

**SAN DIEGO UNIFIED PORT DISTRICT
DEVELOPMENT SERVICES DEPARTMENT**

P. O. BOX 120488
SAN DIEGO, CA 92112-0488
(619) 686-6419

**NOTICE OF BOARD ACTION
ON AN
APPEALABLE COASTAL DEVELOPMENT PERMIT**

Date: March 12, 2021

Applicant: North C. V. Waterfront LP,
dba Pacifica Hospitality Group, Inc
1775 Hancock Street
San Diego, CA 92110
(All streets are located within the Chula Vista Bayfront Harbor District)

Project: Amara Bay Roadway Construction and Improvements Project

Location: J Street from Bay Boulevard to Marina Parkway (frontage of Parcels H-13B, HP-12B, HP-9, H-15, HP-8, HP-5, HP-7, H-14)
Portion of Marina Way (frontage of Parcels HP-7 and H-21)
Portion of Marina Parkway (frontage of Parcels HP-5, H-13, H-14, and H-21)
Portion of Future Street A (frontage of Parcels HP-5 and H-15)
Portion of Future Street C (frontage of Parcels HP-5 and H-15)
(All streets are located within the Chula Vista Bayfront Harbor District)

PROPOSED PROJECT SUMMARY

The Project Applicant, North C. V. Waterfront LP, ("Pacifica" or "Permittee"), proposes to improve and realign J Street, a portion of the Marina Way and a portion of Marina Parkway; and construct a portion of Street A and a portion of Street C that are located along the frontage of Parcels HP-5 and H-15 (collectively, "Project") between Bay Boulevard and Marina Way in the Harbor District within the Chula Vista Bayfront (CVB).

A more detailed description of the Project can be found under the "Development" section in Attachment A, Draft Coastal Development Permit.

CONSISTENCY WITH CERTIFIED PORT MASTER PLAN

The Project, as defined below, is located within the jurisdiction of the San Diego Unified Port District (District) and, in part, in the California coastal zone. The project constitutes development pursuant to Coastal Act Section 30106 as it will result in the realignment and improvement of J Street (from Bay Boulevard to Marina Parkway), a portion of Marina Way (approximately 550 feet west of the intersection of Marina Parkway and J Street), and portions of Marina Parkway (from J Street to Street C); construction of a portion of

two new public streets, known as Street A and Street C along the frontage of parcels HP-5 and H-15; and construction of associated utility and landscaping improvements. The project is an appealable development pursuant to Section 30715 of the Coastal Act as it constitutes a category of development for the development of roadways not principally for internal circulation within the Port's boundaries and is classified as appealable in the District's certified Port Master Plan ("PMP"). A portion of the Project is located between the sea (As defined in the Coastal Act) and the first inland continuous road paralleling the sea, and the Project is fully consistent with Coastal Act Sections 30604(c), 30210-30224, and the Coastal Act public access policies referenced therein.

This Project will enhance public access in the Chula Vista Bayfront by improving existing roadways and providing new roadways. The Project conforms to the Precise Plan text in the Chula Vista Bayfront Planning District and Project List (Table 19) of the certified Port Master Plan (PMP). The Project is fully consistent with Chapters 3 and 8 of the Coastal Act and the District's certified PM, which includes, by reference, the Chula Vista Bayfront Development Policies (Clerk Document No. 59407), the Chula Vista Bayfront Public Access Program (Clerk Document No. 59408), and the Chula Vista Bayfront Natural Resources Management Plan (Clerk Document No. 65065).

CONSISTENCY WITH CALIFORNIA COASTAL ACT

The Project is consistent with the applicable Chapter 3 policies of the Coastal Act as follows:

Section 30210: Access; recreational opportunities; posting

The Project includes the improvements to existing roadways (J Street, portion of Marina Way, and portion of Marina Parkway) as well as constructing portions of two new public roads (Street A and Street C). The improvements and construction will encourage public access by providing new and improved public access opportunities that allow the public to enjoy the different existing and future public amenities on CVB. To ensure access to the existing public amenities, such as the Marina View Park and boat launch, will not be interrupted during Project construction, the Project will implement either a temporary access route or phased road closure. In addition, temporary parking areas will also be provided to off-set street and park parking that will be affected during construction.

Section 30211: Development not to interfere with access

The Project will not interfere with the public's right of access to the bayfront, and as described under Section 30210 above, the Project will enhance public access to the CVB. Also, either a temporary access route or phased road closure will be employed to ensure access to the existing public amenities will not be interrupted during project construction.

Section 30212 New development projects

The Project includes the improvements to existing roadways and construction of portions of two new public streets. The Project will enhance existing public roadways to encourage public access to the CVB, as described under Section 30210 above. Also, to ensure access to the existing public amenities will not be interrupted during project construction, a temporary access route or phased road closure will be employed, and temporary

parking will be provided to compensate for the impacted park parking during project construction.

Section 30214: Implementation of public access policies; legislative intent

The Project will provide and enhance public access to encourage activation on CVB. Also, as noted in Section 30210 above, the Project will implement either a temporary access route or phased road closure to ensure access to the existing public amenities will not be interrupted during project construction.

Section 30252: Maintenance and enhancement of public access

The Project will enhance public access and encourage nonautomobile circulation within the CVB through the incorporation of bike path to the improved roadways. As noted in Section 30210 above, the Project will implement either a temporary access route or phased road closure to ensure access to the existing public amenities will not be interrupted during project construction. Impacted park parking will be compensated by a temporary parking area to ensure adequate parking is provided for the existing park(s).

BOARD ACTION

On March 9, 2021, the Board of Port Commissioners (BPC) found that the subject development conforms to the certified PMP of the San Diego Unified Port District and APPROVED the issuance of an appealable Coastal Development Permit as noted [X] below:

- ☐ This Development has been approved as submitted
- ☒ This development has been approved subject to the terms, conditions, and provisions stated in Attachment A to this notice.

The follow noted [X] item applies to this finding:

- ☐ This action is NOT APPEALABLE under Section 30715 of the California Coastal Act. The Executive Director will issue the permit to the applicant. No work shall be performed until receipt of the permit.
- ☒ This action is APPEALABLE under Section 30715 of the California Coastal Act. This notice will be sent within five (5) working days of the above BPC approval date to the California Coastal Commission. Appeals must be filed with the Commission within ten (10) working days of receipt by the Commission of this notice. Prospective appellants should contact the Coastal Commission for more information.

In accordance with the District's CDP Regulations, a notice of a public hearing regarding the appealable CDP for the project was mailed to: all property owners, lessees, and occupants within 100 feet of the perimeter of the proposed development; the Mayor and City Manager of the City of Chula Vista, California Coastal Commission; and the Applicant.

At the March 9, 2021, Board of Port Commissioners hearing on the subject CDP, verbal testimony was received in support of the Project CDP from: Ash Israni with the Pacifica Companies. Following the public hearing, the Board of Port Commissioners unanimously approved the issuance of the CDP. A recording of the Board meeting is available at <https://portofsandiego.legistar.com/Calendar.aspx>.

JOE STUYVESANT
President/Chief Executive Officer

By:


Michelle Chan
Senior Planner, Development Services

Attachment A: Draft Coastal Development Permit



**SAN DIEGO UNIFIED PORT DISTRICT
DEVELOPMENT SERVICES DEPARTMENT**

P. O. BOX 120488
SAN DIEGO, CA 92112-0488
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COASTAL DEVELOPMENT PERMIT

Applicant: North C. V. Waterfront LP,
dba Pacifica Hospitality Group, Inc
1775 Hancock Street
San Diego, CA 92110

Project: Amara Bay Roadway Construction and Improvements Project

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Portion of Marina Parkway (frontage of Parcels HP-5, H-13, H-14, and H-21)
Portion of Future Street A (frontage of Parcels HP-5 and H-15)
Portion of Future Street C (frontage of Parcels HP-5 and H-15)
(All streets are located within the Chula Vista Bayfront Harbor District)

You are hereby granted a Coastal Development Permit. This permit is issued in conformance with the California Coastal Act of 1976 and the Coastal Permit Regulations of the San Diego Unified Port District, as adopted by the Board of Port Commissioners on July 1, 1980, Resolution No. 80-193, and as amended on December 2, 1980, Resolution No. 80-343, and on February 14, 1984, Resolution No. 84-62, in accordance with the provisions for the issuance of a ☐ Emergency ☐ Non-Appealable ☒ Appealable Coastal Development Permit.

Date of Board Action: March 9, 2021

Board of Port Commissioners Resolution Number: 2021 - XXX

Date of Permit: xxxxx xx, 2021

Application Number: 2018-xx

Permit Number: CDP-2021-XX

The Project, as defined below, is located within the jurisdiction of the San Diego Unified Port District (District) and, in part, in the California coastal zone. The project constitutes development pursuant to Coastal Act Section 30106 as it will result in the realignment and improvement of J Street (from Bay Boulevard to Marina Parkway), a portion of

Marina Way (approximately 550 feet west of the intersection of Marina Parkway and J Street), and portions of Marina Parkway (from J Street to Street C); construction of a portion of two new public streets, known as Street A and Street C along the frontage of parcels HP-5 and H-15; and construction of associated utility and landscaping improvements. The project is an appealable development pursuant to Section 30715 of the Coastal Act as it constitutes a category of development for the development of roadways not principally for internal circulation within the Port's boundaries and is classified as appealable in the District's certified Port Master Plan ("PMP"). A portion of the Project is located between the sea (As defined in the Coastal Act) and the first inland continuous road paralleling the sea, and the Project is fully consistent with Coastal Act Sections 30604(c), 30210-30224, and the Coastal Act public access policies referenced therein.

This Project will enhance public access in the Chula Vista Bayfront by improving existing roadways and providing new roadways. The Project conforms to the Precise Plan text in the Chula Vista Bayfront Planning District and Project List (Table 19) of the certified Port Master Plan (PMP). The Project is fully consistent with Chapters 3 and 8 of the Coastal Act and the District's certified PM, which includes, by reference, the Chula Vista Bayfront Development Policies (Clerk Document No. 59407), the Chula Vista Bayfront Public Access Program (Clerk Document No. 59408), and the Chula Vista Bayfront Natural Resources Management Plan (Clerk Document No. 65065).

This permit is limited to the development described below and set forth in material on file with the San Diego Unified Port District (District), and subject to the terms, conditions, and provisions hereinafter stated:

DEVELOPMENT

The Project Applicant, North C. V. Waterfront LP, (referred to herein as "Permittee"), proposes to improve and realign J Street, a portion of the Marina Way and a portion of Marina Parkway; and construct a portion of Street A and a portion of Street C that are located along the frontage of Parcels HP-5 and H-15 (collectively, "Project") between Bay Boulevard and Marina Way in the Harbor District within the Chula Vista Bayfront (CVB). The limits of the Project are depicted in Exhibit 1 (Project Site). The Project is delineated on Precise Plan Map Figure 19 in Planning District 7 of the certified PMP. The Project is listed as project number 14: "Harbor District Roadway and Infrastructure Improvements" and project number 19: "Marina Way Reconfiguration" in the PMP Project List (Table 19).

The entire Project shall include the development and construction of the components as described herein. The Permittee shall have no obligation to operate or maintain the roadways from and after the completion of the construction of the Project.

Overview

The Project site is bounded by J Street and a portion of Marina Way to the south, Marina Parkway to the west, future Street C to the north, and future Street A to the east. Existing land uses include privately owned land by North CV Waterfront in the center of the site, the Marina View Park across J Street to the south, and California Yacht Marina across Marina Parkway to the West.

The first phase of construction will consist of J Street, a portion of Marina Way and a portion of Marina Parkway improvements. The aforementioned streets will be improved and widened to incorporate wider travel lanes (72'-97'), 12-foot wide bike path, 5-foot wide sidewalk and a 9-foot wide landscaped parkway. In addition, the intersection of J Street and Marina Parkway will be reconfigured from the existing sharp curve to a 90-degree angle, and a portion of Marina Way will be realigned to the north of its existing alignment. The improvements to Marina Parkway will occur on land that is currently part of the exiting Marina View Park (Park). Some improvements to the Park, including reconfiguration of the existing parking lot, will be completed. Portions of the park will be in the construction zone at various times, as such access may be limited during those times, but not restricted.

Also as part of the first phase, the Project will include a temporary access road from Bay Boulevard that will be connected to Marina Parkway and Marina Way to ensure access to the Marina View Park, Bayfront Park, boat launch, Harbor Police facility and existing marinas will not be interrupted as the Project will result in the temporary closure of the existing J Street from Bay Boulevard to Marina Parkway. Furthermore, the Project will temporarily relocate the Marina View Park parking that will be affected by the construction to a new area directly west of the existing parking lot, south of Marina Way (approximately 28 spaces). In addition, a temporary parking lot consisting of approximately 75 spaces is proposed on H-14. A separate CDP from the City of Chula Vista (City) will be required for the portion of the temporary access route and parking area that is within the City's jurisdiction. The Applicant will be responsible for demolishing the temporary access road and temporary parking area once the roadway construction and improvements are completed. As an alternative, temporary lane(s) closures that ensure continual access at a level of service not less than as called out for the temporary access road may be utilized subject to approval by the District and the City.

The second phase of construction will include the construction of a portion of Street A and a portion of Street C that are located along the frontage of parcels HP-5 and H-15. The timing for the second phase will be dependent on future phases of the overall development (within the City of Chula Vista's jurisdiction). The second phase of construction will involve grading and fill to bring the elevation of the streets to accommodate the District's recommendations on sea level rise. In addition, stormwater best management practices will be designed and implemented during construction.

The Project will also include sewer, water, and drainage improvements. New sewer mains will be installed within Street A. An additional main and sewer laterals will be added in Marina Parkway. Sewer improvements will also upsize the existing sewer line in J Street. Force mains connecting the pump stations will be replaced with dual mains. PS#11 will be relocated out of Marina Parkway and upgraded to accommodate future flows. Upgrades may include additional emergency storage, fencing, generator, and new pumps, mains, and pipes. PS#12 will be inspected and may be modified or removed and replaced in its current location adjacent to the boat launch ramp.

As a related project, the California Yacht Marina (Marina) leasehold area is being amended to accommodate the J Street realignment. The Marina's existing landscaping, signage and parking area will be impacted by the Project. Therefore, the Project will include the relocation of the existing landscaping, signage improvements and parking circulation reconfiguration on the current California Yacht Marina leasehold.

Roadways Construction and Improvement

The proposed roadways realignment and construction will include the realignment of J Street, a portion of Marina Way and a portion of Marina Parkway, as well as the construction of a portion of Street A and a portion of Street C that are located along the frontage of Parcels HP-5 and H-15. As part of the Project, a portion of existing J Street and Marina parkway will be demolished, and the existing wet and dry utilities will be relocated. Below are the specifications for the proposed roadways realignments:

- J Street (from Bay Boulevard to Marina Parkway) Specifications:
 - 12' Class I bikepath
 - 5' Sidewalk
 - 9' landscaping parkway
 - The total width of travel lanes (both directions) will vary from 70' – 97'
- Marina Way (approximately 550 feet west of J Street) Specifications:
 - 5' sidewalk
 - 5' landscaping parkway
 - The total width of travel lanes (both directions) will be 52'
- Marina Parkway (from Street C to J Street) Specifications:
 - 12' Class I bikepath
 - 5' Sidewalk
 - 9' landscaping parkway
 - The total width of travel lanes (both directions) will vary from 96.8' – 98.9'
- Street A (new public street, along frontage of HP-5 and H-15) Specifications:
 - 12' Class I bikepath
 - 5' Sidewalk
 - 9' landscaping parkway
 - The total width of travel lanes (both directions) will vary from 66' – 72'

- Street C (new public street, along frontage of HP-5 and H-15) Specifications:
 - 5' Sidewalk
 - 8.5' landscaping parkway
 - The total width of travel lanes (both directions) will be 45'

Refer to Attachment A for detailed depictions of the road segment design.

Utilities

Sewer

Sewer improvements include new sewer mains located within Street A varying up to a 12" sewer main. An additional main and sewer lateral will be added in Marina Parkway to serve the adjacent proposed residential property. Sewer improvements will connect to existing facilities in J Street and the existing J Street Pump Station (PS) #11 at J Street and Bay Boulevard. Existing facilities in J Street will be upsized to a 12" sewer main from a 10" sewer main to accommodate additional future flow. Force mains connecting the pump stations will be replaced with dual mains. PS#11 will be relocated out of Marina Parkway and upgraded to accommodate future flows. Upgrades may include additional emergency storage, fencing, generator, and new pumps, mains, and pipes. PS#12 (located near Marina Way) will be inspected and may be modified or removed and replaced in its current location adjacent to the boat launch ramp. Modifications or replacement may include additional emergency storage, fencing, generator, and new pumps, mains, and pipes.

Water

Water utility improvements will include new public water mains, fire service mains, and new irrigation connections for landscaping. Existing mains in J Street and Marina Parkway will be upsized to an 18" and 16" main and a new 12" main in Street A and Street C will be constructed.

Stormwater/Drainage

The existing storm drain system within the streets will remain operational during the construction term. New storm drain systems will be built and activated once the transition of the new storm water system is approved by the District and City of Chula Vista (City), as applicable. The storm drain infrastructure shall be constructed in accordance with the Chula Vista Bayfront Master Plan and associated Environmental Impact Report (EIR) which includes the upsizing of an existing 48" outlet to a 60" outlet.

Temporary Access Road and Parking

The Project will result in the closure of the existing J Street from Bay Boulevard to Marina Parkway. The Project will include a temporary access road from Bay Boulevard that will be connected to Marina Parkway and Marina Way to ensure access to the Marina View Park, Bayfront Park, boat launch, Harbor Police station and existing marina will not be interrupted. Furthermore, the Project will relocate the existing parking for the

Marina View Park to a proposed temporary parking lot located on parcel H-14 (Exhibit 2 Temporary Access and Parking). The applicant is responsible for demolishing the temporary access road and parking area once the roadway constructions/improvements are completed. The portion of the temporary access road and temporary parking area that is located on the Pacifica property within the City will need to obtain a separate CDP from the City. Below is the specification of the temporary access road and parking improvement:

- All 28 parking stalls located at Marina View Park will be temporarily relocated to parcel H-14 (City's jurisdiction). An additional 56 parking spaces will be provided. A total of 84 temporary parking spaces will be provided on the southwest corner of parcel H-14. The temporary parking lot will be improved with gravel.
- The temporary route will provide a 4 – 4.5' wide pedestrian walkway, a five-foot wide bikeway.
- The travel lanes will be approximately 12 feet wide.
- A temporary two-lane access roadway along J Street/Marina Parkway and Marina Way will be provided to ensure access to the boat launch, Harbor Police Station, Chula Vista Bayfront Park, and Marina View Park. Access will not be interrupted during the construction of the Project.

Landscaping

The existing trees and vegetation within the new alignment shall be removed as needed for the realignment and improvement of J Street and Marina Parkway. Existing landscaping along the California Yacht Marina leasehold will be relocated where possible and replaced as needed. No invasive species shall be introduced (Exhibit 3).

Lighting

The existing street light standards will be removed and replaced with new ones in the new street configuration. Please refer to Table 1 for specifications:

Table 1: Street Lighting

	J Street		Marina Parkway		Marina Way		Street A		Street C	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
Quantity	12	8	4	10	3	1		13		4
Height	30'	30'	30'	30'	30'	30'	n/a	30'	n/a	30'

Additional lighting may be added for the illumination of the J Street Monument Gateway upon completion of conceptual design by the Port and City of Chula Vista. Any lighting will be in compliant with the NRMP.

Construction/Grading

The Project will include approximate 20,000 c.y. of fill. The quantity of spoils generated from the streets demolition is approximately 9,000 c.y., and approximately 90% of the

spoils will be recycled. The project construction site will be located at the southeast corner of H-14 and may expand the staging area on closed streets if needed. BMPs will be implemented during the construction of the Project. It is anticipated that the construction will start in summer 2021. J Street realignment and improvement is anticipated to be completed within 12 months, while the construction and improvements to other streets are anticipated to be completed within 18 months.

J Street Gateway Sign

Upon completion of the Chula Vista Bayfront gateway signage conceptual design by the Port and City of Chula Vista, the Permittee will construct a Gateway Monument sign on J Street as stipulated in the Chula Vista Bayfront Gateway Plan.

STANDARD PROVISIONS

1. This Permit will become effective upon the execution of the associated California Yacht Club Lease Amendment ("Lease Amendment", BPC Ord No. xxxxx).
2. Permittee shall adhere strictly to the current plans for the Project as approved by the District and the Project features, described above, for the Project.
3. Permittee shall notify the District of any changes in the Project herein described. Notification shall be in writing and be delivered promptly to the District. District approval of the Project change may be required prior to implementation of any changes.
4. Permittee and the Project shall meet all applicable codes, statutes, ordinances and regulations, and Permittee shall obtain all necessary permits from local, regional, state, and federal agencies.
5. Permittee shall conform to, and this permit is subject to, the permit rules and regulations of the District, including, but not limited to, the District's Coastal Development Permit Regulations.
6. Permittee shall be responsible for compliance with ADA and Title 24 specifications.
7. Permittee shall commence development within two (2) years following the date of the permit issuance by the District. Construction shall be pursued in a diligent manner and all improvements must be completed prior to the issuance of building permit(s) for development on parcels H-13 and H-14 in accordance to Mitigation Measure No. 4.2-1 of the CVB Final EIR.
8. The permit is in no way intended to affect the rights and obligations heretofore existing under private agreements nor to affect the existing regulations of other public bodies.

9. This permit shall not be valid unless two copies have been returned to the Development Services Department of the District, upon which copies the Permittee has signed a statement agreeing that the Permittee will abide by the terms, conditions, limitations, and provisions of the permit.
10. The Permittee and contractor shall perform all best management practices (BMPs) during construction and maintenance operations. This includes no pollutants in the discharges to storm drains or to the Pacific Ocean, to the maximum extent practicable.
11. All District tidelands are regulated under Regional Water Quality Control Board Order No. R9-2013-0001, as amended by Order Nos. R9-2015-001 and R9-2015-0100, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0109226, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds Within the San Diego Region (Municipal Permit). The Municipal Permit prohibits any activities that could degrade stormwater quality.

The Permittee shall ensure that post-construction / operational use of this Project site complies with the Municipal Permit and District direction related to permitted activities including the requirements found in the District's Jurisdictional Runoff Management Program (JRMP). The JRMP is available on the District website: <https://pantheonstorage.blob.core.windows.net/environment/JRMP-document-and-appendices-January-2019.pdf> or by contacting the Stormwater Department, (619) 686-6254.

12. This Project may be subject to the District post-construction BMP requirements. If so, approval of the Project by the District is necessarily conditioned upon submission by the Permittee of a specific Stormwater Quality Management Plan (SWQMP) for the Project that meets District requirements and is compliant with the District BMP Design Manual (JRMP Appendix D). If required, the Permittee shall implement all post-construction structural and non-structural BMPs in perpetuity.

The implementation and maintenance of the post-construction BMPs constitute regulatory obligations for the Permittee, and failure to comply with the Municipal Permit, the JRMP, or the District approved SWQMP, including the specific BMPs contained therein, may be considered a violation of the permit and a violation of District Code.

13. In the discretion of the District, prior to commencement of construction, Permittee may be required to require that their contractor(s) furnish security, naming the District as a dual obligee, in the form of a performance bond and a payment bond, each in an amount deemed appropriate by the District to guarantee payment of the subcontractors, completion of the approved work under this permit, and compliance with the conditions and limitations upon which such permit is granted. Prior to commencement of construction, Permittee may also be required by the District to

furnish security in the form of a payment bond in an amount deemed appropriate by the District to guarantee payment to the contractor(s) for work performed under this permit.

14. By accepting this permit, Permittee acknowledges and agrees (a) that the Project site may be subject to environmental conditions and hazards; (b) to assume the risks to the Permittee of injury and damage from such conditions in connection with the implementation or operations of the Project; (c) to unconditionally waive any claim of damage or liability against the District, its Board of Port Commissioners, officers, agents and employees ("District" for purposes of this condition) for injury or damage from such conditions to persons performing the development for which this permit is issued or operating on the Project site under this permit; (d) to defend, indemnify and hold harmless, and require that Permittee's contractor(s) engaged to perform the development on the Project defend, indemnify and hold harmless, the District from any claim, demand, liability, loss, action, administrative agency appeal, damage, cost, expense (including all attorneys' fees and consultant/expert fees), award, fine, penalty or judgment (collectively, Claims) arising out of, resulting from, or in any way related to the performance of the development by Permittee's contractor(s) for which this permit is issued, with the exception of any claim, action, damages, liability or costs arising or resulting from the project caused by the gross negligence or willful misconduct of the District; (e) to defend, indemnify and hold harmless the District from any Claims arising out of, resulting from, or in any way related to Permittees operation of the Project site with the exception of any claim, action, damages, liability or costs arising or resulting from the project caused by the gross negligence or willful misconduct of the District; (f) to defend, indemnify and hold harmless the District from any Claims arising out of, resulting from, or in any way related to the District's approval of the Project, the granting of this permit, and the District's approval of the CEQA document; and (g) that Permittee will require Permittee's contractors to name the District as an additional insured on all policies of insurance, now in existence or to be obtained by them, for the work conducted pursuant to this permit.
15. Permittee acknowledges and agrees that: (a) it is the sole and exclusive responsibility of Permittee, and not the District, to ensure that all persons and/or entities who provide any labor, services and/or equipment in connection with the project, shall comply with the requirements of California's prevailing wage laws (the "PWL"), to the extent such laws are applicable; and (b) it is the sole and exclusive responsibility of Permittee, and not the District, to determine whether the Project is subject to the PWL by obtaining a determination by means that do not involve the District. If the Project is determined to be subject to the PWL, Permittee shall comply with all applicable provisions of the PWL, and shall take reasonable steps to ensure that all persons and/or entities who provide any labor, services, equipment and/or materials in connection with the Project shall likewise comply with all applicable provisions of the PWL.

Permittee further acknowledges and agrees that Permittee's failure to comply with all applicable provisions of the PWL, and/or their failure to take reasonable steps to ensure that all persons and/or entities who provide any labor, services, equipment and/or materials in connection with the Project comply with all applicable provisions of the PWL, shall render Permittee, and not the District, liable for all remedies (inclusive of all applicable fines and penalties), afforded by law as a consequence of such non-compliance. Permittee expressly agrees to defend, indemnify and hold harmless the District, from any claim, demand, liability, loss, action, damage, cost, expense (including all attorneys' fees and consultant/expert fees), award, fine, penalty or judgment arising out of, resulting from, or in any way related to the PWL (collectively "PWL Claim") made against or incurred by the District in any capacity (including, without limitation, as a real party in interest), except for any PWL Claim arising out of the sole negligence or willful misconduct of the District.

16. The conditions of this permit are independent of, and in addition to, the obligations of the Permittee under any existing lease(s), Tidelands Use and Occupancy Permit(s), or other contractual agreement(s) with the District, and are binding upon Permittee and its agents, representatives, successors and permitted assigns.

SHORT TERM CONSTRUCTION MEASURES

1. To minimize noise during construction, the Permittee will require the construction contractor to (a) restrict normal construction activities from 7:00 am to 7:00 pm; (b) keep construction equipment as far as possible from sensitive receptors; and (c) provide acoustical shielding around equipment operating at night, from 10:00 pm to 7:00 am.
2. To minimize nuisance effects from lights or glare during construction, the Permittee will require the construction contractor to shield and direct night lighting away from adjacent areas.
3. All construction equipment shall be maintained in peak condition to reduce operational emissions.
4. Diesel equipment shall use low-sulfur diesel fuel.
5. Electric equipment shall be used to the maximum extent feasible during construction.
6. The Permittee shall require the construction contractor to provide construction employees with transit and ride share information.
7. The Permittee shall ensure that any site contamination is identified and a site restoration plan, acceptable to the appropriate regulatory agencies, is prepared and implemented to reduce any existing contamination to a level that has no potential to threaten employee or human health as defined under existing regulations. If any

potential exists for impacts to employee health from exposure to hazardous materials, workers shall be provided with adequate protective gear.

8. The Permittee shall require all employees that are exposed to noise levels in excess of Occupational Safety and Health Administration hearing protection thresholds, during construction or operation, to wear noise protection devices (ear plugs and covers) that are protective of individual hearing.
9. Permittee and/or contractor shall comply with State Water Resources Control Board Order No. 2009-0009-DWQ (NPDES General Permit No. CAS000002), and Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity (commonly known as the "Construction General Permit"), as adopted, amended, and/or modified. Construction activity subject to the Construction General Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The Permittee and/or contractor are responsible for submitting to the District a SWPPP that is compliant with the Construction General Permit and District required minimum BMPs. The District requires the use of District SWPPP templates. Once approved, the SWPPP document shall be maintained on the construction site at all times and made available for review by the District or other regulatory agencies.

The Permittee and/or contractor is responsible for ensuring that the SWPPP document is maintained on the site, implemented, and amended as required throughout construction. No discharges of any material or waste, including potable water, wash water, dust, soil, trash, and debris, may contaminate stormwater or enter the stormwater conveyance system. Any such material that inadvertently contaminates stormwater or enters the stormwater conveyance system as part of site operations shall be removed immediately. All unauthorized discharges to the stormwater conveyance system or the Bay or the ocean shall be reported immediately to the District Stormwater Department, in order to address any regulatory permit requirements regarding spill notifications.

A project's total disturbed soil area (DSA) shall not exceed 5 acres during the rainy season (October 1 - April 30) and 17 acres during the non-rainy season (May 1 - September 30). The District may temporarily increase these limits if the individual site is in compliance with applicable stormwater regulations and the site has adequate control practices implemented to prevent stormwater pollution.

SPECIAL PROVISIONS

1. Permittee shall comply with all applicable "Mitigation Monitoring and Reporting Program" requirements as described in the "Chula Vista Bayfront Master Plan" and Port Master Plan Amendment Final Environmental Impact Report (UPD #83356-EIR-658; SCH #2005081077; Clerk Document No. 56562, dated November 2015, and certified by Resolution No. 2010-78 on May 18, 2010) ("EIR"), all applicable policies and implementation measures in Chula Vista Bayfront Development

Policies ("DP") (Clerk Document No. 59407), the Chula Vista Bayfront Public Access Plan ("PAP") (Clerk Document No. 59408), the Chula Vista Bayfront Master Plan Natural Resources Management Plan ("NRMP") (Clerk Document No. 65065), and the Settlement Agreement ("SA") (Clerk Document No. 56523). The applicable Mitigation Measures ("MM"), policies, and implementation measures are included, but not limited to, the following Special Provisions of this Permit.

2. The District and Permittee are parties to that certain Amended and Restated Exchange Agreement, District Document No. 61948, dated June 16, 2014 (Exchange Agreement) whereby Permittee conveyed to the District the NCVW Property and District conveyed to Permittee the District Property. If any of the Project's Development occurs on the NCVW Property or the District Property and any of the Standard Conditions of this Coastal Development Permit are contrary to or conflicting with any provision in the Exchange Agreement, the provision(s) of the Exchange Agreement shall control. Any terms not defined in this condition (Special Provision No. 2) shall have the same meaning as defined in the Exchange Agreement.
3. Permittee, via its project entity, North Chula Vista Waterfront LP, shall submit full construction plans to the City of Chula Vista and the District for plan check and public improvement permit purposes. Development shall not occur until the construction plans are approved by the City of Chula Vista and the District.
4. Uninterrupted access to the boat launch, Harbor Police Facility, Chula Vista Bayfront Park and Marina View Park shall be maintained during the roadways construction/improvements through the development of a temporary access road or partial lane closures.
5. The Permittee shall ensure there will be no interruption of utility services or access to the surrounding leasehold areas/tenants. A Traffic and Utility Phasing Plan(s) must be submitted to the District and City of Chula Vista for review and approval prior to approval and issuance of the Improvement Plan.
6. The Permittee is required to submit a final Sewer Study to the City of Chula Vista prior to the issuance of the Improvement Plans.

Air Quality

1. Prior to the commencement of any grading activities, Permittee shall cause the following measures be placed as notes on all grading plans and shall be implemented during grading of each phase of the Project to minimize construction emissions. These measures shall be completed to the satisfaction of the Port and the Director of Planning and Building for the City:

Best Available Control Measures for Specific Construction Activities

- a. Backfilling activities:
 - i. Stabilize backfill material when not actively handling

- ii. Stabilize backfill material during handling
 - iii. Stabilize soil at completion of backfilling activity.
- b. Clearing and grubbing activities:
 - i. Maintain stability of soil through pre-watering of the Site prior to clearing and grubbing
 - ii. Stabilize soil during clearing and grubbing activities
 - iii. Stabilize soil immediately after clearing and grubbing activities.
- c. Clearing forms:
 - i. Use water spray to clear forms
 - ii. Use sweeping and water spray to clear forms
 - iii. Use vacuum system to clear forms.
- d. Crushing activities:
 - i. Stabilize surface soils prior to operation of support equipment
 - ii. Stabilize material after crushing.
- e. Cut and fill activities:
 - i. Pre-water soils prior to cut and fill activities
 - ii. Stabilize soil during and after cut and fill activities.
- f. Demolition activities – mechanical/manual:
 - i. Stabilize wind erodible surfaces to reduce dust
 - ii. Stabilize surface soil where support equipment and vehicles will operate
 - iii. Stabilize loose soil and demolition debris.
- g. Disturbed soil:
 - i. Stabilize disturbed soil throughout the construction site
 - ii. Stabilize disturbed soil between structures.
- h. Earth-moving activities:
 - i. Pre-apply water to depth of proposed cuts
 - ii. Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction
 - iii. Stabilize soils once earth-moving activities are complete.
- i. Importing/exporting of bulk materials:
 - i. Stabilize material while loading to reduce fugitive dust emissions
 - ii. Stabilize material while transporting to reduce fugitive dust emissions
 - iii. Stabilize material while unloading to reduce fugitive dust emissions
 - iv. Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling
 - v. Comply with California Vehicle Code Section 23114.
- j. Landscaping activities:
 - i. Stabilize soils, materials, slopes
- k. Road shoulder maintenance:
 - i. Apply water to unpaved shoulders prior to clearing
 - ii. Apply chemical dust suppressants and/or washed gravel to maintain a stabilized surface after completing road shoulder maintenance.
- l. Screening activities:
 - i. Pre-water material prior to screening
 - ii. Limit fugitive dust emissions to opacity and plume length standards
 - iii. Stabilize material immediately after screening.

- m. Staging areas:
 - i. Stabilize staging areas during use
 - ii. Stabilize staging area soils at project completion.
- n. Stockpiles/bulk material handling:
 - i. Stabilize stockpiled materials by covering/watering
 - ii. Stockpiles within 100 yards of off-site occupied buildings must not be greater than 8 feet in height; or must have a road bladed to the top to allow water truck access or must have an operational water irrigation system that is capable of complete stockpile coverage.
- o. Traffic areas for construction activities:
 - i. Stabilize all off-road traffic and parking areas
 - ii. Stabilize all haul routes
 - iii. Direct construction traffic over established haul routes.
- p. Trenching activities:
 - i. Stabilize surface soils where trencher or excavator and support equipment will operate
 - ii. Stabilize soils at the completion of trenching activities.
- q. Truck loading activities:
 - i. Pre-water material prior to loading
 - ii. Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.
- r. Turf overseeding activities:
 - i. Apply sufficient water immediately prior to conducting turf vacuuming activities to meet opacity and plume length standards
 - ii. Cover haul vehicles prior to exiting the site.
- s. Unpaved roads/parking lots:
 - i. Stabilize soils to meet the applicable performance standards
 - ii. Limit vehicular travel to established unpaved roads (haul routes) and unpaved parking lots.
- t. Vacant land:
 - i. In instances where vacant lots are 0.10 acre or larger and have a cumulative area of 500 square feet or more that are driven over and/or used by motor vehicles and/or off-road vehicles, prevent motor vehicle and/or off-road vehicle trespassing, parking and/or access by installing barriers, curbs, fences, gates, posts, signs, shrubs, trees, or other effective control measures.

Other General Best Available Control Measures:

- Minimize idling time
- Maintain properly tuned equipment
- Regular maintenance—keep equipment well maintained
- Where practicable, use low pollutant-emitting equipment
- Use of ultra-low-sulfur diesel fuel
- Use construction equipment that is California Air Resources Board-certified or that meets Tier 3 emissions or better, if available
- Use alternative diesel formulations (e. g. , aqueous diesel), if available

- Where practicable, use catalytic reduction for gasoline-powered equipment
- Use injection timing retard for diesel-powered equipment
- 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
- Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour
- Enforce a 15 mile-per-hour speed limit on unpaved surfaces
- On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce re-suspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather.
- Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the City or Port to reduce dust generation.
- Electrical construction equipment shall be used to the extent feasible.
- Low-VOC coatings will be used during application of architectural coatings. Coatings must meet the VOC content limitations set forth in San Diego County Air Pollution Control District Rule 67. 0. (MM 4. 6-1)

Biological Resources

1. Construction-related noise shall be limited adjacent to the J Street Marsh during the typical breeding season of January 15 to August 31. Construction activity adjacent to these sensitive areas must not exceed 60 db(A) Leq. At any active nest within the marsh. Prior to issuance of a building permit, the project developer shall prepare and submit to the City of review and approval an acoustical analysis and nesting bird survey to demonstrate that the 60 db(A) Leq, noise level is maintained at the location of any active nest within the marsh. If the noise threshold is anticipated to be exceeded at the nest location, the project developer shall construct noise barriers or implement other noise control measures to ensure that construction noise levels do not exceed the threshold. (MM4. 7-1, MM4. 8-6)
2. Prior to construction in any areas with suitable nesting locations for raptors (such as trees, utility poles, or other suitable structures) and, if grading or construction occurs during the breeding season for nesting raptors (January 15 through July 31), the project developer(s) within the Port's or City's jurisdiction shall retain a qualified, Port- or City-approved biologist, as appropriate, who shall conduct a pre-construction survey for active raptor nests. The pre-construction survey must be conducted no more than 10 calendar days prior to the start of construction, the

results of which must be submitted to the Port or City, as appropriate, for review and approval. If an active nest is found, an appropriate setback distance will be determined in consultation with the applicant, Port or City, USFWS, and CDFG [CDFW]. The construction setback shall be implemented until the young are completely independent of the nest or the nest is relocated with the approval of the USFWS and CDFG [CDFW]. A bio-monitor shall be present on site during initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the City and/or Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the City and/or Port detailing observations made during field inspections. The bio-monitor shall also notify the City and/or Port immediately if clearing is done outside of the permitted project footprint. (MM 4. 8-1)

3. Prior to construction in any areas with suitable nesting habitat for burrowing owl and, if grading or construction occurs during the breeding season for the burrowing owl (January 15 through July 31). Permittee shall retain a qualified biologist, who shall be approved by the Port, to conduct a pre-construction survey within all suitable habitat prior to any grading activities. The pre-construction survey must be conducted no more than 10 calendar days prior to the start of construction, the results of which must be submitted to the Port or City, as appropriate, for review and approval. If an active burrow is detected during the breeding season of January 15 to July 31, construction setbacks of 300 feet from occupied burrows shall be implemented until the young are completely independent of the nest. If an active burrow is found outside of the breeding season, or after an active nest is determined to no longer be active by a qualified biologist, the burrowing owl will be passively relocated according to the guidelines provided by the California Department of Fish and Wildlife (CDFW) and in coordination with CDFW. A bio-monitor shall be present on site during initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the City and/or Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the City and/or Port detailing observations made during field inspections. The bio-monitor shall also notify the City and/or Port immediately if clearing is done outside of the permitted project footprint (MM4.8-2)
4. If grading or construction occurs during the breeding season for migratory birds (January 15 through August 31), Permittee shall retain a qualified biologist, approved by the Port, to conduct a pre-construction survey for nesting migratory birds. The pre-construction survey must be conducted no more than 10 calendar days prior to the start of construction, the results of which must be submitted to the Port for review and approval. If active nests are found, the Port will consult with the United States Fish and Wildlife Services (USFWS) and CDFW to determine the

appropriate construction setback distance. Construction setbacks shall be implemented until the young are completely independent of the nest or relocated with the approval of the USFWS and CDFW. A bio-monitor shall be present on site during initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the Port detailing observations made during field inspections. The bio-monitor shall also notify the Port immediately if clearing is done outside of the permitted Project footprint. (MM 4.8-3)

5. Prior to issuance of any clearing and grubbing or grading permits within the jurisdiction of the City, the project applicant within the City's jurisdiction, shall be required to obtain a Habitat Loss and Incidental Take (HLIT) permit pursuant to Section 17.35 of the City of Chula Vista Municipal Code for impacts to covered species and vegetation communities protected under the City's MSCP Subarea Plan. In addition, the MSCP requires additional protective measures for the western burrowing owl, as identified in Mitigation Measure 4.8-2. (MM 4.8-5)
6. During the avian breeding season from January 15 to August 31, noise levels from construction activities must not exceed 60 dB(A) Leq., or ambient noise levels if higher than 60 dB(A). Permittee shall prepare and submit to the Port for review and approval an acoustical analysis and nesting bird survey to demonstrate that the 60 dB(A) Leq. noise level is maintained at the location of any active nest within the F & G Street Marsh. If noise attenuation measures or modifications to construction activities are unable to reduce the noise level below 60 dB(A), either Permittee must immediately consult with the USFWS to develop a noise attenuation plan or construction in the affected areas must cease until the end of the breeding season. (MM 4. 8-6 (A))
7. Permittee shall implement the following measures to reduce the potential for raptor perching:
 - a. Light posts shall have anti-perching spike strips along any portions that will be accessible to raptors.
 - b. All building tops with hard corners shall have spike strips installed. (MM 4. 8-6 (B))
8. Permittee shall not plant or use any invasive plant species listed on the California Invasive Plant Council ("Cal-IPC") List of Exotic Pest Plants of Greatest Ecological Concern in California (which is attached as Appendix 4.8-7 to the EIR), the California Invasive Plant Inventory Database, or any related updates on the Site. Any such invasive plant species that establishes itself within the Project site will be removed immediately by Permittee to the maximum extent feasible and in a manner adequate to prevent further distribution in Wildlife Habitat Areas. Permittee acknowledges and

agrees that non-native plants are prohibited adjacent to Wildlife Habitat Areas. (MM 4.8-6 (F) & DP 6. 1 (a & c))

9. Permittee shall mitigate for permanent and temporary outfall construction impacts to the United States Army Corps of Engineers ("USACE") jurisdictional waters at the following ratios: 1:1 for permanent impacts to non-wetland waters of the U. S. ; 4:1 for impacts to wetlands; and 1:1 for all temporary impacts. A minimum of 1:1 mitigation must be created in order to achieve the no-net-loss requirement of the Clean Water Act. CWA Table 4. 8-8 provides a breakdown of the required mitigation acreages for all USACE impacts within the Port's jurisdiction. Mitigation for impacts from the San Diego Bay and Marina components of the proposed project will be established through USACE regulations once final plans for this Project in Phases II through IV are finalized. Prior to the commencement of grading activities for the Project if the Project impacts USACE jurisdictional waters, Permittee shall prepare and initiate implementation of a restoration plan detailing the measures needed to achieve the necessary mitigation. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period will be implemented by Permittee following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies.

Prior to issuance of the first clearing and grubbing or grading permit for activities that impact USACE jurisdictional waters, Permittee shall prepare a restoration plan detailing the measures needed to create/restore impacts to USACE jurisdictional waters within the City's jurisdiction in accordance with the acreage identified in CWA Table 4. 8-9. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant

survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period will be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. Permittee shall be required to implement the restoration plan subject to the oversight and approval of the City. Mitigation for impacts from the development of the San Diego Bay and Marina will need to be negotiated with USACE and will be dependent upon the final design and type of impacts (e. g., shading, riprap, bulkhead)

If the Project impacts USACE jurisdictional waters, then, prior to issuance of the first clearing and grubbing or grading permit for the Project, for activities that impact USACE jurisdictional waters, Permittee, as appropriate, and Project developer(s) within the City's jurisdiction shall obtain a Section 404 permit from USACE. The permit application process will also entail approval of the restoration plan from the USACE as described above, with regard to areas that fall under the jurisdiction of USACE. (MM 4.8-12)

10. Permittee shall not use invasive plant species (as listed in the California Invasive Plant Inventory list or California Invasive Plant Inventory Database or updates thereto) on the Site. Any such invasive plant species that establishes itself within the Project site will be immediately removed by Permittee to the maximum extent feasible and in a manner adequate to prevent further distribution into Wildlife Habitat Areas. Permittee is required to remove any such invasive plant species that established itself on the Project site. The District and/or City, as appropriate depending on jurisdiction, shall be responsible for removal of any such invasive plant species that established itself in areas of the Project outside of Project site. (DP 6. 1a; NRMP 5. 4-1 IV)

Cultural Resources

1. Permittee agrees and acknowledges that the Port will implement a grading, monitoring, and data recovery program, at Permittee's expense, to reduce potential impacts to undiscovered buried archaeological resources on the Project to the satisfaction of the Port's Director of Development Services Department. Elements of the program will include monitoring by only certified archaeologists and Native American monitors are accepted. The Project archaeologist shall monitor all areas identified for excavation, including offsite improvements. The monitors shall be present during the original cutting of previously undisturbed deposits. In the event that a previously unidentified potentially significant cultural resource is discovered, the archaeological monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant resource. For significant cultural resources, a Research Design

and Data Recovery Program to mitigate impacts shall be prepared and approved by the County of San Diego and then carried out using professional archaeological methods.

In the event that human bones are discovered, the County of San Diego coroner shall be contacted by the Project archeologist. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant as identified by the Native American Heritage Commission shall be contacted by the Project archaeologist to determine proper treatment and disposition of the remains. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the context shall be completed and submitted to the satisfaction of the Port's Director of Development Services Department. (MM 4.10)

Hazards

1. Prior to issuance of any grading or building permits for the Project, a spill prevention/contingency plan shall be submitted to the District (and the City, if applicable) for its review and approval. The plan shall:
 - Ensure that hazardous or potentially hazardous materials (e. g. , cement, lubricants, solvents, fuels, other refined petroleum hydrocarbon products, wash water, raw sewage) that are used or generated during the construction of the Project and operation of the RHCC shall be handled, stored, used, and disposed of in accordance with NPDES permitting requirements and applicable federal, state, and local policies.
 - Include safety data sheets.
 - Require 40 hours of worker training and education as required by the Occupational Safety and Health Administration.
 - Minimize the volume of hazardous or potentially hazardous materials stored at the site at any one time.
 - Provide secured storage areas for compatible materials, with adequate spill contaminant.
 - Maintain all required records, manifest and other tracking information in an up-to-date and accessible form or location for review by the Port.
 - Demonstrate that all local, state, and federal regulation regarding hazardous materials and emergency response have been or will be complied with.

These measures are non-exclusive and additional measures may be identified in the geotechnical report. (MM 4.15)

2. Prior to the issuance of any permit for excavation, demolition, grading, or construction activities on the Site, Permittee shall develop a Soil and Water Management Plan ("SWMP") for the Project, to provide procedures for addressing unknown contamination and subsurface equipment (i.e., pipes, tanks) or debris encountered during construction and excavation. The SWMP shall be developed by

a qualified environmental consultant and shall identify notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater) measures to avoid or reduce impacts associated with hazardous materials contamination to a less than significant impact. The SWMP shall be submitted to and approved by the Port prior to commencement of excavation, grading, demolition or construction. Permittee shall retain a qualified environmental consultant and the consultant shall monitor excavations, grading, and construction activities in accordance with the SWMP. Any excess soil generated by construction shall be characterized by the consultant to determine disposal options.

If indications of contamination are encountered during construction, a qualified environmental consultant shall be retained by Permittee to observe construction, consult with the regulatory oversight agency(ies), perform environmental media (soil, soil gas, and groundwater) sampling and analyses as necessary, report the results, and provide recommendations or further action to complete the construction.

In areas that have been identified by the environmental consultant as being contaminated, Permittee shall cause appropriate observation by a qualified environmental professional and conduct sampling required to characterize soil prior to off-site disposal. Contaminated soil shall be properly disposed of at an off-site facility. Fill soils shall be sampled to ensure that imported soil is free of contamination.

Within one month of completion of cleanup activities, a report summarizing the results of monitoring shall be submitted by Permittee to the satisfaction of the Port.

In the event that grading or construction activities result in the discovery of hazardous materials or waste, the Port shall require Permittee's compliance with State of California CCR Title 23 Health and Safety Regulation. Excavated soils impacted by hazardous materials or waste shall be characterized and disposed of in accordance with CCR Title 14 and 22. The San Diego RWQCB shall be contacted regarding possible reuse as backfill of soils impacted by hydrocarbons. Excavated soils that are stored onsite shall be lined and covered with an impermeable material to prevent spread of contaminated material. (MM 4.12-1; DP 13. 2a-k; DP 16. 1; SA 8; NRMP 3. 2-1(I, II & III))

3. Permittee shall retain an industrial hygienist registered in the State of California and have the hygienist on site while working in areas where contamination is encountered. The responsibility of this professional will be to monitor the Site for contamination and to implement measures as needed to prevent exposure to the workers or public. These measures may include signage and dust control. Dewatering activities during construction shall be limited to the extent practicable with consideration given to the characteristics of the development of the Project, and water generated by dewatering shall be tested to determine treatment and disposal options in accordance with all applicable laws and regulations. (MM 4.12-1)

4. Prior to the commencement of any grading or construction activities, Permittee shall cause all contractor and subcontractor Project personnel to receive training regarding the appropriate work practices necessary to effectively comply with the applicable environmental laws and regulations, including, without limitation, hazardous materials spill prevention and response measures.

Permittee and its contractors and subcontractors shall adhere to the following:

- Hazardous materials shall not be disposed of or released onto the ground or into the underlying groundwater, or any surface water.
- Totally enclosed containment shall be provided for all trash.
- All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials shall be removed to an appropriate waste facility or other facility permitted or otherwise authorized to treat, store, or dispose of such materials.
- Hazardous materials spill kits shall be maintained on site for small spills.

Permittee shall prepare a Business Emergency Plan ("BEP") for the construction of the Project, if not covered under their approved SWMP or SWPPP and submit the BEP to the Port and any other applicable governmental agency for their review and approval. The BEP shall identify all hazardous materials (e.g., fuels, solvents) that will be present on any portion of the construction area and the Site. Contingency analysis and planning shall be presented in the BEP to identify potential spill or accident situations, how to minimize their occurrence, and how to respond should they occur. The plan shall also identify spill response materials (e.g., absorbent pads, shovels) to be kept at the construction site and their locations. (MM 4. 12-2)

5. Prior to the commencement of any grading or construction activities, remediation activities for known contamination shall be performed by Permittee to be protective of construction workers on the Site, as required by MM 4.12-1. (MM 4.12-6)

Noise

1. To avoid significant construction related noise impacts, the following measures shall be followed:
 - Construction activity shall be prohibited Monday through Friday from 10:00 p. m. to 7:00 a. m., and Saturday and Sunday from 10:00 p. m. to 8:00 a. m., pursuant to the City of Chula Vista Municipal Code.
 - All stationary noise generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors, as practicable. Where practicable, noise-generating equipment shall be shielded from the noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from the sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, equipment storage,

- staging, and warm-up areas shall be located as far from noise sensitive receptors as possible.
- All construction equipment powered by gasoline or diesel engines shall have sound control devices at least as effective as those originally provided by the manufacturer, no equipment shall be permitted to have an unmuffled exhaust.
 - Any impact tools used during demolition of existing infrastructure shall be shrouded or shielded, and mobile noise generating equipment and machinery shall be shut off when not in use.
 - Construction vehicles accessing the site shall be required to use the shortest possible route to and from I-5, provided the route does not expose additional receptors to noise
 - Construction equipment shall be selected as those capable of performing the necessary tasks with the lowest sound level and the lowest acoustic height possible to perform the required construction operation.
 - Construction equipment shall be operated and maintained to minimize noise generation. Equipment shall be kept in good repair and fitted with manufacturer-recommended mufflers. (MM 4.7-8)
2. Construction-related noise shall be limited during the typical breeding season of January 15 to August 31 adjacent to the J Street marsh. The current accepted noise threshold is 60 db(A) Leg; thus construction activity shall not exceed this level, or ambient noise levels if higher than 60 db(A) during the breeding season. If construction does occur within the breeding season or adjacent to the marshes, the project developer shall prepare and submit an acoustical analysis to the Port and City, which shall determine whether noise barriers will be required to reduce the expected noise levels below the threshold. If noise barriers or construction activities are unable to result in a level of noise below the threshold, construction in these areas shall be delayed until the end of the breeding season (MM4.14. 2-3)

Traffic/Transportation

1. Prior to the issuance of building permits for any development on H-13 or H-14 in Phase I, the applicant shall:
 - Rebuild that portion of Marina Parkway fronting H-13 and H-14 between Sandpiper Way and J Street as a 3-lane Class II Collector with excess right-of-way used for pedestrian facilities or secure such construction to the satisfaction of the City engineer.
 - Construction Street A north of J Street as a 2-lane Class III Collector or secure such construction to the satisfaction of the City Engineer. (MM 4. 2-1)
2. Prior to the issuance of building permits for any development on H-13 or H-14 in Phase I, the applicant shall construct a traffic signal at the intersection of J Street and Bay Boulevard or secure such construction to the satisfaction of the City Engineer. The traffic signal shall be constructed and operated to the satisfaction of the City Engineer. (MM 4.2-5)

Water Quality

1. Prior to issuance of any grading permits, Permittee shall submit an engineering level Stormwater Quality Management Plan (SWQMP) and develop a BMPs maintenance plan as part of the SWQMP.

Exhibits:

1. Project Site
2. Temporary Access Route and Parking
3. Conceptual Landscape Plan

Attachment:

- A. Roadways Cross Sections

If you have any questions on this permit, please contact the Development Services Department of the San Diego Unified Port District at (619) 686-6419.

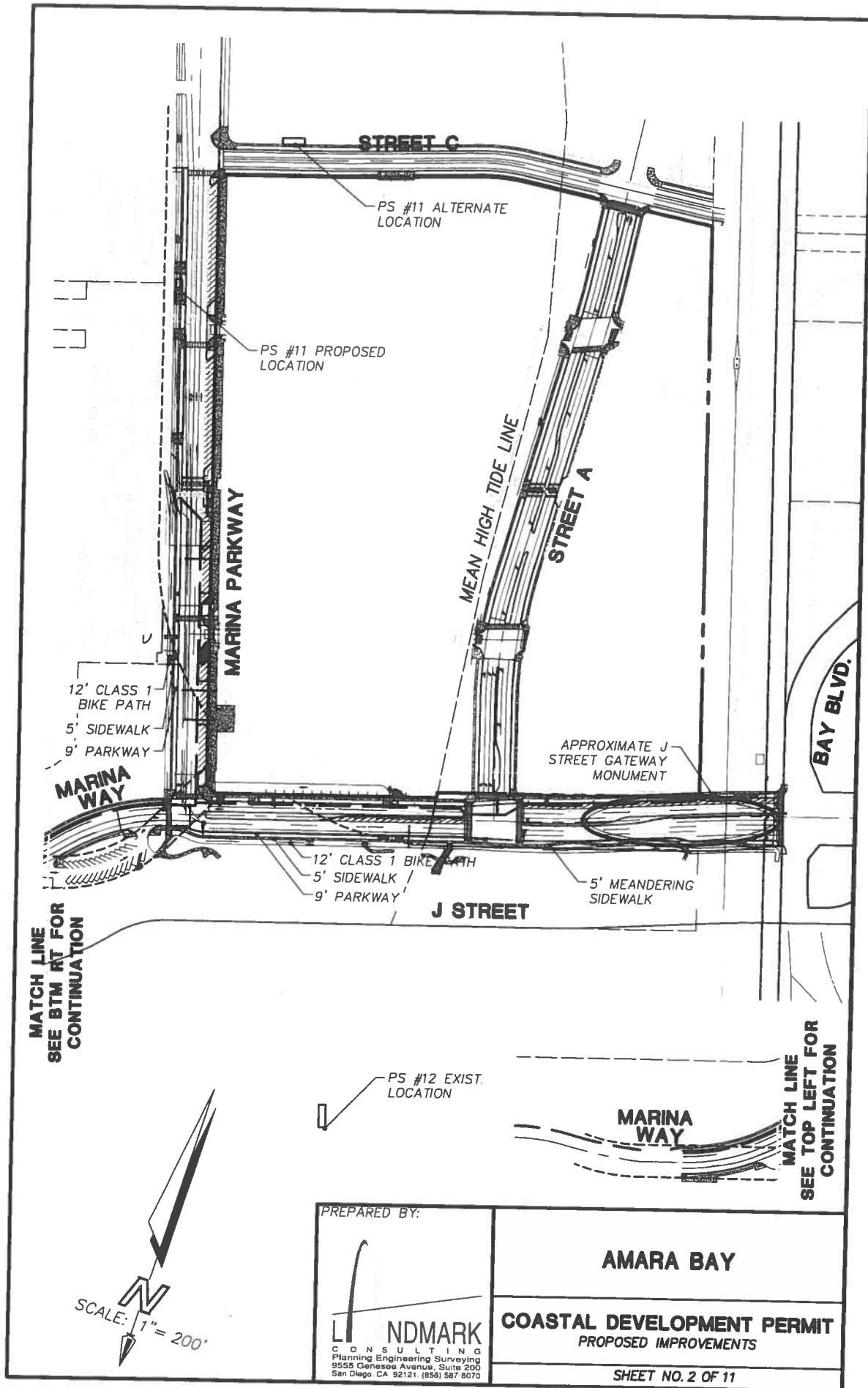
JOE STUYVESANT
President/Chief Executive Officer

By: _____
Wileen C. Manaois
Director, Development Services Department

I have read and understand the terms, conditions, limitations, and provisions of this permit and agree to abide by them.

Signature of Permittee
Ashok Israni, President
Pacifica Hospitality Group, Inc.

Date



PREPARED BY:

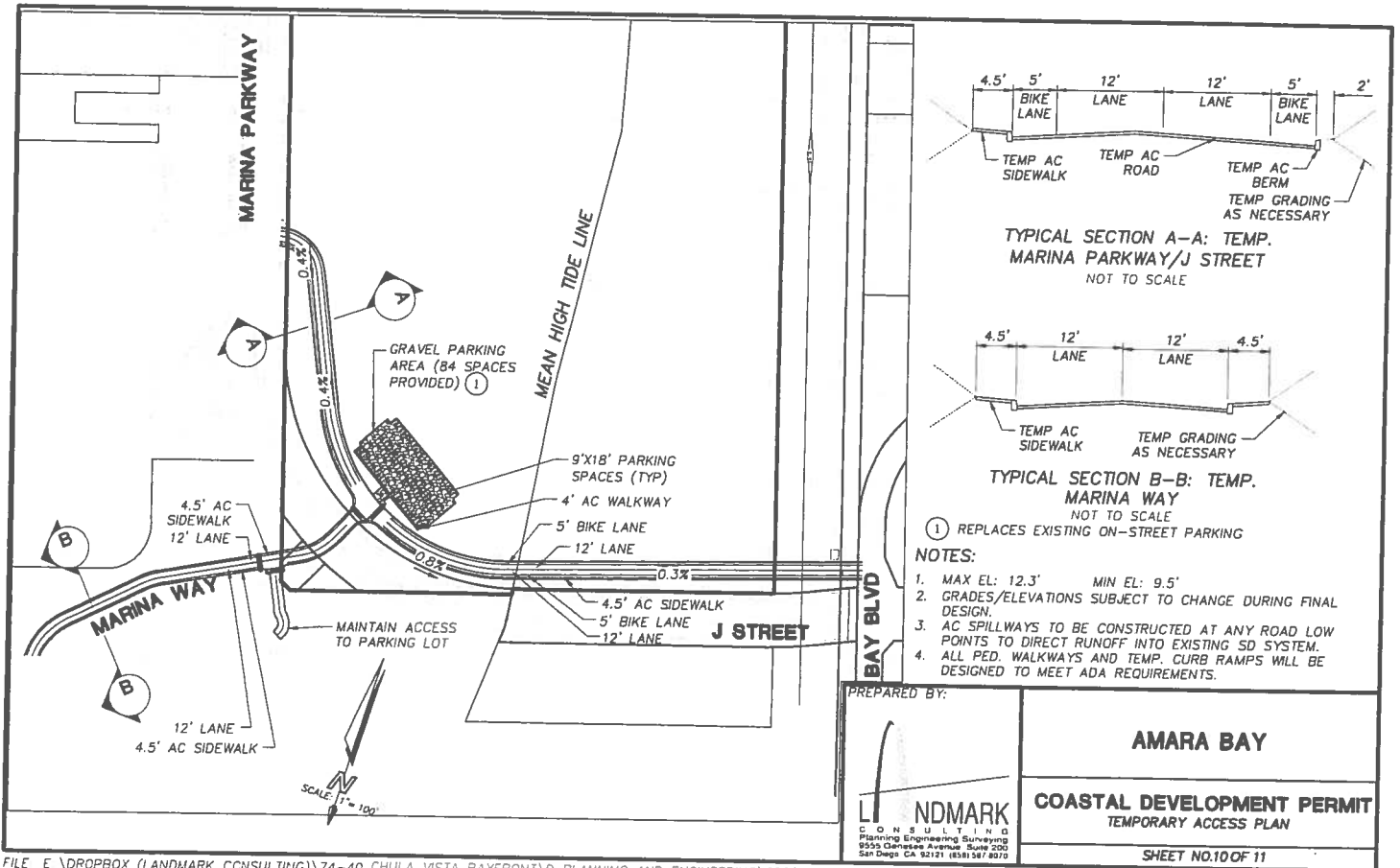
NDMARK
CONSULTING
Planning Engineering Surveying
9555 Genesee Avenue, Suite 200
San Diego, CA 92121 (619) 587-8070

AMARA BAY

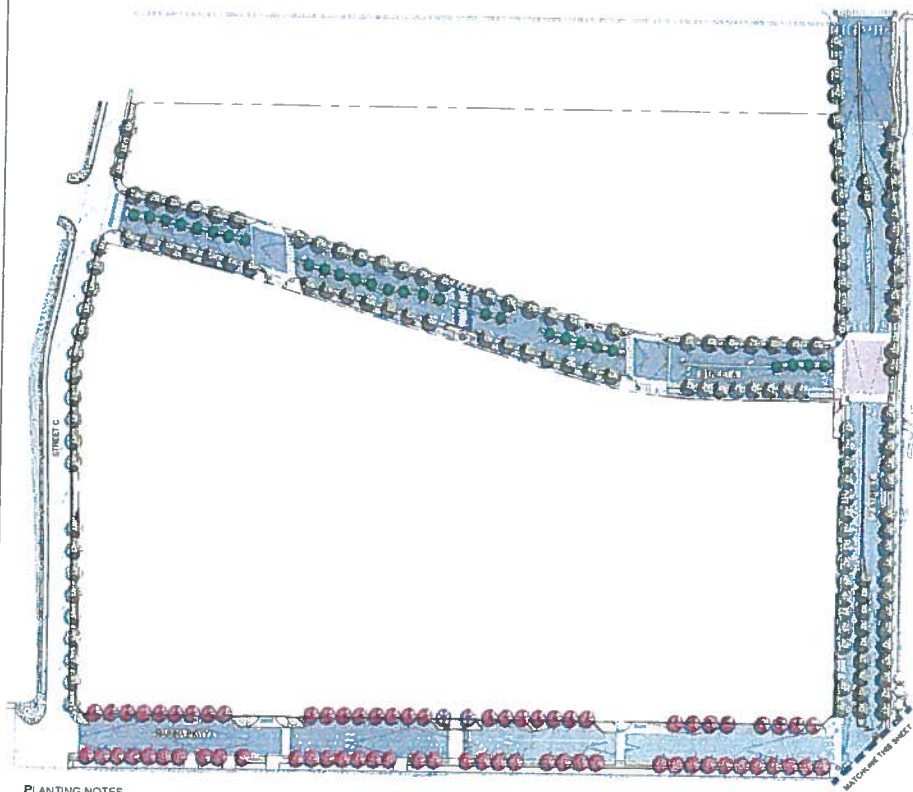
COASTAL DEVELOPMENT PERMIT
PROPOSED IMPROVEMENTS

SHEET NO. 2 OF 11

EXHIBIT 2



LANDSCAPE PLAN: AMARA BAY



PLANTING LEGEND

 MAJOR STREET TREES SUCH AS

[illegible]

STREETSCAPE SHRUBS &
GROUND COVER SUCH AS

[illegible]

HARDSCAPE LEGEND

SURFACE TREATMENTS

ALL BUT BMD INTERSECTION TREATMENT

PLANTING NOTES

[illegible]

DESIGN OBJECTIVE

① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ ⑪ ⑫ ⑬ ⑭ ⑮ ⑯ ⑰ ⑱ ⑲ ⑳ ㉑ ㉒ ㉓ ㉔ ㉕
 ㉖ ㉗ ㉘ ㉙ ㉚ ㉛ ㉜ ㉝ ㉞ ㉟ ㊱ ㊲ ㊳ ㊴ ㊵ ㊶ ㊷ ㊸ ㊹ ㊺ ㊻ ㊼ ㊽ ㊾ ㊿
 一 二 三 四 五 六 七 八 九 十 十一 十二 十三 十四 十五 十六 十七 十八 十九 二十
 二十一 二十二 二十三 二十四 二十五 二十六 二十七 二十八 二十九 三十
 三十一 三十二 三十三 三十四 三十五 三十六 三十七 三十八 三十九 四十
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 九十一 九十二 九十三 九十四 九十五 九十六 九十七 九十八 九十九 一百



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LIBRARY
ATTENTION 0
REVIEWS 0
NEWSDAY 1
ATTENTION 2
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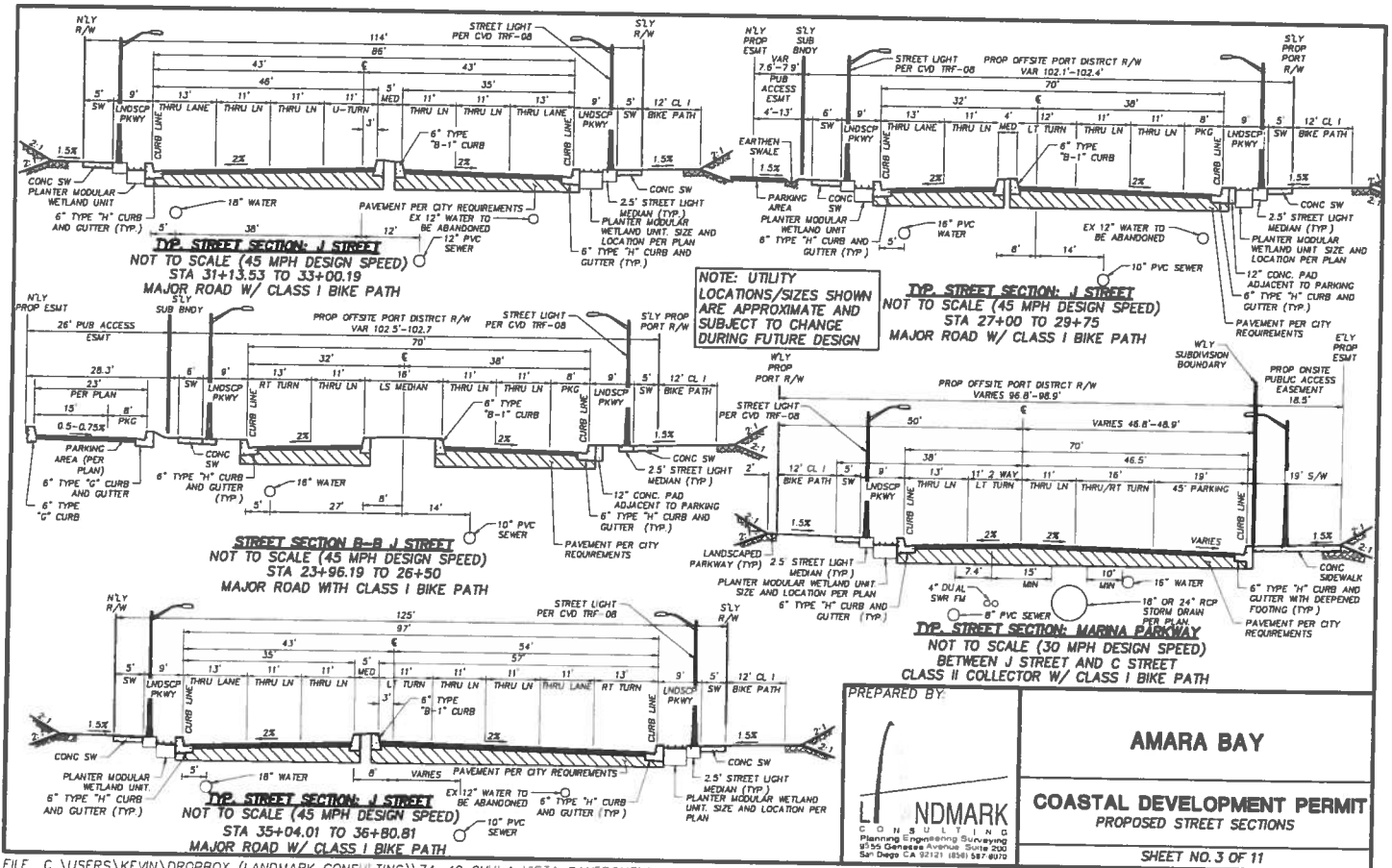


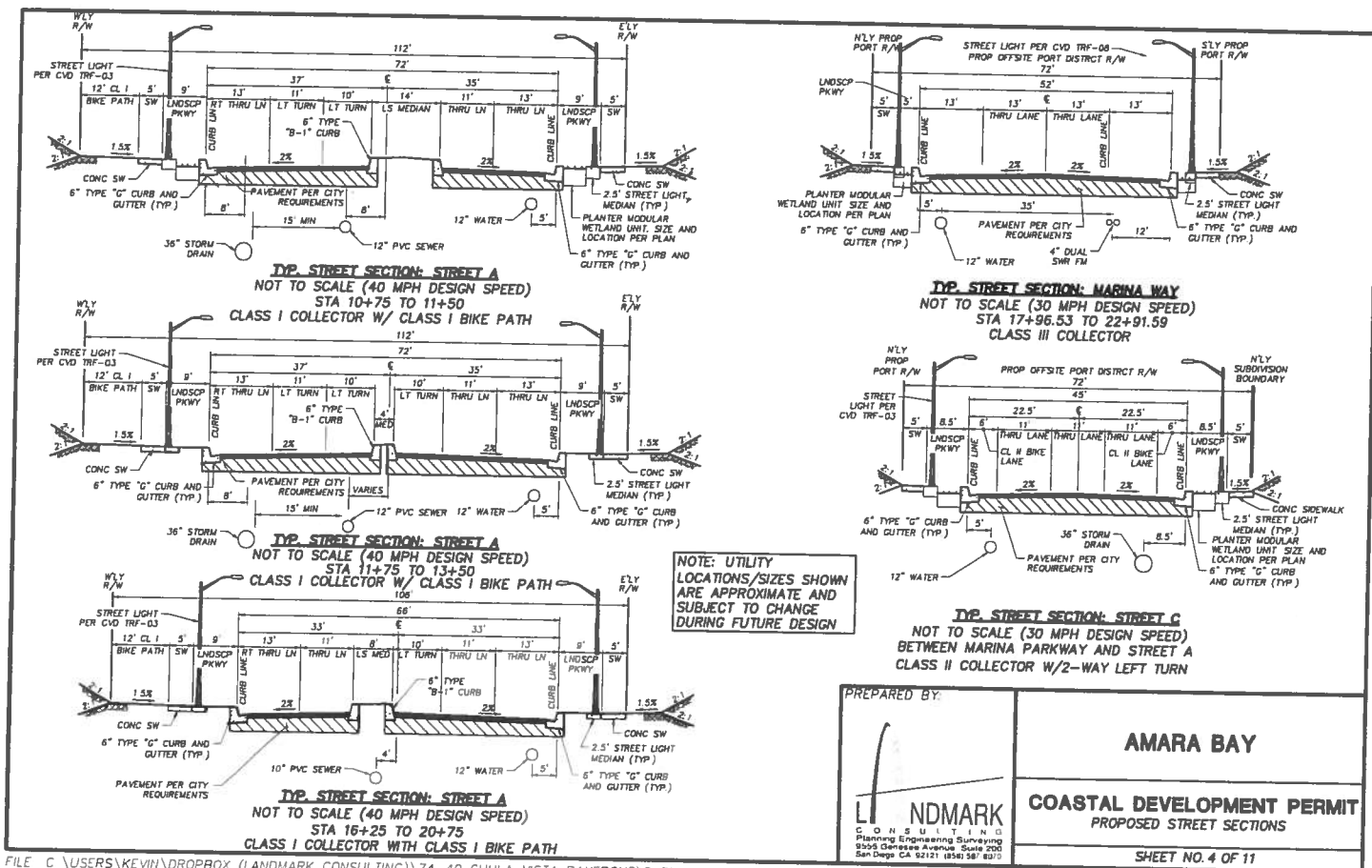
CITY OF CHULA VISTA TRACT

AMARA BA - STREETS CDP

LANDSCAPE PLAN

ATTACHMENT A





PREPARED BY:



AMARA BAY

COASTAL DEVELOPMENT PERMIT
PROPOSED STREET SECTIONS

SHEET NO. 4 OF 11