't agree with that. In addition to recreational areas we would like this project to take into consideration the MCAS and CERP documents that support the idea of improving the air quality of our community. Thank you.</p> |

T-1
T-2
T-3
T-4

Response to Comment T-1

This comment is an introductory comment expressing support for the expansion of Pepper Park.

This comment is an introductory comment and does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. The specific comments raised following this introduction are listed separately below, along with the District’s individual responses.

Response to Comment T-2

This comment notes that the expansion of Pepper Park would improve accessibility to the park for individuals lacking access to transportation. The proposed project consists of several public access improvements such as public access trails and bike paths that could be located between the habitat buffer and building setback. It will also provide a north-south public access corridor, allowing pedestrian, bicycle, and emergency vehicle access within the existing alignment of Marina Way, as shown on Figure 3-7 in the Draft EIR. The primary use of the north-south public access corridor would be for pedestrians and bicyclists, and no vehicular parking, permanent structures, or other impediments to access would be allowed. There will also be modifications to this north-south public access corridor to provide an east-west public access corridor, allowing pedestrian, bicycle, and emergency vehicle access within the existing alignment of 32nd Street, as shown on Figure 3-7. This east-west public access corridor would be for pedestrians and may also include an ancillary bicycle path; however, no vehicular parking, permanent structures, or other impediments to access would be allowed.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis of environmental impacts presented in the Draft EIR. Therefore, no changes to the Draft EIR are required in response to this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment T-3

This comment requests that the District exclude the relocation Granger Hall, as it would limit open space available for designated green areas. Please see Response to Comment P-4.

Response to Comment T-4

The comment states that the project's consistency with the MCAS and CERP needs to be included in the EIR.

A discussion related to consistency with the MCAS and CERP has been added to Section 4.2, *Air Quality and Health Risk*, of the revised Draft EIR (Volume 2 of this Final EIR); more specifically, the MCAS and CERP consistency analyses are provided in Section 4.2.4.3. See Responses to Comments M-3 and M-4.

Comment Letter U

November 16, 2021

Port of San Diego

U-1 Good afternoon, my name is Karla Nava I'm a resident of National City. I have been involved in many ways to maintain and obtain more green areas in our community. I recently found out that the expansion of Pepper Park might be compromised with the construction of Granger Hall something that was not part of the original project, since what the community needs is more outdoor places especially after the pandemic hit us and our community is craving for fresh air. Building Granger Hall would also require more parking spaces thus reducing the outdoor space even more so I was hoping you would reconsider and stick to the original plan. I was also hoping if you can take into consideration the MCAS and CERP documents since they focus on having better air quality for our community.

U-4 Thank you for your time and consideration.

Karla Nava

Response to Comment U-1

This comment is an introductory comment and states the community needs additional open space and recreational areas within the area. The commentor would like the relocation of Granger Hall to be excluded from the proposed project as it would limit the available open space. Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request.

Response to Comment U-2

This comment requests that the District not select the optional project component that includes relocation of Granger Hall as it would require additional parking spaces and limit open space availability. Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City's request.

Response to Comment U-3

The comment states that the project's consistency with the MCAS and CERP needs to be included in the EIR. A discussion related to consistency with the MCAS and CERP has been added to Section 4.2, *Air Quality and Health Risk*, of the revised Draft EIR (Volume 2 of this Final EIR); more specifically, the MCAS and CERP consistency analyses are provided in Section 4.2.4.3. See Responses to Comments M-3 and M-4.

Response to Comment U-4

The comment letter concludes with Karla Nava Medina offering appreciation for the District's time and consideration. The comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are required as a result of this comment.

English Translation of 11/17/21 Letter from Margarita Moreno

| | |
|---|---|
| <p>Mi nombre es Margarita Moreno soy residente de National City y estoy muy involucrada en mi comunidad gracias a mi participación con EHC y me gustaria dar mi opinión sobre Pepper Park que es el único parque que tenemos frente a la bahía. Hace algún tiempo el puerto nos otorgó 2.5 acres de expansión para este parque para beneficio de la comunidad y estoy enterada de que quieren quitarnos parte de este espacio para poner el edificio de Granger Hall y también se ocuparían más espacios para estacionamientos y nosotros como parte de la comunidad hemos abogado por más espacios abiertos con diferentes amenidades, también que haya una buena conexión al parque para poder llegar caminando o en bicicleta o bien transporte público porque hoy día solo se puede llegar en carro ya que caminando es muy peligroso y no es seguro para la comunidad. También queremos que se ajusten a los documentos del CERP y del MCAS. Quisiera que tomaran en cuenta estos documentos y hagan los ajustes pertinentes para reducir los riesgos de contaminantes tóxicos en nuestra comunidad.</p> | <p>My name is Margarita Moreno, I am a resident of National City and I am very involved in my community thanks to my participation with EHC, and I would like to give my opinion about Pepper Park which is the only park we have in front of the bay. Some time ago the Port granted us 2.5 acres of expansion for this park for the benefit of the community and I am aware that they want to take away part of this space to put the Granger Hall building and also they would take more spaces for parking, and we as part of the community have advocated for more open spaces with different amenities, also that there is a good connection to the park to be able to walk or bike or use public transportation because today you can only get there by car because walking is very dangerous and it is not safe for the community. We also want them to comply with the CERP and MCAS documents and I would like them to take these documents into account and make the necessary adjustments to reduce the risks of toxic pollutants in our community.</p> |
|---|---|

V-1
V-2
V-3
V-4
V-5

Response to Comment V-1

This comment is an introductory comment stating that the comments that follow are related to the expansion of Pepper Park.

This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately below, along with the District’s individual responses.

Response to Comment V-2

This comment requests that the District exclude the relocation of Granger Hall as it would limit open space available for designated green areas.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City’s request.

Response to Comment V-3

This comment requests that there be access to safe pedestrian, bicycle access, or public transportation to get to the recreational areas.

Please see Response to Comment Q-3. No changes to the Draft EIR are required in response to this comment. However, the comment will be presented to the Board.

Response to Comment V-4

This comment requests safe public transportation and/or bike accessibility to Pepper Park.

Please see Response to Comment Q-3. No changes to the Draft EIR are required in response to this comment.

Response to Comment V-5

The comment states that the project’s consistency with the MCAS and CERP needs to be included in the EIR.

A discussion related to consistency with the MCAS and CERP has been added to Section 4.2, *Air Quality and Health Risk*, of the revised Draft EIR (Volume 2 of this Final EIR); more specifically, the MCAS and CERP consistency analyses are provided in Section 4.2.4.3. See Responses to Comments M-3 and M-4.

English Translation of 11/17/21 Letter from Maria C. Villanueva

| | |
|--|--|
| <p>Soy Maria C. Villanueva voluntaria de la EHC por 14 años y he luchado por tener un mejor ambiente para la comunidad de Nacional City, y también por tener más áreas verdes, por eso le pido al puerto que con el proyecto del Balanced Plan no vayan a poner un Edificio como el Granger Hall, porque esto no ayudaría a tener más espacios al aire libre donde las familias se puedan reunir para disfrutar de la vista frente a la bahía. Necesitamos más áreas verdes en nuestra comunidad.
Quiero que incluyan en sus estudios medio ambientales los documentos como el MCAS y CERP para que se tome en cuenta la calidad del aire y poder tener en el futuro un medio ambiente mas limpio.</p> | <p>I am Maria C. Villanueva, an EHC volunteer for 14 years and I have fought for a better environment for the community of National City, and also to have more green areas, that is why I ask the Port that with the Balanced Plan project that they do not put a building like the Granger Hall, because this would not help to have more outdoor spaces where families can gather to enjoy the view in front of the bay. We need more green areas in our community.
I want you to include in your environmental studies documents such as MCAS and CERP so that air quality is taken into account and thus we can have a cleaner environment in the future.</p> |
|--|--|

W-1
W-2
W-3
W-4

Response to Comment W-1

This comment is an introductory comment stating that the comments that follow are in petition of additional green areas.

This comment is an introductory comment and does not raise any new significant environmental impacts or any new specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. The specific comments raised following this introduction are listed separately below, along with the District’s individual responses.

Response to Comment W-2

This comment requests that the District exclude the relocation of Granger Hall as it would limit open space available for designated green areas.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City’s request.

Response to Comment W-3

This comment requests that the District exclude the relocation of Granger Hall as it would limit open space available for designated green areas.

Please see Section 2.2, *Summary of Project Description Revisions*; the relocation of Granger Hall has been eliminated from the project description at the City’s request.

Response to Comment W-4

The comment states that the project’s consistency with the MCAS and CERP needs to be included in the EIR.

A discussion related to consistency with the MCAS and CERP has been added to Section 4.2, *Air Quality and Health Risk*, of the revised Draft EIR (Volume 2 of this Final EIR); more specifically, the MCAS and CERP consistency analyses are provided in Section 4.2.4.3. See Responses to Comments M-3 and M-4.

Comment Letter X

Public Comment for October 11, 2022 Meeting from Mr. Ted Godshalk and Mrs. Margaret Avalos Godshalk

To: San Diego Unified Port Commissioners and Staff.

x-1 After reviewing the Draft EIR and the PMPA for the National City Bayfront Projects and the Balanced Plan in National City, it is our conclusion that Alternative 4 provides the best economic development while carefully protecting existing environmental and traffic-related needs, all in a feasible manner. This project is not **"Balanced,"** as far as the public is concerned. It is heavily weighted in favor of large port tenants. We believe this project, as conceived in the full development alternative, is a **"20th Century Plan,"** belatedly processed and does little to bring National City residents the community and cultural amenities they need.

With that as our premise, we have a few concerns and suggestions directly about the report's proposal for Alternative 4 and a comment related to better future planning.

Transportation-related Issues:

x-2 With a project of full development, the Level of Service analysis of the closure of Tidelands Avenue and 24th Street, the narrowing of portions of Marina Way, the impact of 463 Hotel rooms, 135 RV Camping sites, 60 modular cabins, and up to 808 parking spaces (excluding Pepper Park) would cause **significant impacts** on traffic patterns. Impacts on traffic patterns are really a degradation of quality of the daily life for people. This includes auto and truck drivers, pedestrians, and bicyclists. This analysis has determined that to rely on voluntary employee commute programs and to operate in light of no plan by the MTS to serve the area does not adequately mitigate the impacts.

These impacts, also addressed in CALTRANS' analysis, are felt as far away as Harbor Drive to the north and at the I-5/ BayMarina Drive freeway intersections. The impacts cited in this EIR's discussion of full development, are seen over and over again as **"significant and unavoidable with mitigations deemed infeasible."** Simply put, the closure of streets and the increase of almost 10,000 daily weekday trips and 463 hotel rooms is bad planning and the area cannot withstand it.

x-3 Next, we understand that the closure of Tidelands Avenue is for the benefit of PASHA to expand its operations in the public realm, (see Figure 2). We believe

Response to Comment X-1

This comment is an introductory comment expressing support for Alternative 4 and concern that the proposed project does not meet the needs of National City residents.

It should be noted that the District received this comment letter on September 9, 2022—nearly a year after the public comment period ended on November 17, 2021, and a month before the Board of Port Commissioners are scheduled to consider the Final EIR and proposed project approvals. However, for informational purposes, the District is responding to the comment letter.

This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately below, along with the District's individual responses. Further, as stated in Chapter 7, *Alternatives to the Proposed Project*, of the Draft EIR, Alternative 4 would not meet all of the project objectives.

Response to Comment X-2

This comment is related to the level of service analysis included as Appendix K of the Draft EIR and expresses concern with the impacts resulting from street closures, increase of daily weekday trips, and addition of hotel rooms in relation to changes in traffic patterns that could occur with full buildout of the project.

Please see Response to Comment E-2, which describes that the level of service impact analysis (Appendix K of the Draft EIR) was conducted and included in the Draft EIR for informational purposes only, and that the Transportation Impact Analysis in the EIR (Section 4.13) is based on VMT instead of measures related to vehicular capacity or traffic congestion. Further, please see Response to Comment E-4 regarding the elimination of the "potential closure or narrowing of Bay Marina Drive to through traffic at Marina Way" from the proposed project, thereby eliminating its associated impacts. No additional changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

Response to Comment X-3

This comment states that Tidelands Avenue should be left open for public access to Pepper Park as Marina Way does not provide adequate access in the event of an emergency evacuation.

As discussed in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR, the closure of Tidelands Avenue would have the potential to result in inadequate emergency access during operation. However, **MM-HAZ-9**, would require coordination with the City Fire Marshal to ensure that necessary features would be included such as an emergency access road, entrance/exit gates, and fire hydrants. Implementation of **MM-HAZ-9** would ensure emergency vehicle access would be maintained to the proposed project site and nearby properties during operation. Additionally, access to Pepper Park would be provided by Marina Way. No additional changes to the Draft EIR are warranted based on this comment.

x-3 cont. that Tidelands Avenue should be left open for public access to the Pepper Park area. In the case of an emergency with a required evacuation, the limited roadway entrance (see Fig. 4) with one path out on Marina Way would be dangerous and unacceptable. First responders trying to enter the Pepper Park Area would encounter speed bumps, narrow access, and many vehicles hurriedly exiting. Tidelands Avenue currently provides an easy way in and out of the Pepper Park area without crowding the already constricted Marina Way.

x-4 In addition, bike path planning for this project has been done in a haphazard manner, mostly at the lead of the City of National City. Please do not endorse the idea of a bike path on McKinley Avenue. We understand this is outside of the Port District, but the Bayshore Bikeway components must connect safely and thoughtfully. The reduction in parking spaces for employees in the McKinley Avenue area will have a ripple effect throughout the entire Marina District; the Westside of National City. Please support the use of Cleveland Avenue to connect Harbor Drive to Bay Marina Drive and the Bayshore Bikepath. This is the street currently favored by bicyclists, both commuter and recreational.

x-5 Once the bike path crosses Bay Marina Drive, we think the BNSF company should be required to negotiate the abandonment of their easternmost rail line along the road and give National City and the public the space required for both a dedicated bike path and a pedestrian path with the two current lanes of traffic. The railroad company should not get their requested changes in this project and in the upcoming LOSAN plan without helping to fix the problems associated with the narrow Marina Way. You must not forget that those problems were left for us to work out when the original Harbor District Specific Plan was created in the 1990s and this is an opportunity to correct them now.

Environmental and Aesthetic Issues:

x-6 First, in Alternative 2, the recommendation of no Waterside Development in the Sweetwater Channel is made. We believe that there should be no aquaculture operations in the channel due to the impacts on eelgrass habitat and species of wildlife that rely on it. We also are against the addition of new boat docks along the outside of the jetty that surrounds the marina. Any expansion of the marina commerce should be done within its current footprint.

x-7 Second, even with the addition of two acres, Granger Hall should not be moved to Pepper Park for two important reasons. First, the public deserves more "open" park space than is called out in this project. Second, to partner with the City of National City on a civic building, one that the city has been remiss in maintaining, is a risky endeavor. There may be other more appropriate locations outside the Port District.

Response to Comment X-4

This comment requests that the District support a bike path along Cleveland Avenue instead of on McKinley Avenue as constructing the bike path along McKinley Avenue would reduce parking spaces for employees and have ripple effects on the surrounding community. As stated in Response to Comment D-12, the SANDAG 2006 Bayshore Bikeway Plan studied siting the National City segment of the Bayshore Bikeway along Cleveland Avenue and dismissed that location because of heavy traffic associated with adjacent businesses. Therefore, the siting the National City segment of the Bayshore Bikeway along Cleveland Avenue was not further analyzed. Please also see Chapter 2, *Revisions to the Draft EIR*, which states that Route 3 is the only route that is now part of the project.

Response to Comment X-5

This comment states that BNSF should be required to abandon their easternmost rail line [along Marina Way] and give the land to the City of National City for a dedicated bike path and pedestrian path, while still having the two current lanes of traffic on Marina Way. Closure of rail facilities is under the strict preview of the California Public Utilities Commission and the Surface Transportation Board. Further, the abandonment of the BNSF rail line is not part of the proposed project, nor are BNSF or the LOSSAN Rail Corridor Agency project proponents for the proposed project.

This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

Response to Comment X-6

This comment recommends Alternative 2 and opposes the addition of aquaculture and new boat docks along the jetty in Sweetwater Channel as part of the proposed project due to impacts on eelgrass habitat and wildlife and states that any expansion of marine commerce should occur within the current footprint. Aquaculture has been removed from the GB Capital Component as part of the Final EIR. See Chapter 2, *Revisions to the Draft EIR*. Biological impacts associated with the new boat docks are discussed in Section 4.3, *Biological Resources*, of the Draft EIR.

The comment does not recommend any specific changes to a mitigation measure or raise a new impact not already discussed in the Draft EIR. No additional changes to the Draft EIR are warranted based on this comment; however, this comment is included in the record for consideration by the Board.

Response to Comment X-7

This comment states that Granger Hall should not be relocated to Pepper Park as it would limit open space and require the District to partner with the City of National City.

Please see Response to Comment P-4.

Third, the building of 60 modular cabins along the jetty will block the views of the public to essential waterfront vistas.

x-8 The EIR reports that there is currently only one view line to the bay from the Bayshore Bike path at the east corner of the Marina property. This view will be obstructed by the cabin development. When we look at Chula Vista's Bayfront, there are many more viewpoints than we see in National City. Don't take one away to build modular cabins on the jetty. The jetty was never intended for that purpose. It was supposed to be a walking path to the bay. This looks like an unnecessary attempt at commercial maximization on public lands by GB Capital. The cabins are not essential to the economic success of the National City Bayfront, the City of National City, nor the San Diego Unified Port.

Conclusion:

x-9 The residents of National City have long been denied a true access point to the San Diego Bay. The Sweetwater Channel is not an acceptable trade-off. Talk about equity... and then walk it. This is where we see the need for a "21st Century Bayfront Plan."

x-10 We call on the Port Commission to start planning for the 21st Century and open up the Bayfront from 24th Street to the Sweetwater Channel for focused, specific public-oriented development. The San Diego Unified Port District must accept equal responsibility and help the city and region solve the critical housing shortage. We call on San Diego Unified Port District commissioners to begin a plan to relocate PASHA and other businesses currently south of 24th Street and west of Tidelands Avenue to the north side of 24th St. and request that discussions begin with the United States Navy, through our Democratic Congressman, to relocate the Navy north of 19th St. The empty lots in the area must be made productive.

x-11 The Regional and National City housing shortage is severe and the city budget is constrained. The Bayfront south of 24th Street should be developed into 5 or 6 high rise housing towers for "all-income levels" of families. A vision for the future must be developed that builds Harbor Drive from Downtown San Diego to National City and Chula Vista in the image of Chicago's Lakeshore Drive and unites the new residential area to the rest of the region with high quality last-mile public transit. With the housing in place, commercial development will follow. PASHA, the Port District, and the U.S. Navy are "land-banking" property when there is a severe need to build housing. Our community deserves good housing, large parks, better transit options, open space, and work opportunities along the Bayfront. The importation of automobiles, lumber, and other products can be accommodated north of 24th Street and be a key part of this 21st Century

Response to Comment X-8

This comment opposes the development of the modular cabins along the jetty as it would block the view of San Diego Bay from the Bayshore Bikeway.

As stated on page 4.1-11 of the Draft EIR, the "Bayshore Bikeway provides ... views of Sweetwater Channel, Paradise Marsh National Wildlife Refuge, and Pier 32 Marina. Because of intervening landscape and other structures, the project site is only partially visible from the Bayshore Bikeway." In addition, KOP 3, which is located on the eastern end of the jetty, adjacent to an existing the Bayshore Bikeway, was chosen because of comments received from interested parties during the NOP's public review period, and the open space area proposed by GB Capital on the jetty would provide effectively the same view as the existing view from KOP 3.

Further, as identified in Section 4.1, *Aesthetics and Visual Resources*, implementation of **MM-AES-1**, **MM-AES-2**, and **MM-AES-3** would reduce potential aesthetic impacts to a level less than significant as related to impacts on existing views and access to existing scenic vistas associated with construction of the modular cabins during the approximately 2-year period for Phase 1 of GB Capital Component construction activities. During operation of the proposed project, implementation of **MM-AES-4** would reduce any potential impacts to a level less than significant by providing similar views to the south and southwest at the proposed open space area on the jetty and requiring signage at the existing Pier 32 overlook that directs visitors to that view on the jetty. Implementation of **MM-AES-5** would reduce potential impacts on KOP 2 by maintaining a minimum 20-foot-wide clear zone along the Pier 32 overlook and across the marina and jetty to protect the view corridor.

No changes to the Draft EIR are required in response to this comment. However, this comment is included in the record for consideration by the Board.

Response to Comment X-9

This comment states that the residents of National City have been denied an access point to the San Diego Bay and requests that the District open the bayfront from Bay Marina Drive [formerly 24th Street] to the Sweetwater Channel for public-oriented development.

The area of the bayfront that is mentioned in this comment is part of the NCMT, which is a secured access facility, which cannot provide public

access at that location. No changes to the Draft EIR are required in response to this comment.

Response to Comment X-10

This comment states that the District must take responsibility in solving the housing shortages and requests that the District begin a plan to relocate businesses south of Bay Marina Drive [formerly 24th Street] and west of Tidelands Avenue to the north of Bay Marina Drive and to relocate the U.S. Navy north of 19th street.

The project site is currently developed with maritime industrial, commercial, and recreational uses, and no residential land uses are within the project site or surrounding area. Residential development on District tidelands is prohibited by the Public Trust Doctrine and the Port Act. Further, the proposed project would not displace any housing units or necessitate the construction of housing units elsewhere. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted.

Response to Comment X-11

This comment states that the bayfront south of Bay Marina Drive [formerly 24th Street] should be developed into high-rise housing towers modeled after Chicago's Lakeshore Drive with high-quality last-mile transit.

Please see Response to Comment X-10. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted.

X-11
cont.

Bayfront Plan.

National city residents and visitors should be able to walk to the southwestern most point of land on the Bayfront and look north to see the skyline of San Diego and the Coronado bridge and south along the coast of Mexico. We should have opportunity to house our families in homes that allows for the building of personal wealth. The Port District should take some responsibility to help with the housing shortage and increase the fair and level playing field that is owed National City residents.

X-12

Thank you,
Ted Godshalk and Margaret Avalos Godshalk
National City

Response to Comment X-12

This comment reiterates that the District should help address the housing shortage and retain bayfront access for National City residents and visitors.

Please see Responses to Comments X-9 and X-10. This comment does not raise specific issues related to the adequacy, accuracy, or completeness of the analysis in the Draft EIR. No changes to the Draft EIR are warranted.

4.1 Chapter 1, Introduction

No references were used.

4.2 Chapter 2, Revisions to the Draft EIR

No references were used.

4.3 Chapter 3, Comments Received and District Responses

U.S. Navy, Naval Facilities Engineering Command Southwest (U.S. Navy). 2020. *Evaluation of Temporal and Spatial Changes of Eelgrass Beds Within San Diego Bay Using Permanently Monitored Transects*. Available:
<https://pantheonstorage.blob.core.windows.net/environment/2020-Naval-Evaluation-of-Temporal-and-Spatial-Changes-of-Perennial-Eelgrass-Beds-within-San-Diego-Bay.pdf>. Accessed: September 2022.

Attachment 1

Mitigation Monitoring and Reporting Program

A.1.1 Purpose

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the National City Bayfront Projects and Plan Amendments implement the environmental mitigation measures required by the Final Environmental Impact Report (EIR) for the proposed project. Those mitigation measures have been integrated into this MMRP. The MMRP provides a mechanism for monitoring and reporting implementation of the mitigation measures in compliance with the EIR, and general guidelines for the use and implementation of the monitoring program are described below.

This MMRP is written in accordance with California Public Resources Code 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. California Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to adopt a reporting or monitoring program for changes made to the project, or conditions of approval, adopted in order to mitigate or avoid significant effects on the environment and to monitor performance of the mitigation measures included in any environmental document to ensure that implementation takes place. The San Diego Unified Port District (District) is the designated Lead Agency for the MMRP. The Lead Agency is responsible for review of all monitoring reports, enforcement actions, and document disposition. The Lead Agency will rely on information provided by a monitor as accurate and up to date and will field check mitigation measure status as required. Adoption of the MMRP for portions within City of National City (City) discretionary authority is required by the City, as a CEQA responsible agency.

The District may modify how it will implement a mitigation measure, as long as the alternative means of implementing the mitigation still achieves the same or greater impact reduction. Copies of the MMRP shall be distributed to the participants of the monitoring effort to ensure that all parties involved have a clear understanding of the mitigation monitoring measures adopted.

A.1.2 Format

Mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or requiring supplemental structural controls. Within this document, mitigation measures are organized and referenced by subject category. Each of the mitigation measures has a numerical reference. The following items are identified for each mitigation measure.

- Mitigation Language and Numbering
- Mitigation Timing
- Methods for Monitoring and Reporting
- Responsible Parties

A.1.3 Mitigation Language and Numbering

Provides the language of the mitigation measure in its entirety.

A.1.4 Mitigation Timing

The mitigation measures required for the project will be implemented at various times before construction, during construction, prior to project completion, or during project operation.

A.1.5 Methods for Monitoring and Reporting

The MMRP includes the procedures for documenting and reporting mitigation implementation efforts.

A.1.6 Responsible Parties

For each mitigation measure, the parties responsible for implementation, monitoring and reporting, and verifying successful completion of the mitigation measure are identified. These parties include both governmental organizations and by private sector project proponents.

Table A1-1. Mitigation, Monitoring, and Reporting Program

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|--|
| Aesthetics and Visual Resources | | |
| <p>MM-AES-1: Install Construction Screening and Fencing (GB Capital Component). GB Capital shall require their contractors to install construction-screening fencing around the perimeter of the jetty prior to the start of construction of the modular cabins and extended dock and pier with boat slips that shall shield construction activities from sight. The screening shall remain until construction equipment is removed from this area. Construction-screening fencing shall be depicted on construction plans and, prior to issuance of construction permits, the District’s Development Services Department shall confirm such fencing is depicted on the appropriate construction plans. Construction screening shall include, at a minimum, installation of 8-foot-tall fencing covered with view-blocking materials, such as tarp or mesh in a color that blends in with the existing environment (e.g., green or blue), for the duration of the construction period.</p> | <p>Timing: Prior to and during construction
Method: Install construction-screening fencing around the perimeter of the jetty prior to the start of construction.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: District’s Development Services Department</p> |
| <p>MM-AES-2: Install Wayfinding and Public Access Signage (GB Capital Component). Prior to construction of any GB Capital-related project elements within the marina, on the jetty, or in Sweetwater Channel that would affect the view provided by KOP 2, GB Capital or their contractors shall install temporary legible wayfinding signage in visible areas (e.g., in the general vicinity of the existing overlook at KOP 2 and where the existing waterside promenade on the Pier 32 Marina intersects with Goesno Place) that directs the public to other available scenic vistas that would not be affected by construction activities and would provide substantially similar views, such as KOP 4 and KOP 5. GB Capital shall require that contractors submit the signage characteristics (e.g., size, color, materials) to the District’s Development Services Department for review and approval prior installation of the signage—provided however, that the temporary wayfinding signage shall at a minimum depict the direction and distance to the alternate KOP(s). Photographic proof of the installation of wayfinding signage shall be submitted to the District’s Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1) that</p> | <p>Timing: Prior to construction and during construction
Method: Install temporary wayfinding signage that directs the public to other scenic vistas.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: District’s Development Services Department</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|--|
| <p>involve construction in the marina, on the jetty, or in Sweetwater Channel and may be removed on completion of construction.</p> | <p>Timing: Prior to and during construction</p> <p>Method: Establish a temporary scenic vista east of KOP 3.</p> | <p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District’s Development Services Department</p> |
| <p>MM-AES-3: Establish a Temporary Scenic Vista (GB Capital Component). Prior to the commencement of construction of the GB Capital Component (Phase 1), GB Capital shall require its contractors to establish a temporary scenic vista directly east of KOP 3, adjacent to the western end of the existing Bayshore Bikeway bike path (before the existing path turns north), which shall be accessible to the public throughout the entirety of the construction phase of the GB Capital Component. The project proponent shall provide temporary wayfinding signage at the GB Capital Component site and signage at the temporary scenic vista identifying it as a temporary scenic vista. Photographic proof of the establishment of the temporary scenic vista shall be submitted to the District’s Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1).</p> | <p>Timing: Prior to and during construction</p> <p>Method: Establish a temporary scenic vista east of KOP 3.</p> | <p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District’s Development Services Department</p> |
| <p>MM-AES-4: Install Permanent Wayfinding Signage for the Open Space Area on Jetty (GB Capital Component). GB Capital shall construct the open space/park area on the jetty concurrently with the construction of the modular cabins and shall finish the open space area prior to or concurrently with said cabins. When construction of the modular cabins is complete, GB Capital or its contractors shall install permanent wayfinding signage that is legible and in a publicly accessible area at KOP 2/the existing Pier 32 overlook to direct visitors to the open space area on the jetty, where views of Sweetwater Channel to the southeast, south, and southwest would be available. GB Capital or its contractors shall submit the signage characteristics (e.g., size, color, materials) to the District’s Development Services Department for review and approval prior to installation—provided, however, that the wayfinding signage shall at a minimum contain the distance and direction to the open space area. Photographic proof of the wayfinding signage shall be submitted to the District’s Development Services Department prior to issuance of the certificate of occupancy.</p> | <p>Timing: Upon completion of modular cabins</p> <p>Method: Construct the open space area prior to or concurrently with the modular cabins and install permanent wayfinding signage to direct visitors to the open space area.</p> | <p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District’s Development Services Department</p> |
| <p>MM-AES-5: Extend the Existing Clear Zone Across Jetty (GB Capital Component). The project proponent for the GB Capital Component shall extend the existing minimum 20-foot-wide clear zone along the Pier 32 overlook southward across the jetty. The existing minimum 20-foot-wide clear zone and the proposed 20-foot-wide clear zone on the jetty shall be</p> | <p>Timing: Prior to and during construction</p> <p>Method: Extend the existing minimum 20-foot-wide clear</p> | <p>Implementation: Applicable Project Proponent for Component</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--|--|
| <p>identified on the project plans. The open space/park area proposed on the jetty can be located within the 20-foot-wide clear zone. Prior to issuance of a coastal development permit that includes construction of the modular cabins, the District’s Development Services Department shall confirm that the existing and proposed minimum 20-foot-wide clear zone is identified and observed on the project plans.</p> | <p>zone along the Pier 32 overlook southward across the jetty.</p> | <p>Monitoring and Reporting:
Applicable Project Proponent for Component
Verification: District’s Development Services Department</p> |
| <p>MM-AES-7: Design the GB Capital Component to Provide Continuity (GB Capital Component). To provide a natural continuity with the existing marina complex, the GB Capital Component shall be designed and constructed using a similar architectural style and materials as the existing Pier 32 Marina. Prior to issuance of the Coastal Development Permit for both phases of the GB Capital Component, the District shall review plans for the GB Capital Component to ensure design continuity with the existing marina complex.</p> | <p>Timing: Prior to construction
Method: Ensure design continuity with the existing Pier 32 Marina.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting:
Applicable Project Proponent for Component
Verification: District</p> |
| <p>MM-AES-8: Limit Lighting (GB Capital Component). Proposed outdoor lighting in the parking lots, in the marina, and outside of buildings shall not exceed a correlated color temperature of 2,700 Kelvins in order to emit less high frequency blue light. The project proponent shall provide details (i.e., Kelvins) of the proposed lighting to the District’s Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.</p> | <p>Timing: Prior to construction and during project operation
Method: Ensure proposed outdoor lighting shall not exceed a correlated color temperature of 2,700 Kelvins.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting:
Applicable Project Proponent for Component
Verification: District’s Development Services Department</p> |
| <p>MM-AES-9: Shield Security and Safety Lighting (GB Capital Component). Security and safety lighting proposed around the RV park, retail, marina, jetty, parking lot, hotels, and other outdoor common spaces shall consist of full cutoff pole-top fixtures with full cutoff shields to minimize light spillage into adjacent properties and land uses. The project proponent shall provide details of the proposed lighting to the District’s Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.</p> | <p>Timing: Prior to construction and during project operation
Method: Implement measures to minimize light spillage from security and safety lighting.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting:
Applicable Project Proponent for Component
Verification: District’s Development Services Department</p> |
| <p>Air Quality and Health Risk</p> | | |
| <p>MM-AQ-1: Update the RAQS and SIP with New Growth Projections (All Project Components). Within 6 months from approval of the proposed project, the District and City shall provide SANDAG with revised employment growth forecasts that account for buildout of the</p> | <p>Timing: Within 6 months of approval
Method: Provide the new employment growth forecasts</p> | <p>Implementation: District and City
Monitoring and Reporting: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| <p>proposed project. This includes the amendments to the District’s PMP, and the City’s General Plan, LCP, HDSAP, and LUC to account for the proposed land use and jurisdictional changes. The District and the City shall coordinate with SANDAG and the SDAPCD to ensure the RAQS and SIP are updated as part of the next revision cycle to reflect the updated growth and land use assumptions of the project as well as the PMP and the City’s General Plan as a whole.</p> | <p>and coordinate with SANDAG and the SDAPCD to ensure the RAQS and SIP are updated.</p> | <p>Verification: SANDAG</p> |
| <p>MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components). To control VOC, NO_x, CO, PM10, and PM2.5 emissions during construction, the project proponent/operator and/or its contractor(s) shall implement or require implementation by its construction contractor(s) the following measures during construction of their corresponding proposed project component, and shall provide verification to the District (or City).
Prior to the commencement of construction activities of any project component, the project proponent for that project component shall submit a list of equipment to be used and their equipment specifications (model year, engine tier, horsepower) to the District’s Development Services Department (for the components’ within the District’s jurisdiction) or the City’s Community Development Department (for the component’s within the City’s jurisdiction) to ensure the construction equipment list is consistent with the following requirements. Following construction, the project proponent/operator and/or its contractor(s) shall provide written evidence that the construction was consistent with following requirements:</p> <ul style="list-style-type: none"> • For all construction between 2022 and 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 3 or cleaner engines, unless Tier 3 construction equipment is not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 3 or cleaner equipment shall be used, or that Tier 3 or better equipment is not available for use during the entire duration of that project’s construction period through 2025. • For all construction beyond 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 4 or cleaner engines, unless Tier 4 construction equipment is | <p>Timing: Prior to, during, and post construction
Method: Ensure construction equipment and construction activities are consistent with emission-reduction requirements.</p> | <p>Implementation: All Project Proponents/Operator and/or Contractors
Monitoring and Reporting: All Project Proponents
Verification: District’s Development Services Department or City’s Community Development Department</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--|---|
| <p>not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 4 or cleaner equipment shall be used, or that Tier 4 or cleaner equipment is not available for use during the entire duration of that project’s construction period beyond 2025.</p> <ul style="list-style-type: none"> • Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. • Maintain all equipment in accordance with the manufacturers’ specifications. • Turn off all construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, when not in use for more than 3 minutes. • Use zero or near-zero emissions equipment in-lieu of diesel or gasoline-powered equipment, where such zero or near-zero equipment is commercially available within 50 miles of the project site. • Use diesel particulate filters (or the equivalent) if permitted under manufacturer’s guidelines for on-road and off-road diesel equipment. | | |
| <p>MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components). To control fugitive PM10 and PM2.5 emissions during construction of any project component, the project proponent/operator and/or its contractor(s) for each component shall implement the following dust control measures in compliance with SDAPCD Rule 55. The following shall be conditions in any Coastal Development Permit or City-issued permit (such as grading and building permits) and shall be implemented by that project proponent/operator and/or its contractor(s).</p> <ul style="list-style-type: none"> • Water the grading areas at a minimum of three times daily to minimize fugitive dust. • Stabilize graded areas as quickly as possible to minimize fugitive dust. | <p>Timing: During construction
Method: Implement dust control measures to control fugitive PM10 and PM2.5 in compliance with SDAPCD Rule 55.</p> | <p>Implementation: All Project Proponents/Operator and/or Contractors
Monitoring and Reporting: All Project Proponents
Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--|--|
| <ul style="list-style-type: none"> • Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry. • Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads. • Remove any visible track-out into traveled public streets within 30 minutes of occurrence. • Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred. • Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads. • Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling. • Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour (mph). • Cover/water onsite stockpiles of excavated material. • Enforce a 15 mph speed limit on unpaved surfaces. • On dry days, sweep up any dirt and debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather. • Hydroseed, landscape, or develop as quickly as possible all disturbed areas and as directed by the District and/or SDAPCD to reduce dust generation. • Limit the daily grading volumes/area. • The project proponent/operator and/or its contractor(s) for each component shall submit evidence of the use of fugitive dust reduction measures to the District or City after the completion of construction. | | |
| <p>MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component). To control VOC emissions during any painting activities during construction, the project proponent/operator and/or its contractor(s) for all phases of GB Capital Component (Phase 1 and Phase 2) and City Program – Development Component shall use low-VOC coatings for all surfaces that go beyond the requirements of SDAPCD</p> | <p>Timing: Prior to and during construction
Method: Use low-VOC coatings for all surfaces that go beyond the requirements of SDAPCD Rule 67.0.</p> | <p>Implementation: Applicable Project Proponents for Components/Operator and/or Contractors
Monitoring and Reporting: Applicable Project Proponents for Components</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|---|
| <p>Rule 67.0. If architectural coatings (painting) of any single component or multiple components would exceed 10,000 square feet per day, then each project component active on that day shall use coatings with a VOC content of 10 grams per liter or less for all surfaces to be painted. If architectural coatings (painting) of any single component or multiple components would be below 10,000 square feet per day, then each component shall use coatings with a VOC content of 75 grams per liter or less. Prior to the commencement of construction activities associated with the GB Capital Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the District’s Development Services Department. Prior to the commencement of construction activities associated with the City Program – Development Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the City’s Community Development Department. The District and City, for their respective jurisdictions, may conduct inspections during construction to verify the use of low-VOC coatings.</p> | | <p>Verification: District’s Development Services Department and City’s Community Development Department</p> |
| <p>MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component). Prior to commencing any waterside construction or activities the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including but not limited to tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:</p> <ul style="list-style-type: none"> • For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner). • For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits less emission than Tier 4 or better (cleaner) are not available, then the project proponent shall ensure all equipment is Tier 4 or better. • Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50 percent of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. | <p>Timing: Prior to waterside construction</p> <p>Method: Ensure harbor craft meet clean emissions criteria and submit evidence of compliance prior to their use.</p> | <p>Implementation: Applicable Project Proponent for Component/Operator and/or Contractors</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District’s Development Services Department or City’s Community Development Department</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|---|
| <p>If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize use of equipment that is maintained and properly tuned in accordance with manufacturers’ specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District’s Development Services Department and/or the City’s Community Development Department prior to commencement of waterside construction activities, that equipment meeting the above tiering requirements or better standards is not available for use during the duration of all in-water activities. Regardless of the equipment used, the project proponent/operator and/or its contractor(s) for each component shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each component shall submit a report prepared by the mechanic experienced with such equipment of the condition of the construction and operations vehicles and equipment to the District’s Development Services Department and/or the City’s Community Development Department prior to commencement of their use.</p> | | |
| <p>MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). Each project proponent/operator and/or its contractor(s) shall submit a construction schedule and assumed construction activity at least 3 months prior to the start of construction to the District and City. If grading and waterside construction activities (associated with GB Capital Component Phase 1) are to take place at the same time, they shall be reduced or staggered as to not to exceed daily air quality thresholds and such reduction or staggering shall be a condition of grading and building permits. However, multiple project components’ grading may take place at the same time. The District and City, for their respective jurisdictions, may conduct inspections during construction to verify activity.</p> | <p>Timing: Prior to construction
Method: Submit a construction schedule and assumed construction activity to ensure reduction or staggering of overlapping construction phases.</p> | <p>Implementation: All Project Proponents/Operator and/or Contractors
Monitoring and Reporting: All Project Proponents
Verification: District and City</p> |
| <p>MM-AQ-7: Restrict Installation of Fireplaces and Firepits in New Construction (City Program, GB Capital Component [Phase 1 and Phase 2], and Balanced Plan). The proponent/operator and/or its contractor(s) of the City Program – Development Component, the GB</p> | <p>Timing: Prior to construction
Method: Ensure all fireplaces and firepits are fueled by</p> | <p>Implementation: Applicable Project Proponents for Components/Operator and/or Contractors</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|--|
| <p>Capital Component, and the Balanced Plan shall ensure that no outdoor woodburning stoves, fireplaces, or firepits are installed, and all fireplaces and firepits shall be fueled by natural gas. The project proponent/operator and/or its contractor(s) for each component shall submit evidence that no outdoor woodburning stoves, fireplaces, or firepits are wood-burning to the District (or City for City Program), and the District (or City for City Program) may conduct inspections during construction to verify the details that were submitted are accurate.</p> | <p>natural gas and no outdoor woodburning stoves, fireplaces, or firepits are installed.</p> | <p>Monitoring and Reporting: Applicable Project Proponents for Components
Verification: District and City</p> |
| <p>Biological Resources</p> | | |
| <p>MM-BIO-1: Conduct Surveys and Monitoring for Estuary Seablite (Bayshore Bikeway Component Route 3): An authorized biologist shall be present onsite during construction within or adjacent to suitable habitat for estuary seablite to ensure that avoidance and minimization measures are in place according to specifications and to monitor construction in the vicinity of estuary seablite population at a frequency necessary to ensure that avoidance and minimization measures are followed properly. The biological monitor shall report any noncompliance to CDFW within 24 hours.</p> <p>Before ground disturbance or other activities associated with construction of Bayshore Bikeway Component Route 3, a qualified botanist shall survey all proposed construction and access areas for presence of special-status plant species. Preconstruction surveys shall occur during the appropriate season and in accordance with established protocols up to 1 year in advance of construction, provided temporary construction easements have been granted to construction areas. These surveys shall be conducted in all construction areas that contain suitable habitat for special-status plant species. These surveys shall be for the purpose of documenting plant locations relative to the construction areas and ensure avoidance, where feasible. If construction starts prior to the appropriate season, and it is unfeasible to conduct preconstruction surveys, then plant documentation for avoidance and ESA fencing shall rely on previous population locations.</p> <p>Populations of estuary seablite or other special-status plant species observed during these surveys shall be clearly mapped and recorded, along with the approximate numbers of individuals in each population and their respective conditions. Construction areas and construction</p> | <p>Timing: Prior to and during project construction
Method: Conduct preconstruction surveys for presence of estuary seablite and other special-status species, implement avoidance and minimization measures, and monitor for estuary seablite species and other special-status species during construction.</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Authorized Biologist, Applicable Project Proponents for Components
Verification: District, CDFW</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|--|
| <p>access roads shall avoid loss of individual estuary seabird and other special-status species.</p> | | |
| <p>MM-BIO-3: Avoid Construction within 300 Feet of Avian Species During the Breeding Season (GB Capital Component and Bayshore Bikeway Component Route 3). All project construction activities occurring within 300 feet of salt marsh habitat (e.g., portions of Bayshore Bikeway Component Route 3 and some of the GB Capital Component) shall take place outside of the light-footed Ridgway’s rail and Belding’s Savannah sparrow breeding season (i.e., February 15–September 15); no construction work shall occur within 300 feet of the marsh during this time period.</p> <p>To ensure protection of California least terns nesting at the D Street colony, project proponents shall avoid impact pile driving during the least tern nesting season. The nesting season for California least terns is defined here as April 1 through September 15.</p> | <p>Timing: During construction</p> <p>Method: Ensure no construction work occurs within 300 feet of salt marsh habitat from February 15 through September 15 and avoid impact pile driving from April 1 through September 15.</p> | <p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District and City</p> |
| <p>MM-BIO-4: Avoid Impacts on Osprey During Nesting Season (January 15–June 15) (Pepper Park Expansion and Roadway Configuration in Balanced Plan, and Pasha Rail Improvement Component). To ensure nesting ospreys are not disturbed, the project proponent for the Balanced Plan (specifically, the roadway improvements and Pepper Park expansion), as well as the project proponent for the Pasha Rail Improvement Component, shall avoid all noise-generating construction activities during the osprey nesting season (January 15–June 15) within all proposed construction areas or shall implement all of the following:</p> <ul style="list-style-type: none"> • Surveys of historical nest locations maintained by the District shall be conducted to determine current occupancy status within 72 hours prior to construction/onset of noise-generating activities. If nests are occupied, or if the nest occupancy cannot be determined due to the height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete. | <p>Timing: Prior to and during project construction</p> <p>Method: Avoid all noise-generating construction activities during the osprey nesting season (January 15–June 15) or implement avoidance measures.</p> | <p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Authorized Biologist, Applicable Project Proponents for Components</p> <p>Verification: District</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|---|
| <ul style="list-style-type: none"> Surveys of all potential osprey nest locations, including existing utility poles, shall be conducted within 72 hours prior to construction/onset of noise-generating activities within 500 feet of any proposed work areas where noise-generating activities could affect nest success. These surveys could be conducted concurrent with those anticipated under MM-BIO-5 for MBTA avian species or conducted separately. If nests are occupied, or if the nest occupancy cannot be determined due to the height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete. | | |
| <p>MM-BIO-5: Avoid Impacts on MBTA Avian Species, Including Non-Listed Avian Species (Pepper Park Expansion and Roadway Configuration in Balanced Plan, GB Capital Component, and Bayshore Bikeway Component Route 3). To ensure compliance with the MBTA and similar provisions under CFGC Sections 3503 and 3503.5, the project proponent for the Balanced Plan (specifically, roadway improvements, Pepper Park expansion), GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component, and City Program – Development Component shall conduct all vegetation removal during the non-breeding season between September 15 and January 14 or shall implement the following:</p> <ul style="list-style-type: none"> If construction activities are scheduled between January 15 and September 14, a biological survey for nesting bird species shall be conducted within the proposed impact area and at least a 300-foot buffer within 72 hours prior to construction. The nesting bird survey is applicable to all avian species protected under the MBTA and Fish and Game Code. The number of surveys required for covering this area shall be commensurate with the schedule for construction and the acreage that shall be covered. Multiple surveys for nesting birds shall be separated by at least 48 hours in order to be confident that nesting is detected, but the survey shall be no more 72 hours prior to the onset of construction. | <p>Timing: Prior to and during project construction</p> <p>Method: Conduct all vegetation removal during the non-breeding season (September 15–January 14) or implement nesting bird avoidance measures.</p> | <p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Authorized Biologist, Applicable Project Proponents for Components</p> <p>Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|--|
| <ul style="list-style-type: none"> • If any active nests are detected, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete. • Nest buffers, nest survey techniques, and nest monitoring requirements shall be determined based on the project proponent’s avian biologist. In accordance with this mitigation measure, nest buffers shall be implemented to ensure compliance with the MBTA and Fish and Game Code Sections 3503, 3503.5, and 3513. Additionally, if grading activities, construction activities, or other noise-generating activities lapse for more than 48 hours, an additional nesting bird survey shall be conducted. The results of the nesting bird surveys and buffers, including any determinations to reduce buffers, shall be included in a monitoring report submitted to the project proponent. • If a nesting bird management plan is required as part of the site-specific impact analysis and mitigation for a particular component, then the parameters in this mitigation measure shall be applied as the minimum requirements for that particular component. More restrictive measures than these can be stipulated in the nesting bird management plan for that particular project component. | | |
| <p>MM-BIO-6: Conduct Surveys for Maternal Bat Roost Site Surveys and Avoid Seasonal Impacts (GB Capital Component and Bayshore Bikeway Component Route 3). Prior to the start of project construction on the GB Capital Component or Bayshore Bikeway Component Route 3, a qualified bat biologist shall conduct a daytime assessment to examine structures and trees suitable for bat use. If bat sign is observed at that time, then nighttime bat surveys shall be conducted to confirm whether the structures or trees with suitable habitat identified during the preliminary assessment are utilized by bats for day roosting or night roosting, ascertain the level of bat foraging and roosting activity at each of these locations, and perform exit counts to determine visually the approximate number of bats utilizing the roosts. Acoustic monitoring shall also be used during these surveys to identify the bat species present</p> | <p>Timing: Prior to and during project construction</p> <p>Method: Conduct preconstruction bat habitat assessment, avoid construction during bat maternity season if maternity sites are present, or complete bat exclusion activities.</p> | <p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Authorized Biologist, Applicable Project Proponents for Components</p> <p>Verification: District, CDFW</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|--|
| <p>and determine an index of relative bat activity for that site on that specific evening.</p> <p>If maternity sites are identified during the preconstruction bat habitat assessment, then no construction activities at that location shall be allowed during the maternity season (i.e., April 1–August 31) unless a qualified bat biologist has determined that the young have been weaned. If maternity sites are present, and it is anticipated that construction activities cannot be completed outside of the maternity season, then the qualified bat biologist, in consultation with CDFW, shall complete bat exclusion activities at maternity roost sites either as soon as possible after the young have been weaned or outside of the maternity season, or the qualified bat biologist, in coordination with CDFW, otherwise approves.</p> <p>The removal of mature trees and snags shall be minimized to the greatest extent practicable. Prior to tree removal or trimming, qualified bat biologist shall examine large trees and snags to ensure that no roosting bats are present. Palm frond trimming, if necessary, shall be conducted outside the maternity season (i.e., April 1–August 31) to avoid potential mortality to flightless young and outside the bat hibernation season (November–February).</p> | | |
| <p>MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities (GB Capital Component).</p> <p>During in-water pile installation, the contractor shall utilize pile jetting or vibratory methods (vibratory methods subject to additional measures below) to reduce the daily number of pile strikes to the extent practicable and must use fewer than 750 pile strikes per day to set pilings.</p> <p>Prior to construction activities involving impact-hammer and vibratory in-water pile driving, the project proponent shall prepare and implement a marine mammal, fish injury, and green sea turtle monitoring program such as a Marine Fish Species Impact Avoidance and Minimization Plan. The District shall review the monitoring program, which shall include the following requirements:</p> <ul style="list-style-type: none"> For a period of 15 minutes prior to the start of in-water construction, a qualified biologist, retained by the project proponent (i.e., GB Capital) and approved by the District’s Director of Development Services or their designee, shall monitor around the active pile driving areas to ensure that special-status species are not present. | <p>Timing: Prior to and during project construction</p> <p>Method: Reduce the daily number of pile strikes during in-water pile installation and prepare and implement a marine mammal, fish injury, and green sea turtle monitoring program.</p> | <p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Authorized Biologist, Applicable Project Proponent for Component</p> <p>Verification: District</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|--|
| <p>Monitors shall also monitor for injured fish and have the authority to stop work if there is an observation of concern.</p> <ul style="list-style-type: none"> • The construction contractor shall not start work if any observations of special-status species are made prior to starting pile driving. • In-water pile driving shall begin with soft starts, gradually increasing the force of the pile driving. This allows marine mammals, green sea turtles and fishes to flee areas adjacent to pile driving activities. • All monitors must meet the minimum requirements as defined by the National Oceanic Atmospheric Administration’s <i>Guidance for Developing a Marine Mammal Monitoring Plan</i> (NOAA 2019). • Recommendations in the Marine Mammal and Green Sea Turtle Monitoring Program shall be consistent with the District’s Regional General Permit (RGP) 72. • If the biological monitor determines that underwater noise is causing an observable impact on any sensitive species, the biological monitor shall stop in-water construction or may require a bubble curtain be placed around pilings during impact driving to reduce the intensity of underwater sound pressure levels. • A silt curtain shall be placed around the pile-driving activity to restrict the distribution of turbidity associated with the resuspension of marine sediments. The silt curtain shall be placed such that it does not drag on the bottom or contact eelgrass resources. In addition, the project proponent shall have a qualified contractor prepare and implement a water quality monitoring plan for the District’s review and approval to ensure that turbidity outside of the silt curtain does not increase more than 20% above ambient conditions during pile driving. • The monitoring plan shall be implemented during all pile-driving activities and be a part of any construction contracts of GB Capital’s in-water construction. | | |
| <p>MM-BIO-9: Implement Bird Strike Reduction Measures on New Structures (GB Capital Component and City Program – Development Component). Prior to issuance of any building construction/permits for any portion of the GB Capital Component or City Program – Development Component where the building would be taller than three stories, an ornithologist (retained by the respective project proponent and pre-</p> | <p>Timing: Prior to and during project construction
Method: Incorporate design strategies to minimize threat to avian species in accordance</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Authorized Ornithologist, Applicable Project Proponents for Components</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| <p>approved by the District for the GB Capital Component or the City for the City Program – Development Component) familiar with local species will review building plans to verify that the proposed building has incorporated specific design strategies that qualify for Leadership in Energy and Environmental Design (LEED) credits, as described in the American Bird Conservancy’s <i>Bird-Friendly Building Design</i> (Sheppard and Phillips 2015) or an equivalent guide to avoid or reduce the potential for bird strikes. Final building design must demonstrate to the satisfaction of the ornithologist that design strategies shall be in accordance with the <i>Bird-Friendly Building Design</i>, by incorporating strategies to minimize the threat to avian species, including but not limited to the following:</p> <ul style="list-style-type: none"> • Building Façade and Site Structures <ul style="list-style-type: none"> ○ Develop a building façade and site design that are visible as physical barriers to birds. • Elements such as Netting, Screens, Grilles, Shutters, and Exterior Shades to Preclude Collisions. <ul style="list-style-type: none"> ○ Incorporate materials that have a low threat potential based on the Bird Collision Threat Rating and the Bird Collision Threat Rating Calculation Spreadsheet to achieve a maximum total building Bird Collision Threat Rating of 15 or less. <ul style="list-style-type: none"> – High Threat Potential: Glass: Highly Reflective and/or Completely Transparent Surface – Least Threat Potential: Opaque Surface • Exterior Lighting <ul style="list-style-type: none"> ○ Fixtures not necessary for safety, entrances, and circulation shall be automatically shut off from midnight until 6:00 a.m. ○ Exterior luminaires must meet these requirements for all exterior luminaires located inside project boundary based on the following: <ul style="list-style-type: none"> – Photometric characteristics of each luminaire when mounted in the same orientation and tilt as specified in the project design; and – The lighting zone of the project property (at the time construction begins). Classify the project under one lighting zone using the lighting zones definitions provided in the <i>Illuminating Engineering Society and International Dark Sky</i> | <p>with the <i>Bird-Friendly Building Design</i> or equivalent guide.</p> | <p>Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|---|
| <p><i>Association (IES/IDA) Model Lighting Ordinance (MLO) User Guide (2011).</i></p> <ul style="list-style-type: none"> • Performance Monitoring Plan <ul style="list-style-type: none"> ○ The project proponent (e.g., GB Capital) shall develop a 3-year post-construction monitoring plan to routinely monitor the effectiveness of the building and site design in preventing bird collisions for buildings over three stories high. Include methods to identify and document locations where repeated bird strikes occur, the number of collisions, the date, the approximate time, and features that may be contributing to collisions. List potential design solutions and provide a process for adaptive management. ○ The project proponent (e.g., GB Capital) shall provide an adaptive monitoring report demonstrating which design strategies have been incorporated and the results of adaptive monitoring for District review. | | |
| <p>MM-BIO-10: Provide Compensatory Mitigation for Impacts on Coastal Sage Scrub (GB Capital Component and Bayshore Bikeway Component Route 3). Compensation for permanent impacts on Diegan coastal sage scrub habitats shall occur at a minimum 1:1 ratio, with compensation occurring as creation, enhancement, or restoration. The compensation can occur through a combination of one or more of the following: onsite enhancement, re-establishment, or creation; or payment into an agency-approved in-lieu fee, mitigation program, or other approved mitigation provider. Compensation type and final mitigation ratios shall be determined during the project’s coastal development permitting phase. Temporary impacts on Diegan coastal sage scrub habitats shall be replaced at a 1:1 ratio through onsite restoration. Onsite, in-kind restoration of temporarily affected Diegan coastal sage scrub would occur at their current locations on completion of construction, consisting of returning affected areas to original contour grades, decompacting the soil, and replanting with hydroseeding or container plantings using a plant palette composed of native species from the local region prior to disturbance. All revegetated areas shall avoid the use of any nonnative plant species.</p> <p>For any areas that shall be restored, enhanced, or created onsite, the project proponent (e.g., National City for Bayshore Bikeway; GB Capital, etc.) shall prepare a Habitat Mitigation and Monitoring Plan (HMMP)</p> | <p>Timing: Prior to construction</p> <p>Method: Provide compensatory mitigation for impacts on Diegan coastal sage scrub at a minimum 1:1 ratio and prepare an HMMP for onsite restoration.</p> | <p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District, CCC</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|--|
| <p>prior to project construction in accordance with requirements of the CCC. The HMMP shall outline all required components, including, but not limited to, a project description, goal of the mitigation, mitigation site, implementation plan, monitoring plan, completion of mitigation/ success criteria, and contingency measures. The HMMP shall address the onsite restoration of temporary impact areas and compensatory mitigation at on- or offsite areas to mitigate for permanent impacts.</p> | | |
| <p>MM-BIO-12: Provide Contractor Education, Utilize Ecological Moorings, and Develop an Eelgrass Mitigation and Monitoring Plan in Compliance with the California Eelgrass Mitigation Policy (GB Capital Component). Prior to the start of any in-water construction, the project proponent shall retain a qualified marine biologist to provide contractor education relative to the presence and sensitivity of eelgrass beds. The contractor shall be provided with a map that depicts the location of eelgrass within the work area. The contractor shall be instructed to use the minimal propeller thrust necessary when working in shallow water to avoid dislodging eelgrass or generating excessive turbidity. The contractor shall also be instructed not to place anchors or spuds over portions of the seafloor that support eelgrass.</p> <p>The proposed vessel moorings shall use ecologically sensitive mooring systems that minimize contact with the ocean bottom, to reduce scouring impacts. Examples of these systems include flexible lines with anchors that are permanently embedded into the bottom. The GB Capital Component shall include educational materials to boat operators describing how ecological moorings work and specifying that boat operators shall utilize the ecological moorings.</p> <p>Prior to the start of any in-water construction, the project proponent shall retain a qualified marine biologist to develop an eelgrass mitigation plan in compliance with the California Eelgrass Mitigation Policy. The mitigation plan shall be submitted to the District and resource agencies for approval and shall be implemented to compensate for losses to eelgrass in the event that the surveys described below indicate the project affected eelgrass. The eelgrass mitigation plan shall use updated eelgrass monitoring data to establish the amount of eelgrass present, and that data shall be collected within 6 months of the first draft of the mitigation plan. Additionally, the mitigation plan shall provide a summary of all mitigation sites considered during the evaluation and</p> | <p>Timing: Prior to in-water construction</p> <p>Method: Provide contractor education relative to the presence and sensitivity of eelgrass beds, utilize ecological mooring systems, and develop an eelgrass mitigation plan.</p> | <p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Qualified Marine-Biologist, Applicable Project Proponent for Component</p> <p>Verification: District and Resource Agencies</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--------------------|---------------------|
| <p>provide the rationale for the chosen mitigation site(s). A mitigation site must be secured prior to in-water construction that would affect eelgrass. Finally, the plan shall also include a habitat loss/gain analysis table and any changes to the losses or gains shall be captured in revisions to the mitigation plan as additional surveys as specified below are performed. To the extent practical, the mitigation shall attempt to achieve the creation of a contiguous eelgrass bed with eelgrass density at or above that present within the patchy eelgrass beds present within the Sweetwater River Channel. This will provide for enhanced fisheries benefit and therefore benefit to fish-foraging avian species such as California least tern. The mitigation plan shall be provided with permit applications required under the Rivers and Harbors Act (Section 10) and CWA (Section 401, Section 404), which would require supplemental resource agency consultation during the permitting process. The specific eelgrass mitigation plan elements shall include the following:</p> <ul style="list-style-type: none"> • Prior to the commencement of any in-water construction activities, a qualified marine biologist that the project proponent retains and the District approves shall conduct a preconstruction eelgrass survey per the California Eelgrass Mitigation Policy. Surveys for eelgrass shall be conducted during the active eelgrass growing season (March–October), and results shall be valid for 60 days, unless completed in September or October; if completed in those months, results shall be valid until resumption of the next growing season. The qualified marine biologist shall submit the results of the preconstruction survey to the District and resource agencies within 30 days. • Within 30 days of completion of in-water construction activities, a qualified marine biologist that the project proponent retains and the District approves shall conduct a postconstruction eelgrass survey during the active eelgrass growing season. The postconstruction survey shall evaluate potential eelgrass impacts associated with construction. On completion of the postconstruction survey, the qualified marine biologist shall submit the survey report to the District and resource agencies within 30 days. • At least 2 years of annual postconstruction eelgrass surveys shall be conducted during the active eelgrass growing season. The additional annual surveys shall evaluate the potential for operational impacts on eelgrass. Specifically, the surveys shall be designed to evaluate | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|--|
| <p>potential shading impacts noted in the project’s marine biological assessment (Appendix H of the EIR).</p> <ul style="list-style-type: none"> • In the event that eelgrass impacts are detected during post-construction monitoring, the project proponent shall implement the following: <ul style="list-style-type: none"> ○ A qualified marine biologist that the project proponent retains for the GB Capital Component and the District approves shall develop a mitigation plan for in-kind mitigation per the California Eelgrass Mitigation Policy. The qualified marine biologist shall submit the mitigation plan to the District and resource agencies within 60 days following the postconstruction survey. ○ Mitigation for eelgrass impacts shall be at a ratio of 1.2:1, and the project proponent shall determine eelgrass mitigation sites prior to the commencement of construction activities. ○ Mitigation shall commence within 135 days of any noted impacts on eelgrass, such that mitigation commences within the same eelgrass growing season that impacts occur. ○ Any mitigation that requires harvesting and transplantation of eelgrass shall require the qualified marine biologist to obtain a scientific collecting permit from CDFW for the purpose of harvesting eelgrass to support the mitigation. • Upon completing mitigation, the qualified biologist shall conduct mitigation performance monitoring at performance milestones of 0, 12, 24, 36, 48, and 60 months. The qualified biologist shall conduct all mitigation monitoring during the active eelgrass growing season and shall avoid the low-growth season (November–February). Performance standards shall be in accordance with those prescribed in the California Eelgrass Mitigation Policy. • The qualified biologist shall submit the monitoring reports and spatial data to the District and resource agencies within 30 days after the completion of each monitoring period. The monitoring reports shall include all of the specific requirements identified in the California Eelgrass Mitigation Policy. | | |
| <p>MM-BIO-13: Implement Overwater Coverage Mitigation Through the USACE Permitting Process in Consultation with CCC, NMFS, USFWS, RWQCB, and the District to Compensate for Loss of Open Water</p> | <p>Timing: Prior to construction
Method: Implement mitigation to reduce overwater coverage,</p> | <p>Implementation: Applicable Project Proponent for Component</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--|--|
| <p>Habitat and Function (GB Capital Component). The waterside GB Capital Component within Sweetwater Channel shall require implementation of regulatory agency-approved mitigation prior to implementation of the project to reduce overwater coverage. This may include reduction in overwater coverage at another location in San Diego Bay, restoration of upland riparian habitats, restoration of submerged aquatic vegetation, water quality-improvement techniques, restoration of soft-bottom habitats, such as mud flats, or use of mitigation bank credits or credits from the USACE permit for the construction of the marina from uplands or paying an in lieu fee (once a program is developed but prior to increase in overwater coverage). Detailed shading studies would be required in the future when construction and project design details are available, which would require supplemental environmental review. The project proponent shall conduct the shading studies and implement the following:</p> <ul style="list-style-type: none"> • To the extent practical, overwater structures shall be placed in a manner that minimizes shading of eelgrass and avoids scouring impacts on the seabed. • Prior to issuance of a Coastal Development Permit, the project proponent (i.e., GB Capital) shall request a pre-application meeting with the USACE, in consultation with CCC, NMFS, USFWS, RWQCB, and the District, to identify locations within San Diego Bay or the San Diego region to mitigate impacts on both sensitive avian species and nearshore habitat associated with loss of beneficial uses associated with overwater coverage and loss of open water-habitat function as a result of increased structural fill within San Diego Bay. • Prior to the commencement of construction activities of the waterside improvements of the GB Capital Component, the project proponent shall implement mitigation options that the regulatory agencies identified above review and approve. • The project proponent shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction. | <p>conduct shading studies, and secure all applicable permits.</p> | <p>Monitoring and Reporting:
Applicable Project Proponent for Component
Verification: District, USACE, CCC, NMFS, USFWS, and RWQCB</p> |
| <p>Cultural Resources, Tribal Cultural Resources, and Paleontological Resources</p> | | |
| <p>MM-CUL-2: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan (Balanced Plan, GB Capital Component, Pasha</p> | <p>Timing: Prior to ground-disturbing activities</p> | <p>Implementation: All Project Proponents</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--|--|
| <p>Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component). Prior to the commencement of any ground-disturbing activities within the areas requiring archaeological monitoring (i.e., activities occurring in the area that is both east of the mean high tide line and south of Bay Marina Drive), the respective project proponent shall retain a qualified archaeologist (approved by the District for components within its jurisdiction or the City for components within its jurisdiction) who meets the SOI Professional Qualification Standards (36 CFR 61) to prepare a CRMDP for designated portions of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component that are sensitive for archaeological resources, defined as the area east of the mean high tide line and south of Bay Marina Drive. Monitoring areas are defined as land-based ground-disturbing activities associated with project components east of the mean high tide line and south of Bay Marina Drive. Procedures to follow in the event of an unanticipated discovery apply to all applicable project components. The CRMDP shall be submitted to the City and District, as applicable based on the jurisdiction in which the project component is located, and shall be reviewed and approved by the relevant agency. If the District or City do not have in-house expertise to review the CRMDP, they shall respectively hire an expert who meets the SOI Professional Qualification Standards (36 CFR 61) and the project proponent shall pay for said expert. The District’s CRMDP review shall ensure that appropriate procedures to monitor construction and treat unanticipated discoveries are in place. District review and approval of the CRMDP shall occur prior to the commencement of any construction activities subject to the requirements of the CRMDP. The CRMDP shall include required qualifications for archaeological monitors and supervising archaeologists and shall lay out protocols to be followed in relation to cultural resources, including both archaeological and tribal cultural resources. The CRMDP shall provide a summary of sensitivity for buried cultural resources. In addition, it shall describe the roles and responsibilities of archaeological and Native American monitors, District personnel (as applicable), City personnel (as applicable), and construction personnel. Additionally, the CRMDP shall describe specific field procedures to be followed for archaeological monitoring, including field protocol and methods to be followed should there be an archaeological discovery.</p> | <p>Method: Retain a qualified archaeologist to prepare a Cultural Resources Monitoring and Discovery Plan for designated portions of identified components.</p> | <p>Monitoring and Reporting: Qualified Archaeologist; All Project Proponents
Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|---|
| <p>Evaluation of resources; consultation with Native American individuals, tribes, and organizations; treatment of cultural remains and artifacts; curation; and reporting requirements shall also be described. The CRM DP shall also delineate the requirements, procedures, and notification processes in the event human remains are encountered. The CRM DP shall delineate the area(s) of archaeological sensitivity that require archaeological monitoring. Mapping of the area(s) shall be made available to the project proponent, who shall incorporate this information into the respective construction specifications for the Balanced Plan Component, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component.</p> | <p>Timing: Prior to and during ground disturbance activities
Method: Provide cultural resources awareness training to project construction personnel by an approved qualified archaeologist.</p> | <p>Implementation: All Project Proponents
Monitoring and Reporting: All Project Proponents; Qualified Archaeologist Approved by the District and City within Respective Jurisdiction
Verification: District and City</p> |
| <p>MM-CUL-3: Prepare and Implement a Cultural Resources Awareness Training Prior to Project Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component). Prior to, and for the duration of, project-related ground disturbance in the areas east of the mean high tide line and south of Bay Marina Drive, the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component respective project proponent shall hire a qualified archaeologist who meets the SOI Professional Qualifications Standards (36 CFR 61) and is approved by the District for components within its jurisdiction, and the City for components within its jurisdiction, to provide cultural resources awareness training to project construction personnel. The training shall include a discussion of applicable laws and penalties under the law; samples or visual representations of artifacts that might be found in the project vicinity; and the steps that must be taken if cultural resources are encountered during construction, including the authority of archaeological monitors, if required to be on site during the project, to halt construction in the area of a discovery. A hard copy summary of cultural resource laws, discovery procedures, and contact information shall be provided to all construction workers. Completion of the training shall be documented for all construction personnel, who shall be required to sign a form confirming they have completed the training. The form shall be retained by the project proponent to demonstrate compliance with this mitigation measure.</p> | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| <p>MM-CUL-4: Conduct Archaeological Monitoring in Areas of Sensitivity (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component). Within the areas of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component east of the mean high tide line and south of Bay Marina Drive, the project proponent shall retain a qualified archaeologist(s) who meets the SOI Professional Qualifications Standards as promulgated in 36 CFR 61. The qualified archaeologist(s) shall supervise archaeological monitoring of all proposed ground-disturbing activities for the project in the archaeologically sensitive portion(s) of the project site. The archaeologically sensitive portion(s) of the project site is defined as land-based ground-disturbing activities associated with project components east of the mean high tide line and south of Bay Marina Drive. Monitoring actions and procedures shall be completed per the CRMDP described in MM-CUL-2.</p> | <p>Timing: Prior to and during ground-disturbing activities
Method: Supervise archaeological monitoring of all ground-disturbing activities in archaeologically sensitive portions of the project site.</p> | <p>Implementation: All Project Proponents
Monitoring and Reporting: All Project Proponents, Qualified Archaeologist
Verification: District and City</p> |
| <p>MM-CUL-5: Conduct Native American Monitoring in Areas of Sensitivity (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component). A Kumeyaay Native American monitor shall be present at all areas designated for archaeological monitoring—defined as land-based ground-disturbing activities associated with the portions of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component that are east of the mean high tide line and south of Bay Marina Drive. This monitoring shall occur on an as-needed basis and is intended to ensure that Native American concerns are considered during the construction process. Native American monitors shall be retained from tribes who have expressed an interest in the project and have participated in discussions with the District. If a tribe has been notified of scheduled construction work and does not respond, or if a Native American monitor is not available, work may continue without the Native American monitor. Roles and responsibilities of the Native American monitors shall be detailed in the CRMDP described in mitigation measure MM-CUL-2. Costs associated with Native American monitoring shall be borne by the project proponent.</p> | <p>Timing: During all ground-disturbing activities
Method: Conduct Native American monitoring at all areas designated for archaeological monitoring.</p> | <p>Implementation: All Project Proponents
Monitoring and Reporting: All Project Proponents, Kumeyaay Native American Monitor
Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| <p>MM-CUL-6: Conduct Paleontological Monitoring in Areas of Sensitivity (City Program – Development Component, Bayshore Bikeway Component). A qualified paleontologist meeting the Society for Vertebrate Paleontology qualifications (retained by the respective project proponent and pre-approved by the District or City as applicable) shall review the paleontological records search prepared by the San Diego Natural History Museum to confirm the locations of paleontologically sensitive areas as well as the existing literature for the proposed project area. The following monitoring measures shall be implemented to recover remains before they are lost or destroyed.</p> <ul style="list-style-type: none"> • Where highly sensitive fossil-bearing deposits are likely to be affected and the proposed construction methodology allows for the recovery of fossils, then paleontological monitoring shall be incorporated into the project specifications. • A qualified paleontologist shall attend preconstruction meetings to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues. A qualified paleontologist is defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of San Diego County, and who has worked as a paleontological monitoring project supervisor in the county for at least 1 year. • A paleontological monitor shall be on site on a full-time basis during the original cutting of previously undisturbed deposits of high-sensitivity formations to inspect exposures for contained fossils. The paleontological monitor shall work under the direction of the qualified paleontologist. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials. • If fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time; however, some fossil specimens, such as a complete large mammal skeleton, may require an extended salvage period. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely | <p>Timing: Prior to and during construction</p> <p>Method: Review paleontological records and implement paleontological monitoring measure.</p> | <p>Implementation: Applicable Project Proponents for Components, Qualified Paleontologist Pre-approved by the District and City within Respective Jurisdiction</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components, Qualified and Pre-approved Paleontologist</p> <p>Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|--|
| <p>manner. Because of the potential for the recovering of small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on site.</p> <ul style="list-style-type: none"> • Fossil remains collected during the monitoring and salvage portion of the program shall be cleaned, repaired, sorted, and catalogued. • Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections, such as the San Diego Natural History Museum. Donation of the fossils by the project proponent shall be accompanied by financial support for initial specimen storage. • A final data recovery report shall be completed that outlines the results of the monitoring program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils. | | |
| Greenhouse Gas Emissions and Climate Change | | |
| <p>MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation (All Project Components). The project proponent/operator and/or its contractor(s) for each component of the proposed project shall implement the following measures during project construction and operation and, where specified below, submit reports demonstrating compliance for review and approval to the District’s Development Services Department (or successor department) for project components in the District’s jurisdiction or the City’s Community Development Department for project components in the City’s jurisdiction.</p> <ol style="list-style-type: none"> 1. Construction: <ol style="list-style-type: none"> a. The project proponent shall verify that all construction equipment is maintained and properly tuned, in accordance with manufacturers’ specifications. Prior to the commencement of construction activities using diesel-powered vehicles or equipment, the project proponent shall verify that all vehicles, as well as equipment, have been checked by a certified mechanic and determined to be running in proper condition prior to admittance into the delivery driveway and loading areas. The project proponent shall submit a report prepared by the certified | <p>Timing: During project construction and operation</p> <p>Method: Implement diesel emission-reduction measures and submit reports demonstrating compliance where specified.</p> | <p>Implementation: All Project Proponents/Operator and Contractor(s)</p> <p>Monitoring and Reporting: All Project Proponents/Operator</p> <p>Verification: District’s Development Services Department and City’s Community Development Department</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--------------------|---------------------|
| <p>mechanic regarding the construction vehicles' and equipment's compliance with this requirement to the District's Development Services Department (or successor department) or the City's Community Development Department prior to commencement of their use.</p> <p>b. The project proponent shall limit all construction truck idling times by shutting down trucks when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the construction entrance(s) and shall submit monthly reports of violators to the District. Repeat violators shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.</p> <p>c. Prior to commencing construction activities, the project proponent shall ensure that all off-road construction equipment shall meet the following criteria:</p> <ul style="list-style-type: none"> i. For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner); ii. For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits fewer emissions than Tier 4 or better (cleaner) equipment is not available, then the project proponent shall ensure all equipment is Tier 4 or better; and iii. Use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. <p>2. Operation: The project proponent shall limit all delivery truck idling times by shutting down trucks when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the delivery driveway and loading areas and shall submit annual reports of violators to the District. This measure shall be implemented by the hotel and marina supervisors. Repeat violators</p> | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|--|
| <p>shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.</p> <p>MM-GHG-2: Comply with District CAP Measures (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component [Only Area within District Jurisdiction]). Prior to approval of the final design plans, the project proponent/operator and/or its contractor(s) for each component of the proposed project shall list all applicable GHG-reducing measures from the District CAP and demonstrate in the plans where the measures shall be located. A report demonstrating compliance shall be submitted to the District’s Development Services Department (or successor department). Buildings associated with the proposed project components shall achieve certification under the Leadership in Energy and Environmental Design (LEED) program, or the Green Building Rating Systems of the Green Building Certification Institute, or achieve equivalent efficiency if it is determined that LEED certification cannot be achieved because of site factors or other reasons. For construction where LEED or an equivalent program or efficiency certification is not applicable (e.g., dry boat storage), all other applicable measures below shall be required, subject to verification of the District’s Development Services Department (or successor department).</p> <p>The following is a list of the proposed sustainability measures that would be consistent with the District CAP. Any measures selected shall be required and incorporated into the Coastal Development Permit for each project component.</p> <ul style="list-style-type: none"> • General Measures <ul style="list-style-type: none"> ○ No commercial drive-through shall be implemented. • Water <ul style="list-style-type: none"> ○ Indoor water consumption shall be reduced to a level 20% lower than that of the baseline buildings (defined by LEED as indoor water use after meeting Energy Policy Act of 1992 fixture performance requirements) through use of low-flow fixtures in all administrative and common-area bathrooms. ○ Plantings with low water requirements and drip irrigation shall be installed, and domestic water demand from the City system for landscaping purposes shall be minimized. | <p>Timing: Prior to approval of final design plans</p> <p>Method: Demonstrate compliance with all applicable GHG-reducing measures from the District CAP and achieve LEED certification or equivalent efficiency in buildings where applicable.</p> | <p>Implementation: Applicable Project Proponents for Components/Operator or Contractor(s)</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District’s Development Services Department</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--------------------|---------------------|
| <ul style="list-style-type: none"> ● Waste <ul style="list-style-type: none"> ○ Compliance with AB 939 shall be mandatory and shall include recycling at least 50% of solid waste; recycling of demolition debris shall be mandatory and shall include recycling at least 65% of all construction and demolition debris. This measure shall be applied during construction and operation of the proposed project. ○ All commercial, restaurant, and retail uses shall recycle, compost food waste and other organics, and use reusable products instead of disposable products to divert solid waste from the landfill stream. ○ Recycled, regional, and rapidly renewable materials shall be used where appropriate during project construction. ● Energy <ul style="list-style-type: none"> ○ Renewable energy design features that may be implemented are as follows: <ul style="list-style-type: none"> – Implement onsite renewable energy to new buildings, unless the system cannot be built because of structural and operational constraints. (Evidence must be provided if not feasible, subject to District concurrence.) – Install co-generation systems (i.e., combined heat and power systems) in new buildings constructed at the project site. – Ensure that, at a minimum, 6% of parking spaces are equipped with electric-vehicle charging stations. – For all construction after 2025, ensure all construction vehicles and equipment are alternatively fueled or electrically powered, to the extent feasible and available. (GB Capital Component and Balanced Plan only) – For all construction, use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. (GB Capital Component and Balanced Plan only) | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--------------------|---------------------|
| <ul style="list-style-type: none"> - Construct buildings that are ZNE or, if full ZNE is infeasible, implement all feasible measures identified in the feasibility analysis. (GB Capital and Balanced Plan only) - Incorporate renewable energy (a) on the project site, (b) within the District’s jurisdiction, or (c) within the adjacent community or member city outside of the District’s jurisdiction. Undertake other verifiable actions or activities on tidelands approved by the District, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program on tidelands; or similar activities or actions that reduce operational GHG emissions. (GB Capital and Balanced Plan only) o Energy-efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards shall be incorporated. The measures that may be implemented are as follows: <ul style="list-style-type: none"> - Use only fluorescent lights, light-emitting diodes (LEDs), compact fluorescent lights, or the most energy-efficient lighting that meets required lighting standards and is commercially available. This measure also requires replacement of existing lighting on the project site if not already highly energy efficient. - Install occupancy sensors for all vending machines in new buildings at the project site. - Install high-performance glazing with a low solar heat gain coefficient value that reduces the amount of solar heat allowed into the building, without compromising natural illumination. - Install increased insulation. - Install cool roofs with an R value of 30 or better. - Install sun shading devices as appropriate. - Install high-efficiency heating, ventilating, and air conditioning systems and controls. - Install programmable thermostats. - Install variable frequency drives. - Install Energy Star-rated appliances. - Install shore power capabilities where suitable upgrades are feasible in marinas. | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--|--|
| <ul style="list-style-type: none"> • Mobile Sources <ul style="list-style-type: none"> ○ Implement a construction transportation demand management plan for each project component that promotes ride-sharing, vanpooling, alternate work schedules, and offsite parking with shuttles and provides subsidies for transit passes to reduce worker trips and parking demand, which provides incentives for using alternative modes of transportation instead of individual vehicles. ○ Implement an operational transportation demand management plan for each project component that requires mandatory employer commuting measures, such as carpooling, transit subsidies, and vanpools, to reduce worker trips and parking demand, which provides incentives for using alternative modes of transportation instead of individual vehicles. ○ Ensure that bicycle parking is included in the project design. The number of spaces shall be, at a minimum, 5% of the new automobile parking spaces. • Carbon Sequestration and Land Use <ul style="list-style-type: none"> ○ Install trees and shrub planters throughout the project area as part of the landscape plan. | <p>Timing: Prior to approval of final design plans</p> <p>Method: Demonstrate compliance with all applicable GHG-reducing measures from the City’s CAP and achieve LEED certification or equivalent efficiency where applicable.</p> | <p>Implementation: Applicable Project Proponent for Component/Operator and Contractor(s)</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City’s Community Development Department</p> |
| <p>MM-GHG-3: Comply with the Applicable City CAP Measures (City Program – Development Component). Prior to approval of the final design plans, the project proponent/operator and/or its contractor(s) for the City Program – Development Component shall list all GHG-reducing measures from the City’s CAP and demonstrate in the plans where these measures shall be located. A report demonstrating compliance shall be submitted to the City’s Community Development Department. Buildings associated with the proposed project component shall achieve certification under the LEED program, or the Green Building Rating Systems of the Green Building Certification Institute, or achieve equivalent efficiency if it is determined that LEED certification cannot be achieved because of site factors or other reasons.</p> <p>The following is a list of proposed sustainability measures from the City CAP that shall be required and incorporated into the Coastal Development Permit for the City Program – Development Component.</p> | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--------------------|---------------------|
| <ul style="list-style-type: none"> • Incorporate energy efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards. • Prioritize parking for high-occupancy vehicles as well as carpooling, vanpooling, and transit vehicles. • Ensure that at a minimum 6% of parking spaces are equipped with electric-vehicle charging stations. • Ensure that bicycle parking is included in the project design. The number of spaces shall be, at a minimum, 5% of the new automobile parking spaces. • Encourage telework programs and alternative work schedules for new businesses. • Provide financial incentives for commuters to reduce the number of vehicle trips by walking, bicycling, using public transit, and carpooling. • Implement programs to reduce, reuse, and recycle construction and demolition waste. • Encourage rooftop gardens for flat-roofed commercial buildings. • Pursue a pump efficiency cycling schedule. • Adopt water efficiency principles similar to the Ahwahnee Water Principles for Resource Efficient Land Use (available at https://www.lgc.org/wordpress/docs/ahwahnee/ahwahnee_water_principles.pdf), such as the following: <ul style="list-style-type: none"> ○ Use compact, mixed-use, walkable, and transit-oriented community designs; ○ Preserve and restore natural resources such as wetlands, floodplains, recharge zones, riparian areas, open spaces, and native habitats; ○ Utilize water holding areas such as creek beds, recessed athletic fields, ponds, cisterns, and other features that serve to recharge groundwater, reduce runoff, improve water quality, and decrease flooding; ○ Use low-water plantings in landscaping; ○ Use permeable surfaces for hardscapes; ○ Install dual plumbing that allows reuse of gray water; ○ Maximize use of recycled water in the project design; | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| <ul style="list-style-type: none"> ○ Use low-flow toilets, efficient clothes washers, and efficient water-using industrial equipment in new construction; and ○ Maximize the use of drought-proof water supplies, such as groundwater treatment and brackish water desalination. ● Install trees and shrub planters throughout the project area as part of the landscape plan. | | |
| <p>MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities (GB Capital Component). Prior to commencing any waterside construction or activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including, but not limited to, tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:</p> <ul style="list-style-type: none"> ● For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner); ● For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits fewer emissions than Tier 4 or better (cleaner) equipment is not available, then the project proponent shall ensure all equipment is Tier 4 or better; and ● Use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. <p>If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize the use of equipment that is maintained and properly tuned in accordance with manufacturers’ specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District’s Development Services Department (or successor department) or the City’s Community Development Department, depending upon the jurisdiction that the project component is located in, prior to commencement of waterside construction activities. Regardless of the equipment used, the project proponent/operator</p> | <p>Timing: Prior to waterside construction</p> <p>Method: Ensure harbor craft meet clean emissions criteria and submit evidence of compliance prior to their use.</p> | <p>Implementation: Applicable Project Proponent for Component/Operator and/or Contractors</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District’s Development Services Department and City’s Community Development Services Department</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|---|
| <p>and/or its contractor(s) for each project component with waterside construction activities shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each project component with waterside construction activities shall submit a report prepared by the mechanic experienced with such equipment regarding the condition of the vehicles and equipment for construction and operations to the District’s Development Services Department or the City’s Community Development Department, depending upon the jurisdiction that the project component is located in, prior to commencement of their use.</p> | | |
| <p>MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings (GB Capital Component, Balanced Plan, City Program – Development Component). The City and the District shall require all development to meet the state’s ZNE standards, if and when adopted as part of the California Building Code. In addition, the City and the District shall encourage project developers to construct buildings that are ZNE. Prior to issuance of any Coastal Development Permit or City-issued permit, as applicable, the project proponents/operators and/or its contractor(s) shall submit a feasibility analysis, prepared by a qualified consultant, regarding the construction of buildings as ZNE, and the project component shall implement all feasible measures identified in the feasibility analysis (e.g., electric heating). Prior to implementation of all feasible measures, this report shall be submitted to the District for review and approval for the GB Capital Component (all phases) and Balanced Plan, and submitted to the City for review and approval for the City Program – Development Component.</p> | <p>Timing: Prior to construction
Method: Require development to meet the state’s ZNE standards if adopted, encourage construction of ZNE buildings, and require a feasibility and analysis.</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Applicable Project Proponents for Components
Verification: District and City</p> |
| <p>MM-GHG-6: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities on Tidelands or Within Another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program (GB Capital Component and Balanced Plan).
A. Options for Reducing GHG Emissions.
To reach the numerical efficiency metric, each project proponent shall, in order of preference, considering availability of structures and feasibility,</p> | <p>Timing: Prior to and during construction
Method: Incorporate renewable energy and implement measures to limit GHG emissions or purchase GHG emissions offset credits.</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Applicable Project Proponents for Components
Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--------------------|---------------------|
| <p>implement the following, which may be combined with consideration to the preference described below:</p> | | |
| <ol style="list-style-type: none"> 1. Incorporate renewable energy <ol style="list-style-type: none"> a) On the project site; b) Within the District’s jurisdiction; or c) Within the adjacent community or member city outside of the District’s jurisdiction. 2. Undertake other verifiable actions or activities on tidelands approved by the District, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program on tidelands; or similar activities or actions that reduce operational GHG emissions; 3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable, as specified in California Health and Safety Code Section 38562(d)(1) and (2) and further defined in CCR Title 17, Section 95802 (see below); (2) use a protocol consistent with or as stringent as CARB protocol requirements under CCR Title 17, Section 95972(a); and (3) are issued by an CARB-approved offset registry.¹ For offset credits from projects outside California, the project proponent must demonstrate in writing to the satisfaction of the District that the offset project meets requirements equivalent to or stricter than California’s laws and regulations, ensuring the validity of offset credits. | | |
| <p>For purposes of this section, the definitions are as follows:</p> | | |
| <ol style="list-style-type: none"> a) “Real” means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802] b) “Additional” means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals | | |

¹ Currently approved offset registries include the American Carbon Registry (ACR), Climate Action Reserve (CAR), and Verra (formerly the Verified Carbon Standard). See: <https://ww3.arb.ca.gov/cc/capandtrade/offsets/registries/registries.htm>.

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--------------------|---------------------|
| <p>otherwise required by law, regulation, or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario. [17 CCR 95802]</p> <p>c) “Permanent” means, in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]</p> <p>d) “Quantifiable” means, in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary while accounting for uncertainty and activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</p> <p>e) “Verifiable” means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California’s with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]</p> <p>f) “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [adapted from definition in 17 CCR 95802 for use in this measure] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.</p> | | |
| <p>B. Required Annual GHG Emissions Reductions:</p> <p>The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the proposed project, assuming full buildout of each project component:</p> <ul style="list-style-type: none"> • Balanced Plan (only Pepper Park Expansion) = 836 MTCO_{2e} per year or 4,317 MWh/year. • GB Capital = 6,627 MTCO_{2e} per year or 34,219 MWh/year. | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--------------------|---------------------|
| <p>The required reductions may be reduced by the District, based on the actual amount of development and activities associated with that development and the other adjustment provisions specified below.</p> <p>C. Implementation of GHG Emissions Reduction Options.</p> <p>Prior to becoming operational and annually thereafter, the District shall notify the project proponent of the option(s) available for achieving its respective annual maximum GHG required emissions reduction, as identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:</p> <ol style="list-style-type: none"> 1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the District to meet or partially meet the required amount of MTCO_{2e} or MWh reductions specified above. <ol style="list-style-type: none"> a) If the project proponent develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project proponent shall submit to the District’s Planning Department (or successor department), for its review and approval, a report specifying the annual amount of MTCO_{2e} or MWh reduction achieved by the renewable energy project(s), or actions, or activities; submit evidence that the renewable energy project(s), actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the District’s Planning Department (or successor department), to verify the amount of GHG emissions reduction achieved by the renewable energy project, or actions or activities (collectively, “GHG Emission Reduction Report”). b) If the GHG Emission Reduction Report is approved by the District, a reduction to the required offsets shall be calculated by the District’s Planning Department (or successor department), and the reduction of offsets shall be transmitted to the project proponent in writing and the amount of GHG reduction shall count toward the required GHG reduction for the proposed project component (“GHG Reduction”). 2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO_{2e} or MWh specified above, which may be decreased by the | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--------------------|---------------------|
| <p>amount of annual MTCO_{2e} or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO_{2e} or MWh shall occur as follows:</p> <ul style="list-style-type: none"> a) Each project component shall purchase offsets for its first 2 years of operation. b) Purchase offsets at least annually thereafter, prior to becoming operational, beginning with the third year of operation, for the life of the proposed project component’s operations or until the termination of a lease agreement (for GB Capital Component only) between the District and the project proponent. The project proponent may purchase more than 1 year of operation emissions offsets, consistent with the amount of MTCO_{2e} or MWh reduction specified above for the corresponding project component. c) On or before the first year of operation of the respective project proponent and annually thereafter, the project proponent shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the District that the offsets meet the requirements for GHG emissions offset credits set forth in paragraph A(3) above, to the District’s Planning Department (or successor department). <p>D. Adjustments to Required GHG Emissions Reductions.</p> <p>If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO_{2e} or MWh reductions specified above, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the reduction target, then nothing further shall be required under this mitigation measure.</p> <ul style="list-style-type: none"> 1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project proponent may be required by the District to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--------------------|---------------------|
| <p>requested by the project proponent because of the development of a renewable energy project(s), the project proponent shall submit a GHG Emission Reduction Report for the District’s Planning Department’s (or successor department’s) review, pursuant to the process specified above in paragraph C(1) above, and required offsets shall be determined by the District and reduced.</p> <p>2. Reduction of Emissions through Verifiable Actions or Activities on Tidelands Requirement: Although none are identified at this time, the project proponent may be required by the District to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the other verifiable actions or activities on tidelands, the project proponent shall submit a GHG Emission Reduction Report for the District’s Planning Department’s (or successor department’s) review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the District and reduced.</p> <p>3. Reduction of Emissions through Purchase of Offsets: Subsequent to purchasing GHG emission offsets pursuant to paragraph C(2) above, the project proponent’s future annual purchase of offsets to achieve the GHG emissions reduction specific in paragraph B above may be adjusted if the development is less than assumed here, which is the following:</p> <ul style="list-style-type: none"> ○ Balanced Plan includes a 2.54 acre park. ○ GB Capital Component landside features, including 134 RV sites; 40,000 square feet of dry boat storage; 60 modular cabins; 10,000-square-foot administration/recreation building; 10,000-square-foot building with restrooms, laundry facilities, and staff support services in the vicinity of the existing marina buildings; and a 4,000-square-foot maintenance building and associated approximately 8,200-square-foot maintenance yard northeast of the proposed dry boat storage. Waterside uses include 20 moorings in Sweetwater Channel; 620-foot-long and 8-foot-wide floating dock that includes up to 30 fingers, which accommodate up to 50 boats; and a 580-foot-long and 8-foot-wide dock with two | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|--|
| <p>80-foot-long and 5-foot-wide gangways within the existing marina basin north of the jetty to accommodate up to 25 smaller boats.</p> <p>4. The District or a District-retained consultant (at the project proponent cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets, based on the actual development constructed and in operation. Any unused offsets shall be used for the next year of operation of the project component, and the project proponent shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(3)(c), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days of receiving notice of the noncompliance. After verification of unused and available offsets, unused offsets may replace previously compliant offsets should those offsets subsequently be determined noncompliant with paragraph A(3). At the project proponent’s written request to the District, the project proponent may waive the annual adjustment described above and purchase the required MTCO_{2e} or MWh offsets on at least an annual basis.</p> | | |
| <p>MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program (City Program – Development Component).</p> <p>A. Options for Reducing GHG Emissions.</p> <p>To reach the numerical efficiency metric, each project proponent shall, in order of preference, considering availability of structures and feasibility, implement the following, which may be combined with consideration to the preference described below:</p> <ol style="list-style-type: none"> 1. Incorporate renewable energy <ol style="list-style-type: none"> a) On the project site; b) Within the City’s jurisdiction; or | <p>Timing: Prior to and during construction</p> <p>Method: Incorporate renewable energy and implement measures to limit GHG emissions or purchase GHG emissions offset credits.</p> | <p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--------------------|---------------------|
| <p>c) Within the adjacent community or the city.</p> <p>2. Undertake other verifiable actions or activities approved by the City, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program within the city; or similar activities or actions that reduce operational GHG emissions;</p> <p>3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable, as specified in California Health and Safety Code Section 38562(d)(1) and (2) and further defined in California CCR Title 17, Section 95802 (see below); (2) use a protocol consistent with or as stringent as CARB protocol requirements under CCR Title 17, Section 95972(a); and (3) are issued by an CARB-approved offset registry.² For offset credits from projects outside California, the project proponent must demonstrate in writing to the satisfaction of the City that the offset project meets requirements equivalent to or stricter than California’s laws and regulations, ensuring the validity of offset credits.</p> | | |
| <p>For purposes of this section, the definitions are as follows:</p> | | |
| <p>a) “Real” means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</p> <p>b) “Additional” means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals otherwise required by law, regulation, or legally binding mandate and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario. [17 CCR 95802]</p> <p>c) “Permanent” means, in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed</p> | | |

² Ibid.

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--------------------|---------------------|
| <p>GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]</p> <p>d) “Quantifiable” means, in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary while accounting for uncertainty and activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</p> <p>e) “Verifiable” means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California’s with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]</p> <p>f) “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [Adapted from definition in 17 CCR 95802 for use in this measure.] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.</p> | | |
| <p>B. Required Annual GHG Emissions Reductions:
The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the proposed project, assuming full buildout of each project component:</p> <ul style="list-style-type: none"> • City Program = 3,549 MTCO_{2e} per year or 18,323 MWh/year. <p>The required reductions may be reduced by the City, based on the actual amount of development and activities associated with that development and the other adjustment provisions specified below.</p> <p>C. Implementation of GHG Emissions Reduction Options.
Prior to becoming operational and annually thereafter, the City shall notify the project proponent of the option(s) available for achieving its respective annual maximum GHG required emissions reduction, as</p> | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--------------------|---------------------|
| <p>identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:</p> | | |
| <ol style="list-style-type: none"> 1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the City to meet or partially meet the required amount of MTCO_{2e} or MWh reductions specified above. <ol style="list-style-type: none"> a) If the project proponent develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project proponent shall submit to the City's Community Development Department, for its review and approval, a report specifying the annual amount of MTCO_{2e} or MWh reduction achieved by the renewable energy project(s), or actions, or activities; submit evidence that the renewable energy project(s), actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the City's Community Development Department to verify the amount of GHG emissions reduction achieved by the renewable energy project, or actions or activities (collectively, "GHG Emission Reduction Report"). b) If the GHG Emission Reduction Report is approved by the City, a reduction to the required offsets shall be calculated by the City's Community Development Department, and the reduction of offsets shall be transmitted to the project proponent in writing and the amount of GHG reduction shall count toward the required GHG reduction for the proposed project ("GHG Reduction"). 2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO_{2e} or MWh specified above, which may be decreased by the amount of annual MTCO_{2e} or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO_{2e} or MWh shall occur as follows: <ol style="list-style-type: none"> a) Each project component shall purchase offsets for its first 2 years of operation; | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--------------------|---------------------|
| <p>b) Purchase offsets at least annually thereafter, prior to becoming operational, beginning with the third year of operation, for the life of the proposed project component’s operations or until the termination of any lease agreement between the City and the project proponent. The project proponent may purchase more than 1 year of operation emissions offsets, consistent with the amount of MTCO_{2e} or MWh reduction specified above for the corresponding project component.</p> <p>c) On or before the first year of operation of the respective project proponent and annually thereafter, the project proponent shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the City that the offsets meet the requirements for GHG emission offset credits set forth in paragraph A(3) above, to the City’s Community Development Department.</p> | | |
| <p>D. Adjustments to Required GHG Emissions Reductions.</p> <p>If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO_{2e} or MWh reductions specified above in the reduction target, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the reduction target, then nothing further shall be required under this mitigation measure.</p> <ol style="list-style-type: none"> 1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project proponent may be required by the City to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the development of a renewable energy project(s), the project proponent shall submit a GHG Emission Reduction Report for the City’s Community Development Department’s review, pursuant to the process specified above in paragraph C(1) above, and required offsets shall be determined by the City and reduced. 2. Reduction of Emissions through Verifiable Actions or Activities in the City of National City Requirement: Although none are identified at | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---------------------------|----------------------------|
| <p>this time, the project proponent may be required by the City to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the other verifiable actions or activities on tidelands, the project proponent shall submit a GHG Emission Reduction Report for the City’s Community Development Department’s review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the City and reduced.</p> <p>3. Reduction of Emissions through Purchase of Offsets: Subsequent to purchasing GHG emission offsets pursuant to paragraph C(2) above, the project proponent’s future annual purchase of offsets to achieve the GHG emissions reduction specific in paragraph B above may be adjusted if the development is less than assumed here, which is the following:</p> <ul style="list-style-type: none"> o City Program Plan includes a 150-room hotel along with 15,500 square feet of restaurant space and 12,000 square feet of retail space. <p>4. The City or a City-retained consultant (at the project proponent cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets, based on the actual development constructed and in operation. Any unused offsets shall be used for the next year of operation of the project component, and the project proponent shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(3)(c), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days of receiving notice of the noncompliance. After verification of unused and available offsets, unused offsets may replace previously compliant offsets should those offsets subsequently be determined noncompliant with paragraph A(3). At the project proponent’s written request to the City, the project proponent may waive the</p> | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| <p>annual adjustment described above and purchase the required MTCO_{2e} or MWh offsets on at least an annual basis.</p> | | |
| <p>Hazards and Hazardous Materials</p> | | |
| <p>MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan (City Program – Development Component). Prior to the City’s approval of the project grading plans and the commencement of any construction activities that would disturb the soil on the City Program – Development Component site, the project proponent shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration to prepare and submit a Soil and Groundwater Management Plan to the City for review and approval. After the City’s review and approval, the project proponent shall implement the Soil and Groundwater Management Plan, which shall include the following:</p> <ul style="list-style-type: none"> • <i>A Site Contamination Characterization Report</i> (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site’s past uses throughout the City Program – Development Component construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination. • <i>A Soil Testing and Profiling Plan</i> (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22-compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential | <p>Timing: Prior to approval of grading plans and construction activities</p> <p>Method: Prepare and submit a Soil and Groundwater Management Plan to evaluate, test, handle, and dispose of soil and groundwater properly.</p> | <p>Implementation: Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Retained by the Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|---|
| <p>presence of contaminated soils and for compliance with the Testing and Profiling Plan.</p> <ul style="list-style-type: none"> • A <i>Soil Disposal Plan</i> (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring. • A <i>Site Worker Health and Safety Plan</i> (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist. | | |
| <p>MM-HAZ-2: Prepare and Implement a Monitoring and Reporting Program (City Program – Development Component). Prior to commencement of construction of the City Program – Development Component, the project proponent shall prepare a Monitoring and Reporting Program and submit it to the City for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of the City Program – Development Component. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan, as required by MM-HAZ-1. The Monitoring and Reporting Program shall include a requirement that the project proponent submit monthly reports (starting with the first ground disturbance activities and ending at the completion</p> | <p>Timing: Prior to construction
Method: Prepare and implement a Monitoring and Reporting Program and submit monthly reports documenting compliance.</p> | <p>Implementation: Applicable Project Proponent for Component, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|--|
| <p>of ground disturbance activities) to the City, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.</p> | <p>Timing: Within 30 days of landslide construction completion
Method: Prepare and submit a Project Closeout Report summarizing all environmental activity and documenting compliance with MM-HAZ-1 and MM-HAZ-2.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: City</p> |
| <p>MM-HAZ-3: Prepare and Submit a Project Closeout Report (City Program – Development Component). Within 30 days of completion of landside construction of the City Program – Development Component, the project proponent shall prepare a Project Closeout Report and submit it to the City for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan, as required by MM-HAZ-1, and the Monitoring and Reporting Program, as required by MM-HAZ-2.</p> <hr/> <p>MM-HAZ-4: Prepare and Implement a Soil and Groundwater Management Plan (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). Prior to the District’s and the City’s, as applicable, approval of the project’s grading plans and the commencement of any construction activities that would disturb the soil, the project proponent shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration, to prepare and submit a Soil and Groundwater Management Plan to the District’s Environmental Protection Department and the City, as applicable, for review and approval. After the District’s and the City’s, as applicable, review and approval, the project proponent shall implement the Soil and Groundwater Management Plan, which shall include the following:</p> <ul style="list-style-type: none"> • <i>A Site Contamination Characterization Report</i> (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site’s past uses throughout the Pasha Road Closure Component construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and | <p>Timing: Prior to approval of grading plans and construction activities
Method: Prepare and submit a Soil and Groundwater Management Plan to evaluate, test, handle, and dispose of soil and groundwater properly.</p> | <p>Implementation: Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Retained by the Applicable Project Proponents for Components
Monitoring and Reporting: Applicable Project Proponents for Components, with approval by the District and City Depending on Jurisdiction
Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--------------------|---------------------|
| <p>concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.</p> <ul style="list-style-type: none"> • <i>A Soil Testing and Profiling Plan</i> (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22-compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential presence of contaminated soils and for compliance with the Testing and Profiling Plan. • <i>A Soil Disposal Plan</i> (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring. • <i>A Site Worker Health and Safety Plan</i> (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist. | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|--|
| <p>MM-HAZ-5: Prepare and Implement a Monitoring and Reporting Program (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). Prior to commencement of construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component, the respective project proponent shall prepare a Monitoring and Reporting Program and submit it to the District’s Environmental Protection Department and the City, as applicable, for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan, as required by MM-HAZ-4. The Monitoring and Reporting Program shall include a requirement that the project proponent submit monthly reports (starting with the first ground disturbance activities and ending at the completion of ground disturbance activities) to the District’s Development Services Department and the City, as applicable, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.</p> | <p>Timing: Prior to construction
Method: Prepare and implement a Monitoring and Reporting Program and submit monthly reports documenting compliance.</p> | <p>Implementation: Applicable Project Proponents for Components, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer
Monitoring and Reporting: Applicable Project Proponents for Components
Verification: District and City</p> |
| <p>MM-HAZ-6: Prepare and Submit a Project Closeout Report (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). Within 30 days of completion of landside construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component, the project proponent shall prepare a Project Closeout Report and submit it to the District’s Environmental Protection Department and the City, as applicable, for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan, as required by MM-HAZ-4, and the Monitoring and Reporting Program, as required by MM-HAZ-5.</p> | <p>Timing: Within 30 days of landslide construction completion
Method: Prepare and submit a Project Closeout Report summarizing all environmental activity and documenting compliance with MM-HAZ-1 and MM-HAZ-2.</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Applicable Project Proponents for Components
Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|--|
| <p>MM-HAZ-7: Coordinate with the DEH (City Program – Development Component). Prior to ground disturbing activities on the City Program – Development Component site, the project proponent for the City Program – Development Component shall coordinate with the DEH to reopen VAP Cases #H23772-005, #H36620-001, and #H23772-004 to determine if the existing conditions would be below acceptable cleanup thresholds for hotel use. If the DEH determines the onsite conditions do not meet thresholds for future hotel uses, the project proponent must comply with the requirements of the DEH to achieve remediation standards.</p> | <p>Timing: Prior to ground-disturbing activities</p> <p>Method: Coordinate with the DEH to determine if existing conditions are below cleanup thresholds or comply with requirements to achieve remediations.</p> | <p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City</p> |
| <p>MM-HAZ-8: Maintain Emergency Access Road During Construction (Pasha Road Closures Component). A temporary emergency access road shall be maintained by the project proponent at all times during construction of the Pasha Road Closures Component. The location and components, as defined per the California Fire Code, of the temporary emergency access road shall be submitted to the City Fire Marshal for review and approval prior to closure of the roadway(s) to through-traffic. Written verification of inclusion of the temporary emergency vehicle access shall be provided to the District’s Director of Planning prior to closure of the roadway(s) to through-traffic. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal’s designee, or verification can be provided with a copy of the Fire Permit.</p> | <p>Timing: During construction</p> <p>Method: Submit location and components of a temporary emergency access road for approval and maintain emergency access during construction.</p> | <p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City Fire Marshal, District’s Director of Planning</p> |
| <p>MM-HAZ-9: Coordinate with the City Fire Marshal (Pasha Road Closures Component). Prior to closure of the Pasha Road Closures Component to through-traffic, the project proponent for said project component shall prepare and submit plans to the City Fire Marshal for review and approval that demonstrate compliance with applicable state and local fire code regulations related to secondary access, emergency access, and maximum dead-end road length. At a minimum, the plans shall demonstrate that the project will include the following items related to emergency vehicle access:</p> <ul style="list-style-type: none"> • An emergency access road, on the existing alignment of Tidelands Avenue between Bay Marina Drive and the 32nd Street, that has an unobstructed minimum width of 20 feet (or 26 feet when a fire hydrant is located on the emergency access road), exclusive of | <p>Timing: Prior to Pasha Road closure</p> <p>Method: Prepare and submit road-closure plans for review and approval that demonstrate compliance with applicable state and local fire code regulations.</p> | <p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City Fire Marshal</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--------------------|---------------------|
| <p>shoulders or rolled curbs. The emergency access road shall be paved using an all-weather surface and shall support the imposed loads (75,000 pounds) of a fire apparatus. The emergency access road shall include official approved signs or other approved notices or markings that include the words “NO PARKING – FIRE LANE.” At all times, the emergency access road shall not be obstructed in any manner, including the parking of vehicles.</p> <ul style="list-style-type: none"> • Any entrance/exit gates to/from the Pasha Road Closures Component shall be equipped with Knox Key Switches and Emergency Strobes to provide emergency vehicle access, including ingress and egress. A lock box (Knox Key Switch for fire and police) shall be required in conjunction with a detector/strobe switch to allow emergency vehicles to flash a vehicle-mounted strobe light towards the detector/strobe switch, which in turn overrides the system and opens the gate. The lock box and detector/strobe switch shall be placed at the front of each gate (the side of the gate that is adjacent to a public street). Any electric gate opener shall be listed in accordance with UL 325. Gates utilizing emergency strobe operation shall be designed, constructed, and installed to comply with requirements of ASTM F2200, and shall be maintained operational at all times, including but not limited to, in the event of an electrical outage. Any entrance/exist gates to/from the Pasha Road Closures Component shall maintain an unobstructed vertical clearance of a minimum of 13 feet, 6 inches. • Fire hydrants shall be located throughout the Pasha Road Closures Component site and shall be spaced no less than 400 feet apart. Fire hydrants shall be located within 400 feet of all locations that are roadway accessible (measurement starts from the nearest existing fire hydrant to the Pasha Road Closures Component site). Where a fire hydrant is located on an emergency access road, the minimum road width shall be 26 feet. All turns available for fire access and travel shall maintain a minimum radius of 28 feet. <p>Prior to utilization of the Pasha Road Closures Component for marine-related operations, the above-described emergency vehicle access shall be field-verified by the City Fire Marshal, or the Fire Marshal’s designee. Written verification of inclusion of the above-described emergency vehicle access shall be provided to the District’s Director of Planning</p> | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|--|
| <p>prior to Pasha’s utilization of the Pasha Road Closures Component for marine-related operations. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal’s designee, or verification can be provided with a copy of the Fire Permit.</p> | | |
| <p>MM-HAZ-11: Manage Marina Way Realignment Conditions (Balanced Plan or GB Capital Component). The Marina Way Realignment proposed as part of the Balanced Plan (or GB Capital Component) shall not include traffic calming devices (e.g., speed humps), unless prior-written approval is obtained from the City Fire Marshal.</p> | <p>Timing: Prior to construction
Method: Ensure traffic-calming devices are not included unless prior-written approval is obtained.</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Applicable Project Proponents for Components
Verification: City Fire Marshal</p> |
| Land Use and Planning | | |
| <p>MM-LU-2: Design the Pepper Park Expansion to Account for Sea-Level Rise through 2050 (Balanced Plan). The project proponent for the Pepper Park expansion shall design the park to accommodate water during future flooding events. Methods to accommodate water during future flooding events include, but are not limited to:</p> <ul style="list-style-type: none"> • Elevating the waterside promenades • Regrading coastal edges and/or inland portions of the park as appropriate • Creating living shorelines • Ensuring that any new vegetation is salt tolerant • Developing an operational plan to close the parking lot and move parked vehicles prior to storm events • Including pervious surfaces such as turf, sand, and pervious concrete <p>Moreover, the public access to Pepper Park shall be restricted during flood events.</p> <p>If any structures are constructed in Pepper Park, prior to construction, the project proponent shall conduct an engineering-level, site-specific assessment of the projected SLR at the site through 2050.</p> <p>Additionally, the project proponent shall create an early warning system to monitor the risk of potential flooding of any structure. An early warning system should consist of protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken. Also, the project proponent shall</p> | <p>Timing: During design of Pepper Park expansion
Method: Design the Pepper Park expansion to accommodate water during future flooding events, conduct site-specific assessment of the projected SLR through 2050, and create an early warning system.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: Applicable Project Proponent for Component</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|---|
| <p>establish emergency evacuation procedures for people to relocate to higher ground on short notice. Before a large storm, deployment of sandbags or inflatable barriers shall occur if deemed necessary.</p> | | |
| <p>MM-LU-3: Conduct Engineering-Level, Site-Specific Assessment of Sea-Level Rise through 2050 (GB Capital Component). The project proponent for the GB Capital Component shall conduct an engineering-level, site-specific assessment of the projected SLR at the site through 2050. If the assessment projects the jetty to be temporarily inundated by 2050, the development on the jetty shall include the following:</p> <p><i>Smart Design Decisions – to be incorporated into building design and part of construction:</i></p> <ul style="list-style-type: none"> • Place any mechanical and electrical equipment at least 2 feet above the design flood elevation to reduce risk of flood damage. If equipment must be placed in lower areas, elevate base or ensure assets are composed of flood damage-resistant materials. • Design water supply, sanitary sewage, and stormwater systems to minimize or eliminate infiltration of flood waters into systems and vice versa. • Ensure that all building exterior walls are composed of materials that have an impermeable and waterproof membrane. <p><i>Future Adaptation Strategies – to be incorporated into building design and part of construction:</i></p> <ul style="list-style-type: none"> • Ensure that building foundations, if any, are capable of supporting future flood walls or temporary flood barriers. • Design building openings (e.g., doors, windows, utility penetrations) to be capable of future retrofitting to make them watertight and resistant to flood loads. • Design key structural elements of the jetty to allow future increases in the elevation of the jetty. <p><i>Operational Strategies – to be implemented during operation:</i></p> <ul style="list-style-type: none"> • Establish an early warning system to monitor the risk of potential flooding. An early warning system should consist of: <ul style="list-style-type: none"> ○ Protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken | <p>Timing: Prior to GB Capital Component construction</p> <p>Method: Conduct an engineering-level, site-specific assessment of the projected SLR through 2050 and implement design components if the jetty is projected to be inundated by 2050.</p> | <p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|--|
| <ul style="list-style-type: none"> ○ Protocols for monitoring water levels at nearby storm gauges prior to the storm arrival, and regular checking of the water levels along the jetty as the storm progresses ● Establish emergency evacuation procedures for people to relocate to higher ground on short notice. ● Obtain backup power generators for occupiable development on the jetty and portable pumps and ensure there is sufficient fuel to operate these. Establish protocols for operating said generators and pumps during storm events or other such events. ● Before a large storm, deploy sandbags or inflatable barriers. ● Before a storm, test emergency power sources and pumps and ensure there is sufficient fuel to run these, and inspect building exteriors to ensure there are no penetrations that lack flood proofing. ● Restrict public access during storms or flooding events. <p>Prior to issuance of the first building permit for any development on the jetty, the assessment and project plans (revised pursuant to the findings of the assessment, if the assessment projects inundation by 2050) shall be submitted to the District’s Development Services Department and the City’s building permit department for review and approval.</p> | | |
| <p>MM-LU-4: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (Balanced Plan, GB Capital Component, Pasha Road Closures Component, portion of Bayshore Bikeway Component). For areas of the Balanced Plan (Pepper Park and the FPR), the GB Capital Component, the Pasha Road Closures Component, and the portions of the Bayshore Bikeway Component (within the District’s jurisdiction) that are projected to be inundated in 2100, the District shall conduct ongoing monitoring of these project component sites every 5 to 10 years. If, through monitoring, the observed SLR conditions appear to be consistent with the 2100 projections identified in this EIR, a site-specific assessment shall be conducted to identify future SLR projections using the best science available at the time and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from SLR. Such strategies may include a neighborhood-level effort, raising of grades,</p> | <p>Timing: Prior to construction</p> <p>Method: Conduct ongoing monitoring every 5 to 10 years for project component sites projected to be inundated in 2100 and identify adaptation strategies.</p> | <p>Implementation: All Project Proponents</p> <p>Monitoring and Reporting: All Project Proponents</p> <p>Verification: District</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|--|
| <p>additional shoreline protection, removal or movement of assets, and conversion of impervious surfaces to pervious surfaces.</p> | | |
| <p>MM-LU-5: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (most of Bayshore Bikeway Component). For the areas of the Bayshore Bikeway Component that are within the City’s jurisdiction, the City shall conduct ongoing monitoring of these areas every 5 to 10 years. If, through monitoring, the observed SLR conditions appear to be consistent with the 2100 projections identified in this EIR, a site-specific assessment shall be conducted to identify future SLR projections using the best science available at the time and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from SLR. Such strategies may include a neighborhood-level effort, raising of grades, additional shoreline protection, or removal or movement of assets.</p> | <p>Timing: Prior to construction
Method: Conduct ongoing monitoring every 5 to 10 years for project component sites projected to be inundated in 2100 and identify adaptation strategies.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: Applicable Project Proponent for Component</p> |
| Noise and Vibration | | |
| <p>MM-NOI-1: Prohibit Exterior Construction Activities Outside of the Permitted Construction Hours (Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, Pasha Road Closures Component). For the Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, and Pasha Road Closures Component, the project proponent for that respective project component shall require their contractor(s) not to conduct exterior construction activities outside the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. Material or equipment deliveries and collections shall also be prohibited outside of these hours. Except for construction personnel specifically working on interior construction tasks within a completed building shell, construction personnel shall not be permitted on the job site outside of the permitted hours.</p> | <p>Timing: During construction
Method: Require exterior construction activities occur between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday.</p> | <p>Implementation: All Project Proponents
Monitoring and Reporting: All Project Proponents
Verification: City and District</p> |
| <p>MM-NOI-2: Avoid or Reduce Construction Noise from Pile Driving (City Program – Development Component, GB Capital Component). During all pile driving at the City Program – Development Component and GB Capital Component, the project proponent shall require its construction contractor to implement one of the following methods to reduce maximum pile-driving noise levels at the affected noise-sensitive</p> | <p>Timing: During pile driving
Method: Reduce noise levels at affected noise-sensitive receptors by avoiding pile driving or using acoustical shroud.</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Applicable Project Proponents for Components
Verification: City and District</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--|---|
| <p>receptors (residences on Cleveland Avenue, the National City Adult School, and Pepper Park) to 70 dBA L_{max} or less:</p> <ul style="list-style-type: none"> Avoid impact pile driving by using quieter alternative installation methods, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles). Use an acoustical shroud around impact pile driving. The shroud shall be constructed of materials that provide a minimum sound transmission class (STC) of 28 (examples include sound-rated acoustical blankets). | | |
| <p>MM-NOI-3: Avoid or Reduce Construction Noise from Other (Non-Pile-Driving) Construction Activities (Bayshore Bikeway Component, GB Capital Component, Pasha Road Closures Component). During all non-pile-driving construction activity at the Bayshore Bikeway Component, GB Capital Component, and the Pasha Road Closures Component, the project proponent shall require their construction contractor(s) to implement one of the following methods to reduce maximum noise levels at the affected noise-sensitive receptors (residences on Cleveland Avenue and McKinley Avenue, and Pepper Park) to 70 dBA L_{max} or less:</p> <ul style="list-style-type: none"> Avoid operating high impact demolition equipment (hydraulic breakers, jackhammers, concrete saws) within 520 feet of the any noise-sensitive receptors and avoid operating all other mechanized construction equipment within 280 feet of the affected noise-sensitive receptors. Where the above-specified distances cannot be maintained, install temporary noise barrier(s) between construction activities and the noise-sensitive receptor(s). Barriers may be constructed around the site perimeter or, when construction activities are restricted to a smaller portion of the site, around that smaller portion of the site, or around any noisy stationary construction equipment such as generators or dewatering pumps. All such barriers must be at least 8 feet high and of sufficient height to break the line-of-sight between the construction equipment and the ground floor of any noise-sensitive receptor. These barriers shall be constructed in one of the following ways that the project proponent establishes, in writing and to the satisfaction of the District, shall achieve a minimum sound transmission class (STC) rating of 28: | <p>Timing: During non-pile driving</p> <p>Method: Reduce noise levels at affected noise-sensitive receptors by avoiding high-impact demolition equipment or installing temporary noise barriers.</p> | <p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: City and District</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|--|
| <ul style="list-style-type: none"> ○ From acoustical blankets hung over or from a supporting frame. The blankets should be firmly secured to the framework. The blankets should be overlapped by at least 4 inches at seams and taped and/or closed with hook-and-loop fasteners (i.e., Velcro®) so that no gaps exist. The blankets shall be draped to the ground to eliminate any gaps at the base of the barrier. ○ From commercially available acoustical panels lined with sound-absorbing material (the sound-absorptive faces of the panels should face the construction equipment). ○ From common construction materials such as plywood. | | |
| <p>MM-NOI-4: Design and Construct the Proposed Hotel at the City Program – Development Component Site to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces (City Program – Development Component). During the architectural and engineering design, prior to the issuance of any building permits for the hotel, the project proponent for the City Program – Development Component shall retain an acoustical consultant to ensure that the building design provides adequate noise insulation to achieve the City’s interior noise standard of 45 dB CNEL, as specified in the National City General Plan Noise Element, at occupied spaces. If necessary, the consultant shall recommend design features such as, but not limited to, fresh-air supply systems (to allow windows to remain closed), sound-rated windows, or other façade upgrades. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all recommended design features have been incorporated into the project design, to the City’s Community Development Department for review and approval prior to hotel construction.</p> | <p>Timing: During project design
Method: Ensure that the building design provides adequate noise insulation and, if necessary, incorporate recommended design features.</p> | <p>Implementation: Applicable Project Proponent for Component, Acoustical Consultant
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: City’s Community Development Department</p> |
| <p>MM-NOI-5: Reduce Rail Noise Levels at the Proposed GB Capital RV Sites to 65 dB CNEL or Less (Pasha Rail Component, GB Capital Component). The project proponent for the GB Capital Component shall design its dry boat storage so that it is enclosed and made from solid material (versus fabric, chain link fencing or similar pervious/open materials) and shall submit a noise study conducted by an acoustical consultant that analyzes the noise from the Pasha Rail Improvement Component with the enclosed dry boat storage as a buffer, demonstrating</p> | <p>Timing: During project design
Method: Ensure dry boat storage is enclosed and made from solid material, submit a noise study, and construct a sound barrier if needed.</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Applicable Project Proponents for Components
Verification: District’s Development Services Department</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--------------------|---------------------|
| <p>the noise levels at the proposed RV park location. The noise study shall be submitted to the District’s Development Services Department for its review 3 months after issuance of a Coastal Development Permit (CDP) for any phase of the GB Capital Component and prior to the construction of the RV park. The project proponent shall construct the dry boat storage as designed. If the noise study shows that the rail noise exposure at the proposed RV sites is at or below 65 dB CNEL, then no additional steps as specified in this mitigation measure shall be required.</p> <p>If the noise study shows that noise levels are above 65 dB CNEL at the proposed RV sites, then prior to occupancy of the GB Capital RV Resort or operation of the Pasha Rail Improvement Component, whichever occurs last, a sound barrier shall be constructed to reduce the rail noise exposure at the proposed RV sites to 65 dB CNEL or less. The noise barrier shall be the equal (50/50) shared financial responsibility of the project proponents for the Pasha Rail Improvement Component and the GB Capital Component. In the event that both components are not constructed at the same time, the project proponent (Payee) of the component last constructed shall construct and pay for the entire specified noise control and the other project proponent (Reimbursee) shall reimburse the Payee 50% of the actual cost of designing, permitting, and constructing the noise control unless another payment arrangement is agreed upon between the project proponents and approved by the District. Such reimbursement shall be a condition of the CDPs for the Pasha Rail Improvement Component and the RV resort associated with the GB Capital Component. The noise barrier shall be constructed between the south side of the Pasha Rail Improvement Component and the GB Capital RV Resort. The barrier shall fully block the line-of-sight between the RV sites and a standard freight locomotive on the Pasha Rail Improvement Component site, and is anticipated to be a minimum barrier height of 16 feet relative to the finished track elevation. The barrier shall be a continuous structure without gaps or openings and shall extend from the north end of the Pasha Rail Improvement Component to Tidelands Avenue. The barrier shall be constructed of a solid material and, if necessary to meet the noise requirement, the density of 4 pounds per square foot (e.g., concrete block or concrete panels).</p> | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--|---|
| <p>MM-NOI-6: Design and Construct the Hotels at the GB Capital Component to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces (GB Capital Component). During the architectural and engineering design, prior to the issuance of any building permits for the hotels, the project proponent for the GB Capital Component shall retain an acoustical consultant to ensure that the project design provides adequate noise insulation to achieve the City’s interior noise standard of 45 dB CNEL, as specified in the National City General Plan Noise Element, at occupied spaces. If necessary, the consultant shall recommend design features such as, but not limited to, fresh-air supply systems (to allow windows to remain closed), sound-rated windows, or other façade upgrades. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all recommended design features have been incorporated into the project design, to the District’s Development Services Department for review and approval prior to construction of any hotel.</p> | <p>Timing: During project design
Method: Ensure that the building design provides adequate noise insulation and, if necessary, incorporate recommended design features.</p> | <p>Implementation: Applicable Project Proponent for Component, Acoustical Consultant
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: District’s Development Services Department</p> |
| <p>MM-NOI-7: Design and Install All Onsite Mechanical Equipment at the City Program – Development Component Site to Comply with the City’s Noise Ordinance (City Program – Development Component). During the architectural and engineering design phase, prior to the issuance of any building permits for the City Program – Development Component, the project proponent for the City Program – Development Component shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that all aspects of this project component, including mechanical equipment and other onsite stationary sources (e.g., trash compactors, loading docks), are designed and will be installed to comply with the City’s Noise Ordinance (Municipal Code Chapter 12.06). Such recommendations may include, but are not limited to, changes in equipment locations; sound power limits or specifications; rooftop parapet walls; acoustic absorption materials, louvers, screens, or enclosures; or intake and exhaust silencers. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all recommended design features have been incorporated into the project design, to the City’s Community Development Department for review and approval prior to hotel construction.</p> | <p>Timing: During project design
Method: Ensure that all aspects of the City Program – Development Component, including mechanical equipment, comply with the City’s Noise Ordinance and, if necessary, incorporate recommended design features.</p> | <p>Implementation: Applicable Project Proponent for Component, Acoustical Consultant
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: City’s Community Development Department</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|--|
| <p>MM-NOI-8: Design and Operate the Proposed Dry Boat Storage Facility to Comply with the City’s Noise Ordinance at the Adjacent Proposed RV Resort (GB Capital Component). During the architectural and engineering design phase for the dry boat storage facility, prior to the issuance of any building permits for such, the project proponent for the GB Capital Component shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that operation of the dry boat storage facility will comply with the City’s Noise Ordinance (Municipal Code Chapter 12.06.020) at the adjacent RV sites during the sensitive evening and nighttime hours of 7:00 p.m. to 7:00 a.m. (i.e., 65 dBA L_{eq} between 7 p.m. and 10 p.m., and 60 dBA L_{eq} between 10 p.m. and 7 a.m.). Noise control techniques may include, but are not limited to, restricting hours of operation to daytime hours (7:00 a.m. to 7:00 p.m.), selecting quieter equipment (when commercially available), or installing additional noise barriers to screen the facility from the RV resort. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all design features have been incorporated into the project design (to ensure that operation of the dry boat storage facility would comply with the City Noise Ordinance at the adjacent RV sites during the sensitive evening and nighttime hours), to the District’s Development Services Department for review and approval prior to commencement of construction of the dry boat storage facility. The project proponent shall implement the noise control techniques.</p> | <p>Timing: During project design
Method: Ensure dry boat storage complies with the City’s Noise Ordinance and, if necessary, incorporate recommended design features.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: District’s Development Services Department</p> |
| <p>MM-NOI-9: Regulate Organized Events at Pepper Park, Including Use of the Proposed Amphitheater (Balanced Plan). Organized events at Pepper Park shall be properly regulated for noise control. Per Section 8.02 of the District’s Port Code, any event with over 25 attendees shall obtain a permit from the District. As further stipulated by Section 8.02 of the Port Code, each “permit shall be subject to the requirements regarding noise...as contained in the Municipal Code of the particular City in which the park is located.” Therefore, any event for which noise generating activities will occur at the amphitheater will be subject to the City’s Noise Ordinance. Although the City’s Noise Ordinance indicates that daytime and nighttime noise standards would be 65 and 60 dBA $L_{eq}(h)$, respectively, at the GB Capital Component visitor accommodations (RV resort and hotels), the City’s Noise Ordinance also includes</p> | <p>Timing: During project operation
Method: Regulate organized events through the use of permits and notify adjacent tenants of large events.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|---|
| <p>exceptions for these noise standards; the exceptions are on a case-by-case basis and include temporary noise exceedances for organized events (e.g., parades, concerts). Further, as part of the District’s permitting process for organized events that are proposed to have amplified sounds (e.g., concerts), the District shall coordinate with the City, and if the City requires a maximum decibel level limit or hours in which all noise needs to cease, that information shall be added to the District permit for that organized event. In addition, the District shall coordinate notification to adjacent tenants of upcoming organized large events, and the permittee of the organized event shall coordinate with the same tenants within 2 weeks of the organized event.</p> | | |
| <p>MM-NOI-10: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component). Where feasible, the project proponent for the GB Capital Component shall require its construction contractor(s) to avoid pile driving within a 32-foot buffer zone of existing buildings at the Pier 32 Marina. If piling cannot be avoided within this distance, the following shall be implemented:</p> <ul style="list-style-type: none"> • Alternative installation methods shall be used, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles). • The following steps shall be taken to protect buildings within 32 feet of pile-driving locations: <ul style="list-style-type: none"> ○ The project proponent/contractor shall retain a qualified structural or geotechnical engineer to conduct preconstruction surveys of neighboring structures (including photographing and/or videotaping) to document existing building conditions for future comparison if any vibration-related damage is suspected or results from construction-related activities; and ○ Based on review of the specific buildings involved, the structural/geotechnical engineer may provide updated vibration thresholds and buffer distances for potentially affected buildings; and ○ Monitoring shall be conducted during construction to check for vibration-related damage during pile driving; such monitoring shall include vibration measurements obtained inside or outside of the buildings or other tests and observations deemed necessary; and | <p>Timing: During pile driving activities</p> <p>Method: Avoid pile driving within the 32-foot buffer zone of existing buildings or implement measures to avoid or reduce vibration.</p> | <p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City and District</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|---|
| <ul style="list-style-type: none"> ○ The person(s) conducting the monitoring shall have the authority to issue a stop work order to the pile-driving contractor if excessive vibration levels are measured or other observations occur that indicate potential building damage may occur; in the event of such an occurrence, the monitor shall notify the project proponent (GB Capital) and the District; and ○ If any damage to existing buildings is determined to occur as a result of pile driving at the GB Capital Component, the project proponent shall be financially responsible for the necessary repairs, structural or cosmetic, to return the damaged building to its pre-existing state. | | |
| <p>MM-NOI-11: Avoid or Reduce Groundborne Vibration from Bikeway Construction (Bayshore Bikeway Component). During all construction activity at the Bayshore Bikeway Component, the project proponent shall require its construction contractor(s) to observe the following buffer zones to reduce groundborne vibration at nearby residences to 0.04 in/sec or less:</p> <ul style="list-style-type: none"> ● Avoid the use of hydraulic breakers within 130 feet of residential buildings. ● Avoid vibratory compaction within 115 feet of residential buildings. ● Avoid the use of heavy earthmoving equipment within 55 feet of residential buildings. <p>If the listed buffer distances cannot be maintained, impacts can be reduced to less than significant by using alternative equipment that avoids or reduces high vibration levels at the source. Jackhammers (manually held and operated, not mounted to any other construction equipment) may be used in place of other breakers, non-vibratory rollers may be used in place of vibratory roller, and smaller earthmovers (Bobcat, skid steer, etc.) may be used instead of full size heavy earthmoving equipment.</p> | <p>Timing: During construction
Method: Observe buffer zones to reduce groundborne vibration or use alternative equipment that avoids or reduces high vibration levels.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: City and District</p> |
| Transportation, Circulation, and Parking | | |
| <p>MM-TRA-1: Implement TDM and VMT Reduction Measures (GB Capital Component, City Program – Development Component). To reduce VMT generated by employee trips, the project proponent (GB Capital and City) shall implement the following TDM and VMT reduction</p> | <p>Timing: During project operation
Method: Implement a Mandatory Employer Commute</p> | <p>Implementation: Applicable Project Proponents for Components</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| <p>measure from the SANDAG Mobility Management Toolbox, using the VMT Reduction Calculator Tool (SANDAG 2019b), starting the first day of project operations for the GB Capital Component and City Program – Development Component.</p> <ul style="list-style-type: none"> Mandatory Employer Commute Program – The employer for the GB Capital Component and City Program – Development Component shall offer and pay for an employer commute-trip reduction program, which may include a carpool program, transit subsidy passes, or a vanpool program. Implementing these measures could result in a 2.6% reduction in the project’s employee VMT. | <p>Program to reduce TDM and VMT.</p> | <p>Monitoring and Reporting: Applicable Project Proponents for Components
Verification: District and City</p> |
| <p>MM-TRA-3: Implement Traffic Control Measures During Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component). For any project components that temporarily require partial and/or full roadway closures during construction, the project proponent [requiring the partial or full roadway closure(s)] shall require its contractor to plan, use, place, and maintain traffic control devices while in use at the construction site to ensure that adequate emergency access is provided throughout the duration of the road closure. If construction activities require blocking of a traffic lane(s), the project proponent shall require its contractor to use a flashing arrow board during daytime hours; however, a solar flashing arrow board shall be required for any nighttime construction that requires the closure of any traffic lanes. In certain lane closures, the use of high-level warning flags, along with other devices, is acceptable if installed in accordance with the provisions set forth in the Caltrans <i>California Manual on Uniform Traffic Control Devices</i> (Caltrans 2018). The City shall verify the proper use of traffic control devices for the Bayshore Bikeway Component, City Program – Development Component, and potentially the GB Capital Component if the proposed roadway is a City street, while the District shall verify the proper use of traffic control devices for the Balanced Plan, Pasha Rail Improvement Component, Pasha Road Closures Component, and potentially the GB Capital Component if the proposed roadway is a District street.</p> | <p>Timing: During project construction
Method: Implement traffic control measures during partial and/or full roadway closures and maintain lane requirements throughout the duration.</p> | <p>Implementation: All Project Proponents
Monitoring and Reporting: All Project Proponents
Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|--------------------|---------------------|
| <p>In addition to traffic control measures, the project proponent shall require its contractor to maintain the following traffic lane requirements throughout the duration of the partial or full road closure:</p> | | |
| <ol style="list-style-type: none"> 1. For two-way streets (e.g., a four-lane roadway), a minimum of one lane shall be provided in each direction. 2. The minimum width of a traffic lane shall be 10 feet. The lane shall be clear of obstructions, including traffic cones or delineators. Emergency vehicle access may require a traffic lane of up to 14 feet wide. 3. A separate left- or right-turn lane shall be provided if there is an existing left- or right-turn lane. 4. Complete closure of a roadway shall not be permitted without a valid Special Traffic Permit (STP) or a City-approved traffic routing plan. This includes a plan that allows one lane to be used for two directions of traffic (i.e., two-way flag control). An STP is required to use two-way flag control. 5. If work occurs at or within 100 feet of an intersection on a two-way street, an STP is required to prohibit left turns at the intersection. This requirement applies where two lanes are reduced to one and through vehicles cannot physically pass a left-turning vehicle. 6. If needed, room for a traffic lane(s) may be made available by temporarily prohibiting parking. Traffic lanes must be at least 10 feet wide and provide a sufficient transition before the lane begins and after the lane ends. | | |
| <p>To ensure that the traffic lanes provided are adequate and continuous, only one contractor at a time shall be allowed to work on any one block. If a second contractor is planning to work on a block that has a contractor, or on an adjacent block, then the second contractor shall obtain an STP before starting any work. Moreover, a contractor shall not be allowed to work within a block of a project that is under City contract without receiving approval from the Resident Engineer for the subject contract, obtaining an STP, and notifying the City Fire Department and City Police Department.</p> <p>Flagging personnel shall be required when workers or equipment will temporarily block a traffic lane that is used for access into and out of a construction site. Flagging personnel shall ensure that traffic congestion</p> | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| <p>and permanently blocked roads do not occur. The following shall apply to the flagging personnel required during project construction:</p> <ol style="list-style-type: none"> 1. Flaggers must be properly equipped with a Type II vest (daytime) or Type III vest (nighttime) and a sign paddle. 2. Flaggers must be certified and have their certification card at all times. 3. A minimum of two flaggers shall be required when one lane is to be used for two directions of traffic (i.e., two-way flag control). 4. Police officers may be hired to provide flag control. <p>A construction TDM plan shall be prepared by the respective project proponent for each project component and implemented during construction activities. The TDM plan shall be submitted by the respective project proponent to the City or District, depending on the jurisdiction where the project component is located, for review and approval prior to construction. The TDM plan shall incorporate various TDM strategies to reduce congestion during construction and may include, but is not limited to, the following:</p> <ul style="list-style-type: none"> • Implementation of a ride-sharing program to encourage carpooling among workers. • Adjusting work schedules so workers do not access the site during the peak hours. • Providing offsite parking locations for workers outside of the area, with shuttle services to bring them onsite. • Providing subsidized transit passes for construction workers. | <p>Timing: Prior to construction</p> <p>Method: Provide offsite parking, shuttle transportation, and incentives for transit use and provide signage to direct visitors to available parking if onsite parking is displaced.</p> | <p>Implementation: All Project Proponents</p> <p>Monitoring and Reporting: All Project Proponents</p> <p>Verification: District and City</p> |
| <p>MM-TRA-5: Require Offsite Parking, Shuttle Transportation, and Incentives for Transit Use for Construction Workers and Wayfinding Signage for Visitors (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component). Prior to the commencement of construction activity, the project proponent for each component shall provide an offsite parking location for construction workers and a shuttle service from the offsite parking location to the project site and back. For project components within the District’s jurisdiction, the designated offsite parking location shall be approved by the District’s Development Services Department (Balanced Plan, GB Capital Component, Pasha Rail Improvement</p> | | |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|--|
| <p>Component, and Pasha Road Closures Component). For project components within the City’s jurisdiction, the designated offsite parking location shall be approved by the City. In addition, the project proponent shall provide incentives for construction workers to use public transit. Workers who cannot commute by transit and must use personal vehicles shall be required to park at the offsite parking facility. The parking requirements for the workers shall be detailed in their contract with the project proponent. Moreover, during the construction phase, some public parking shall remain open, to the extent feasible, through the phasing of construction. If onsite public parking is displaced, the project proponent shall provide conspicuous signage to direct visitors to available parking facilities throughout the duration of the construction that displaced the public parking to maintain public coastal access.</p> | | |
| <p>MM-TRA-6: Reconfigure Lot Q to Accommodate 590 Striped Parking Spaces (Pasha Road Closures Component). Prior to implementation of the Pasha Road Closures Component, the project proponent shall restripe Lot Q (located on the southwest corner of Bay Marina Drive and Tidelands Avenue) to provide additional parking for employees and offset the loss of 249 parking spaces. Upon completion of this restriping, there would be 590 parking spaces in Lot Q; this would accommodate the 574 existing NCMT employees. Once completed, evidence indicating completion of the restriping shall be provided by the project proponent for the Pasha Road Closures Component to the District’s Development Services Department. Pasha shall require its employees to use Lot Q and allow other employees at NCMT to use the parking lot.</p> | <p>Timing: Prior to construction
Method: Restripe Lot Q to provide additional parking.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: District’s Development Services Department</p> |
| <p>MM-TRA-7: Accommodate 23 Additional Flex Parking Spaces at the Pepper Park Parking Lot (Balanced Plan). Prior to issuance of the Coastal Development Permit for Pepper Park (Balanced Plan), the District shall accommodate an additional 23 parking spaces, for a total of 116 parking spaces at Pepper Park. The additional 23 spaces shall be designed to be flex spaces that can be used as either an active area of the park or parking for public uses and coastal access within the project area. Following the completion of the Pepper Park expansion (including the 23 spaces), the District shall prepare a study that determines the actual (i.e., on-the-ground) demand for parking at the newly expanded park. If the results of the study demonstrate that the amount of parking can be</p> | <p>Timing: Prior to construction and during project operation
Method: Accommodate an additional 23 flex parking spaces at Pepper Park and prepare a study to determine actual parking demand.</p> | <p>Implementation: Applicable Project Proponent for Component
Monitoring and Reporting: Applicable Project Proponent for Component
Verification: District</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|--|
| <p>reduced, the District will reduce the number of parking spaces to the actual on-the-ground demand identified in the study (but no more than a reduction of 23 spaces).</p> | | |
| Utilities and Service Systems | | |
| <p>MM-UTIL-1: Prepare Utility Infrastructure Study (Balanced Plan, GB Capital Component, and City Program – Development Component). Prior to the issuance of the building permits for the Balanced Plan, GB Capital Component, and City Program – Development Component, the respective project proponent shall prepare a utility infrastructure study and submit the study to the District’s Development Services Department (Balanced Plan and GB Capital Component only) and the City’s Community Development Department (GB Capital Component and City Program – Development Component only) for review and approval. The utility infrastructure study shall identify the capacity of existing utilities, the ability of those utilities to serve the project proponent’s project component, any necessary utility improvements that would be needed to serve project proponent’s project component, and alternative locations and best management practices (BMPs), if necessary, to meet the standards described as follows: avoidance of sensitive habitat and species, construction BMPs related to ground disturbance such as daily watering in high-dust areas and use of a stabilized construction entrance to reduce offsite tracking, a soil and groundwater management plan pursuant to MM-HAZ-1 and MM-HAZ-4, including recommendations on pipe materials based on Sweetwater Authority Design Standards, if disturbed areas may be subject to contamination, a soil disposal plan (if applicable), a traffic management plan if roadways will need temporary closures, consistency with the City’s Noise Ordinance, and avoidance of historical, archaeological, tribal cultural, and paleontological resources. The project proponent shall implement any and all new utility improvements or upgrades identified in the utility infrastructure study.</p> | <p>Timing: Prior to construction
Method: Prepare and submit a utility infrastructure study and implement any and all new utility improvements or upgrades identified.</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Applicable Project Proponents for Components
Verification: District’s Development Services Department and the City’s Community Development Department</p> |
| <p>MM-UTIL-2: Implement Water Conservation Measures (Balanced Plan, GB Capital Component, and City Program – Development Component). The project proponent for the respective project component shall incorporate and implement water-efficient design measures into its individual project component. Water-efficient design measures shall at a minimum, include:</p> | <p>Timing: Prior to construction
Method: Incorporate and implement water-efficient design measures.</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Applicable Project Proponents for Components
Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|---|
| <ul style="list-style-type: none"> • Implement indoor water reduction measures, including high-efficiency toilets, high-efficiency urinals, low-flow faucets, and low-flow showers (as applicable). • Install only drought-tolerant landscaping and perform any landscaping watering through a drip system or low-flow irrigation devices. • Install cisterns above or below ground that shall collect and store runoff from rooftops and other impervious surfaces. • Install water-efficient water coolers and equipment and monitor cooling tower and boiler water chemistry to minimize mineral buildup in the system and maximize the number of times water can be recycled through the system. • Limit the use of turf and, in Pepper Park, limit the use of turf to activity fields. • Educate employees on water conservation measures on an annual basis and post water conservation stickers, signs, and posters in bathrooms, kitchens, cafeterias, conference rooms, and other places where employees congregate. | | |
| <p>MM-UTIL-3: Upsize the Existing Bay Marina Drive Pipeline and Install New Pipeline Along the Proposed Road Realignment to Meet Project Fire Flow Demands (GB Capital Component and City Program – Development Component). Prior to occupancy and operation of the proposed City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component, whichever occurs first, the project proponent for that project component (Payee) shall upsize the existing 12-inch PVC pipeline on Bay Marina Drive between the intersection of Harrison Avenue and Cleveland Avenue to a 16-inch PVC pipeline. In addition, the Payee shall install approximately 1,500 linear feet of 16-inch main pipeline along Marina Way and upsize approximately 1,700 linear feet of the existing 12-inch PVC pipeline with 16-inch pipeline. Design, permitting, and construction of the new pipelines shall be coordinated with the City Fire Marshal and SWA.</p> <p>Prior to occupancy and operation of the project component that is constructed second (i.e., the GB Capital Component if the City Program – Development Component is constructed first, or the City Program –</p> | <p>Timing: Prior to project operation</p> <p>Method: Upsize the existing 12-inch PVC pipeline on Bay Marine Drive to a 16-inch pipeline and install and upsize pipeline on Marina Way.</p> | <p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District and City</p> |

| Mitigation Measures | Timing and Methods | Responsible Parties |
|--|---|---|
| <p>Development Component if the GB Capital Component is constructed first), the project proponent for that project component (Reimbursee) shall reimburse the Payee 50% of the actual cost of designing, permitting, and constructing the new pipelines. Such reimbursement shall be a condition of the Coastal Development Permits for the City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component.</p> | | |
| <p>MM-UTIL-4: Issue Payment for City’s Sewer Capacity Fee (Balanced Plan, GB Capital Component, and City Program – Development Component). Prior to the issuance of the respective building permits for the Balanced Plan, GB Capital Component, and City Program – Development Component, the respective project proponent shall pay the City’s established sewer capacity fee.</p> | <p>Timing: Prior to construction
Method: Pay the City’s established sewer capacity fee.</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Applicable Project Proponents for Components
Verification: City</p> |
| <p>MM-UTIL-5: Confirm Water Supply Availability for Recreational or Ornamental Water Feature (Balanced Plan, City Program – Development Component, and GB Capital Component). Prior to construction of any recreational or ornamental water feature, if it is determined that there is a low water supply, then the feature shall not be constructed until water supply is secured or there is an alternative design that incorporates low water use.</p> | <p>Timing: Prior to construction
Method: Ensure features are constructed only if water supply is secured.</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Applicable Project Proponents for Components
Verification: District and City</p> |
| <p>MM-UTIL-6: Confirm Water Supply Availability for Development Project Components Prior to Issuance of Building Permits (Balanced Plan, City Program – Development Component, and GB Capital Component). Water availability shall be confirmed by SWA prior to issuance of building permits. The confirmation of water availability shall be provided in written form by SWA. If SWA indicates there is not sufficient water supply to serve the project, the scale of the project shall be reduced to a level that is serviceable by SWA or use recycled water.</p> | <p>Timing: Prior to construction
Method: Confirm water supply availability, reduce project scale to a level that is serviceable, or use recycled water.</p> | <p>Implementation: Applicable Project Proponents for Components
Monitoring and Reporting: Applicable Project Proponents for Components
Verification: District and SWA</p> |

AB = Assembly Bill; BAU = business-as-usual; BMP = best management practice; CA Title 22 = California Code of Regulations, Title 22; CAP = Climate Action Plan; CARB = California Air Resources Board; CCC = California Coastal Commission; CCR = California Code of Regulations; CDFW = California Department of Fish and Wildlife; CDP = Coastal Development Permit; CFGC = California Fish and Game Code; CFR = Code of Federal Regulations; CNEL = Community Noise Equivalent Level; CO = carbon monoxide; CRMDP = Cultural Resources Monitoring and Discovery Plan; CWA = Clean Water Act; dB = decibel; dBA = A-weighted decibel; DEH = Department of Environmental Health; DOT = Department of Transportation; EPA = U.S. Environmental Protection Agency; ESA = environmentally sensitive area; FPR = first point of rest; GHG = greenhouse gas; HDSAP = Harbor District Specific Area Plan; HMMP = Habitat Mitigation and Monitoring Plan; in/sec = inches per second; KOP = key observation point; LCP = Local Coastal Program; LEED = Leadership in Energy and Environmental Design; Leq = equivalent sound level; Leq(h) = hourly equivalent sound level; L_{max} = maximum sound level; LUC = Land Use Code; MBTA = Migratory Bird Treaty Act; MTCO_{2e} = metric tons of carbon dioxide equivalent; MWh = megawatt-

hour; NCMT = National City Marine Terminal; NMFS = National Marine Fisheries Service; NO_x = nitrogen oxides; PAH = polynuclear aromatic hydrocarbon; PCB = polychlorinated biphenyl; PM₁₀ = particulate matter 10 microns or less in diameter; PM_{2.5} = particulate matter 2.5 microns or less in diameter; PMP = Port Master Plan; PVC = polyvinylchloride; RAQS = Regional Air Quality Strategy; RV = recreational vehicle; RWQCB = Regional Water Quality Control Board; SANDAG = San Diego Association of Governments; SDAPCD = San Diego Air Pollution Control District; SIP = State Implementation Plan; SLR = sea-level rise; SOI = Secretary of the Interior; STC = sound transmission class; STP = Special Traffic Permit; SWA = Sweetwater Authority; TDM = Transportation Demand Management; TPH = total petroleum hydrocarbons; USACE = U.S. Army Corps of Engineers; USFWS = U.S. Fish and Wildlife Service; VAP = Voluntary Action Program; VMT = vehicle miles traveled; VOC = volatile organic compound; ZNE = zero net energy