

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

*Prepared for:*

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

*Prepared by:*

**DUDEK**  
605 Third Street  
Encinitas, California 92024

MAY 2010

## 1.0 INTRODUCTION

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

### Project Overview

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

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

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

The project site (also referred to as the planning area) encompasses approximately 556 acres that includes 497 acres of land area and 59 acres of water area. This planning area has been divided into three districts—the Sweetwater District, the Harbor District, and the Otay District. The Sweetwater District (approximately 130 acres) proposes the lowest intensity development of the three districts and focuses on lower scale, environmentally sensitive and environmentally themed uses, including a large ecological buffer, a signature park, bike path, pedestrian trails, other open space areas, uses such as office/retail, hotel, parking for the Chula Vista Nature Center, and roadway and infrastructure improvements.

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

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

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

The illustrative map for the Proposed Project is shown in *Figure 3-8b* of the Final EIR. Proposed development is planned to occur in four phases over an approximate 24-year period

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

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

Implementation of the Proposed Project will require discretionary approvals by State and local agencies as shown in *Table 3-1* of the Final EIR. Discretionary approvals include but are not limited to amendments to the PMP (adopted in 1981 and last amended in 2004), the Chula Vista LCP (which includes the LUP and Specific Plan), the City of Chula Vista General Plan, and the City of Chula Vista's MSCP, coastal development permits, a land exchange, and tentative maps.

### **The Final Environmental Impact Report (Final EIR)**

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

In response to public and agency comments on the Revised DEIR, the Port and the City engaged in extensive public outreach with many interested persons, organizations and agencies in a good faith attempt to address their concerns. As a result of these efforts, the Port and the City agreed

to implement a number of project design features and mitigation measures above and beyond those which are required to avoid or reduce the Proposed Project's significant impacts below a level of significance. Although these additional project design features and mitigation measures are not required by CEQA or any other applicable law or regulation, the Port and the City agreed to include them in this MMRP to facilitate their implementation and monitoring.

## **2.0 MITIGATION MONITORING AND REPORTING PROGRAM**

### **Program Procedural Guidelines**

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

### **Actions in Case of Noncompliance**

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

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

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

### 3.0 MITIGATION MONITORING PROGRAM TABLE

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

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

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





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

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

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.2-7	<p>Prior to the issuance of certificates of occupancy for development on H-3 or building permits on H-13 or H-14 for any development in Phase I, the Port, Port tenants, or applicants, as appropriate, shall construct a traffic signal at the intersection of I-5 southbound ramps and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-10 and 4.2-16 to below a level of significance</p> <p>*Applies to Significant Impacts 4.2-10 and 4.2-16.</p>	Port, Port Tenants, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-9	<p>Prior to the issuance of certificates of occupancy for any development on H-3 in Phase I, the Port or Port tenant, as appropriate, shall construct a westbound lane along H Street/RCC Driveway, which would result in widening H Street west of Marina Parkway to a three-lane Class II Collector. This mitigation would reduce Significant Impact 4.2-13 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-13.</p>	Port or Port Tenant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-11	<p>Prior to the issuance of certificates of occupancy for development on H-23 in Phase I, the Port or Port tenant, as appropriate, shall construct Street A between H Street to Street C as a two-lane Class III Collector, and shall construct Street C between Marina Parkway and Street A as a two-lane Class II Collector. Implementation of this mitigation measure would reduce Significant Impact 4.2-20 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-20.</p>	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-12	<p>Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall widen H Street between Street A and I-5 Ramps to a five-lane Major Street, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-21 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-21.</p>	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-13	<p>Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall widen J Street between Street A to I-</p>	Port, Port Tenant, or Applicant	City Engineer		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	5 Ramps to a six-lane Major Street, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-22 to below a level of significance.  *Applies to Significant Impact 4.2-22.	-Prior to First Certificate of Occupancy			
MM 4.2-14	Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall widen Street A between Street C and J Street to a four-lane Class I Collector or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-23 to below a level of significance.  *Applies to Significant Impact 4.2-23.	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-15	Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal and add an exclusive left-turn lane at each approach at the intersection of H Street and RCC Driveway, or secure such construction to the satisfaction of the City Engineer. The traffic signal and left-turn lanes shall be built to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-24 to below a level of significance.  *Applies to Significant Impact 4.2-24.	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-16	Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall construct a westbound and eastbound through lane along J Street at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-25 to below a level of significance.  *Applies to Significant Impact 4.2-25.	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-17	Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal at the intersection of H Street and Street A, or secure such construction to the satisfaction of the City Engineer. The traffic signal shall be constructed and operate to the satisfaction of	Port, Port Tenant, or Applicant -Prior to First Certificate of	City Engineer		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	the City Engineer. This mitigation would reduce Significant Impact 4.2-26 to below a level of significance.  *Applies to Significant Impact 4.2-26.	Occupancy			
MM 4.2-18	Prior to the issuance of certificates of occupancy for any development in Phase II of the development, the developer shall construct a traffic signal at the intersection of J Street and Marina Parkway. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-27 to below a level of significance.  *Applies to Significant Impact 4.2-27.	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-19	Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal at the intersection of J Street and Street A and add an exclusive westbound right-turn lane along J Street and an exclusive southbound right-turn lane along Street A, or secure such construction to the satisfaction of the City Engineer. The traffic signal and turning lanes shall operate and be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-28 to below a level of significance.  *Applies to Significant Impact 4.2-28.	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-20	Prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, or applicant, as appropriate shall construct the segment of Street A that would continue south from J Street, connecting to the proposed Street B in the Otay District, as a two-lane Class III Collector. In addition, prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, as appropriate shall construct the segment of Street B that would connect to the proposed Street A, bridge over the Telegraph Canyon Creek Channel, and continue south to Bay Boulevard, as a 2-lane Class III Collector. This mitigation would reduce Significant Impact 4.2-31 to below a level of significance.  *Applies to Significant Impact 4.2-31.	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.2-21	<p>Prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, or applicant, as appropriate, shall widen Street A between H Street and Street C to a four-lane Class I Collector, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-32 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-32.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-22	<p>Prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, or applicant, as appropriate, shall construct an exclusive eastbound right-turn lane along J Street at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The turning lane shall be built to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-33 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-33.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-23	<p>Prior to the issuance of certificates of occupancy for any development in Phase III of the development, the Port, Port tenants, or applicant, as appropriate, shall construct an exclusive westbound right-turn lane along J Street at the intersection of J Street and I-5 NB Ramps, or secure such construction to the satisfaction of the City Engineer. The turning lane shall be built to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-34 to below a level of significance</p> <p>*Applies to Significant Impact 4.2-34.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-24	<p>Prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, or applicant, as appropriate, shall construct E Street from the RCC Driveway to Bay Boulevard as a two-lane Class III Collector. This mitigation would reduce Significant Impact 4.2-38 to below a level of significance</p> <p>*Applies to Significant Impact 4.2-38.</p>	<p>Port, Port Tenants, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-25	<p>Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct a new F Street segment between the proposed terminus of the existing F Street and the proposed E Street</p>	<p>Port, Port Tenant, or Applicant -Prior to First</p>	City Engineer		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>extension, ending at the SP-3 Chula Vista Nature Center parking lot, as a two-lane Class III collector street, which shall also contain a Class II bike lane on both sides of the street. This mitigation would reduce Significant Impact 4.2-39 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-39.</p>	Certificate of Occupancy			
MM 4.2-26	<p>Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall widen E Street between F Street and Bay Boulevard to a four-lane Class I Collector, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. Also, the widening of this segment of E Street would facilitate the flow of project traffic on Bay Boulevard between E Street to F Street. This mitigation would reduce Significant Impacts 4.2-40 and 4.2-41 to below a level of significance.</p> <p>*Applies to Significant Impacts 4.2-40 and 4.2-41.</p>	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-27	<p>Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall widen H Street between I-5 Ramps and Broadway to a 6-lane Gateway Street. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-42 to below a level of significance. The off-site traffic improvements described in this mitigation measure for direct traffic impacts would create secondary traffic impacts. Improvements associated with these secondary impacts would be required as a result of cumulative and growth-related traffic overall, of which the Proposed Project would be a component. The Western Chula Vista TDIF identifies these improvements in a cumulative context and attributes fair share contributions according to the impact. Therefore, the Proposed Project would be responsible for a fair share contribution and would not be solely responsible for implementation of necessary secondary impact improvements.</p> <p>*Applies to Significant Impact 4.2-42.</p>	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.2-28	<p>Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct an eastbound through lane and an exclusive eastbound right-turn lane along E Street at the intersection of E Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-43 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-43.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-29	<p>Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct an exclusive southbound right-turn lane along Bay Boulevard at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-44 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-44.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-30	<p>Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct a dual southbound left-turn lane along Street A, or secure such construction to the satisfaction of the City Engineer. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-45 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-45.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.4-1	<p><b>A. View Protection:</b> As a condition for issuance of Coastal Development Permits, buildings fronting on H Street shall be designed to step away from the street. More specifically, design plans shall protect open views down the H Street Corridor by ensuring that an approximate 100-foot ROW width (curb–curb, building setbacks, and pedestrian plaza/walkway zone) remains clear of buildings, structures, or major landscaping. Visual elements above 6 feet in height shall be prohibited in this zone if the feature would reduce visibility by more than 10 percent. Placement of trees should take into account potential view blockage. This mitigation should not be interpreted to not allow tree masses; however, trees should be spaced in order to ensure "windows" through the landscaping. Trees should also be considered to help frame the views and they should</p>	<p>Project Developer -Prior to First Coastal Development Permit</p>	Port		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>be pruned to increase the views from pedestrians and vehicles, underneath the tree canopy. In order to reduce the potential for buildings to encroach upon view corridors, and to address the scale and massing impact, buildings shall step back at appropriate intervals or be angled to open up a broader view corridor at the ground plane to the extent feasible. All plans shall be subject to review and approval by the Port. All future development proposals shall conform to Port design guidelines and standards to the satisfaction of the Port.</p> <p><b>B. Height and Bulk:</b> Prior to issuance of Coastal Development Permits for projects within the Port's jurisdiction, the project developer shall ensure that design plans for any large scale projects (greater than two stories in height) shall incorporate standard design techniques such as articulated facades, distributed building massing, horizontal banding, stepping back of buildings, and varied color schemes to separate the building base from its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for large project components to diminish imposing building edges, monotonous facades, and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the Port.</p> <p><b>C. Height and Bulk:</b> Prior to design review approval for properties within the City's jurisdiction, the project developer shall ensure that design plans for any large scale projects (greater than two stories in height) shall incorporate standard design techniques such as articulated facades, distributed building massing, horizontal banding, and varied color schemes to separate the building base from its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for the large project components to diminish imposing building edges, monotonous facades, and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the City of Chula Vista Planning Director.</p> <p><b>D. Landscaping:</b> Prior to final approval of Phase I infrastructure design plans, the Port and City shall collectively develop a master landscaping plan for the project's public components and improvements. The plan shall provide sufficient detail to ensure conformance to streetscape design guidelines and that future developers/tenants, as applicable, provide screening of parking areas.</p>	<p>Project Developer -Prior to First Coastal Development Permit</p> <p>Project Developer -Prior to Design Review Approval</p> <p>Port and City -Prior to Final Approval of Phase I Design</p>	<p>Port</p> <p>City</p> <p>Port in Coordination with qualified Biologist or Landscape Architect</p>		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Streetscape landscaping shall be designed to enhance the visitor experience for both pedestrians and those in vehicles. Specifically, detailed landscaping plans shall be developed to enhance Marina Parkway, a designated scenic roadway and shall provide, where appropriate, screening of existing industrial uses and parking areas until such time as these facilities are redeveloped.</p> <p>Street landscaping design shall be coordinated with a qualified biologist or landscape architect to ensure that proposed trees and other landscaping are appropriate for the given location. For instance, vegetation planted adjacent to open water/shoreline areas must not provide raptor perches. Landscaping shall be drought tolerant or low-water use, and invasive plant species shall be prohibited.</p> <p><b>E. Landscaping:</b> Prior to approval of a tentative map or site development plan for future residential development, the project developer shall submit a landscaping design plan for on-site landscaping improvements that is in conformance to design guidelines and standards established by the City of Chula Vista. The plan shall be implemented as a condition of project approval.</p> <p><b>F. Gateway Plan:</b> Concurrent with the preparation of Phase I infrastructure design plans for E and H Streets, a Gateway plan shall be prepared for E and H Streets. Prior to issuance of occupancy for any projects within the Port's jurisdiction in Phase I, the E and H Street Gateway plan shall be approved by the Port and City's Directors of Planning and Building. The E and H Street Gateway plan shall be coordinated with the Gateway plan for J Street.</p> <p><b>G. Gateway Plan:</b> Concurrent with development of Parcels H-13 and H-14, the applicant shall submit a Gateway plan for J Street for City Design Review consideration. Prior to issuance of any building permits, the J Street Gateway plan shall be approved by the Director of Planning and Building in coordination with the Port's Director of Planning. The J Street Gateway plan shall be coordinated with the Gateway plan for E and H Streets.</p> <p>*Applies to Significant Impacts 4.4-3, 4.4-4, 4.4-5, 4.4-7, and 4.4-8.</p>	<p>Project Developer -Prior to TM/SDP Approval</p> <p>Applicant -Prior to Occupancy</p> <p>Applicant -Prior to First Building Permit</p>	<p>City</p> <p>Port and City</p> <p>Port and City</p>		

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

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

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

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



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

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

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

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

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p style="text-align: center;"><u>Transportation and Motor Vehicles</u></p> <ul style="list-style-type: none"> <li>• Limit idling time for commercial, non-refrigerated vehicles, including delivery and construction vehicles. Refrigerated delivery trucks may remain idling while at loading docks.</li> <li>• Use low or zero-emission vehicles, including construction vehicles.</li> <li>• Promote ride sharing programs; e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.</li> <li>• Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations).</li> <li>• Provide public transit incentives, such as free or low-cost monthly transit passes.</li> <li>• For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including, e.g., locked bicycle storage or covered or indoor bicycle parking.</li> <li>• Institute a telecommuter work program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences.</li> <li>• Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation.</li> </ul> <p>The increased efficiency demands associated with completion years beyond 2020 are not specified in terms of business as usual reductions, but would demand substantially greater reductions than 20 percent below business as usual. While the measures listed above would substantially reduce projects GHG emissions, the level to which they would achieve these reductions cannot be ascertained as they may be modified by any applicable standards that are adopted in the future. Furthermore, because of the increased demand for greater reductions for developments beyond the 2020 horizon year and the rapid development of better technology, the mechanism and technological applications that may be available and necessary to avoid conflict with the goals or</p>				





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

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



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>other construction materials.</p> <p>*Applies to Significant Impact 4.7-6.</p>				
MM 4.7-7	<p>To avoid significant impacts to the F &amp; G Street Marsh and reduce the noise level at habitat to 60 dB(A) or below, the developer shall install a 3-foot-high noise barrier along the east right-of-way of E Street for the extent of the habitat, as shown on <i>Figure 4.7-12</i>. The barrier must be of solid construction, with no gaps or cracks through or below the wall, and have a minimum density of 3.5 pounds per square foot. The barrier must block line-of-sight between the source and receiver and be long enough to prevent flanking around the ends.</p> <p>*Applies to Significant Impact 4.7-8.</p>	<p>Developer - Prior to start of construction</p>	City		
MM 4.7-8	<p>To avoid significant construction-related noise impacts, the following measures shall be followed:</p> <ul style="list-style-type: none"> <li>• Construction activity shall be prohibited Monday through Friday from 10:00 P.M. to 7:00 A.M., and Saturday and Sunday from 10:00 P.M. to 8:00 A.M., pursuant to the Chula Vista Municipal Code Section 17.24.050 (Paragraph J).</li> <li>• All stationary noise generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors, as practicable. Where practicable, noise-generating equipment shall be shielded from noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, equipment storage, staging, and warm-up areas shall be located as far from noise sensitive receptors as possible.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>	<p>Developer -During construction</p>	City		

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

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

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the City and/or Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the City and/or Port detailing observations made during field inspections. The bio-monitor shall also notify the City and/or Port immediately if clearing is done outside of the permitted project footprint.</p> <p>*Applies to Significant Impact 4.8-1.</p>				
MM 4.8-2	<p>Prior to construction in any areas with suitable nesting habitat for burrowing owl and, if grading or construction occurs during the breeding season for the burrowing owl (January 15 through July 31), the project developer(s) within the Port's or City's jurisdiction, as appropriate, shall retain a qualified biologist, who shall be approved by the Port or City, respectively, to conduct a pre-construction survey within all suitable habitat prior to any grading activities. The pre-construction survey must be conducted no more than 10 calendar days prior to the start of construction, the results of which must be submitted to the Port or City, as appropriate, for review and approval. If an active burrow is detected during the breeding season of January 15 to July 31, construction setbacks of 300 feet from occupied burrows shall be implemented until the young are completely independent of the nest. If an active burrow is found outside of the breeding season, or after an active nest is determined to no longer be active by a qualified biologist, the burrowing owl would be passively relocated according to the guidelines provided by CDFG (1995) and in coordination with CDFG. A bio-monitor shall be present on site during initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the City and/or Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the City and/or Port detailing observations made during field inspections. The bio-monitor shall also notify the City and/or Port immediately if clearing is done outside of the permitted project footprint.</p> <p>*Applies to Significant Impact 4.8-2.</p>	<p>Developer(s) -Prior to start of construction</p>	<p>Port or City in Consultation with CDFG</p>		
MM 4.8-3	<p>If grading or construction occurs during the breeding season for migratory birds (January 15 through August 31), the project developer(s) shall retain a qualified biologist, approved</p>	<p>Developer -Prior to start of</p>	<p>Port or City in</p>		

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

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







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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Areas, habitats, or open water shall provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the habitat buffers, Preserve Areas, habitats, or open water and sensitive species from night lighting. The light structure themselves shall have shielding (and incorporate anti-raptor perching criteria); but the placement of the light structures shall also provide shielding from wildlife habitats and shall be placed in such a way as to minimize the amount of light reaching adjacent habitat buffers, Preserve Areas, habitats, or open water. This includes street lights, pedestrian and bicycle path lighting, and any recreational lighting.</p> <ul style="list-style-type: none"> <li>• All exterior lighting immediately adjacent to habitat buffers, Preserve Areas, habitats, or open water shall be low-pressure sodium lighting or other approved equivalent.</li> <li>• No sports field lights shall be planned on the recreation fields near the J Street Marsh or the Sweetwater Marsh.</li> <li>• All roadways will be designed, and where necessary edges bermed, to ensure automobile light penetration in the Wildlife Habitat Areas, as defined in Mitigation Measure 4.8-7, will be minimized, subject to applicable City and Port roadway design standards.</li> <li>• Explicit lighting requirements to minimize impacts to Wildlife Habitat Areas will be devised and implemented for all Bayfront uses including commercial, residential, municipal, streets, recreational, and parking lots. Beacon and exterior flood lights are prohibited where they would impact a Wildlife Habitat Area and use of this lighting should be minimized throughout the project. All street and walkway lighting should be shielded to minimize sky glow.</li> <li>• To the maximum extent feasible, all external lighting will be designed to minimize any impact to Wildlife Habitat Areas, and operations and maintenance conditions and procedures will be devised to ensure appropriate long-term education and control. To the maximum extent feasible, ambient light impacts to the Sweetwater or J Street Marshes will be minimized.</li> <li>• In Sweetwater and Otay District parks, lighting will be limited to that which is necessary for security purposes. Security lighting will be strictly limited to that required by applicable law enforcement requirements. All lighting proposed for the Sweetwater and Otay District parks and the shoreline promenade will be placed only where needed for human safety. Lights will be placed on low-standing bollards, shielded, and flat bottomed, so the illumination is directed downward onto the</li> </ul>				



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Invasive Plan Council (Cal-IPC) List of Exotic Pest Plants of Greatest Ecological Concern in California (<i>Appendix 4.8-7</i> of this Final EIR), the California Invasive Plant Inventory Database, Appendix N of the City's MSCP Subarea Plan, or any related updates shall be used in the Proposed Project area. Any such invasive plant species that establishes itself within the Proposed Project area will be removed immediately to the maximum extent feasible and in a manner adequate to prevent further distribution into Wildlife Habitat Areas.</p> <p>The following landscape guidelines will apply to the Proposed Project area:</p> <ul style="list-style-type: none"> <li>• Only designated native plants will be used in No Touch Buffer Areas, habitat restoration areas, or in the limited and transitional zones of Parcel SP-1 adjacent to Wildlife Habitat Areas.</li> <li>• Non-native plants will be prohibited adjacent to Wildlife Habitat Areas and will be strongly discouraged and minimized elsewhere where they will provide breeding of undesired scavengers.</li> <li>• Landscaping plans for development projects adjacent to ecological buffers and/or the MSCP Preserve shall include native plants that are compatible with native vegetation located within the ecological buffers and/or MSCP Preserve.</li> <li>• No trees will be planted in the No Touch Buffer Areas or directly adjacent to a National Wildlife Refuge, J Street Marsh, or SP-2 areas where there is no Buffer Area.</li> </ul> <p><b>G. Toxic Substances and Drainage.</b> Implementation of general water quality measures outlined in Mitigation Measures 4.5-2 through 4.5-4, identified in <i>Section 4.5, Hydrology/Water Quality</i>, would reduce impacts associated with the release of toxins, chemicals, petroleum products, and other elements that might degrade or harm the natural environment to below a level that is significant, and would provide benefits to wetland habitats. As a reference, these mitigation measures are repeated below and apply to the Port and City:</p> <ul style="list-style-type: none"> <li>• If contaminated groundwater is encountered, the project developer shall treat and/or dispose of the contaminated groundwater (at the developer's expense) in accordance</li> </ul>	Port/City	Port/City in Consultation with USFWS and CDFG		

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

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

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>requirements of the RWQCB. The work plan shall include but not be limited to: dredging the sediment, analyzing the nature and extent of any contamination, and allowing it to drain. Pending the outcome of the analytical results, the RWQCB and the Port shall prescribe the appropriate method for disposition of any contaminated sediment.</p> <ul style="list-style-type: none"> <li>• Prior to issuance of a grading permit for marina redevelopment on Parcels HW-1 and HW-4, the developer shall submit a work plan for approval by the RWQCB and Port/City that requires the implementation of BMPs, including the use of silt curtains during in-water construction to minimize sediment disturbances and confine potentially contaminated sediment if contaminated sediment exists. If a silt curtain should be necessary, the silt curtain shall be anchored along the ocean floor with weights (i.e., a chain) and anchored to the top with a floating chain of buoys. The curtain shall wrap around the area of disturbance to prevent turbidity from traveling outside the immediate project area. Once the impacted region resettles, the curtains shall be removed. If the sediment would be suitable for ocean disposal, no silt curtain shall be required. However, if contaminants are actually present, the applicant would be required to provide to the RWQCB and Port/City an evaluation showing that the sediment would be suitable for ocean disposal.</li> <li>• In addition, the following measures will apply: <ul style="list-style-type: none"> <li>○ Vegetation-based storm water treatment facilities, such as natural berms, swales, and detention areas are appropriate uses for Buffer Areas so long as they are designed using native plant species and serve dual functions as habitat areas. Provisions for access for non-destructive maintenance and removal of litter and excess sediment will be integrated into these facilities. In areas that provide for the natural treatment of runoff, cattails, bulrush, mulefat, willow, and the like are permissible.</li> <li>○ Storm water and non-point source urban runoff into Wildlife Habitat Areas must be monitored and managed so as to prevent unwanted ecotype conversion or weed invasion. A plan to address the occurrence of any erosion or type conversion will be developed and implemented, if necessary. Monitoring will include an assessment of stream bed scouring and habitat degradation, sediment accumulation, shoreline erosion and stream bed widening, loss of aquatic species, and decreased base flow.</li> <li>○ The use of persistent pesticides or fertilizers in landscaping that drains into</li> </ul> </li> </ul>				

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

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

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification																																																																																					
	<p>Harbor Police to report trespassing within the sensitive areas.</p> <p align="center"><b>TABLE 4.8-5</b></p> <p align="center"><b>Potential Mitigation Acreage Available for Proposed Impacts to Vegetation</b></p> <p align="center"><b>Communities and Land Cover Types for Chula Vista Bayfront (acres)</b></p> <table border="1" data-bbox="346 552 1207 966"> <thead> <tr> <th>Habitat</th> <th>District/Area</th> <th>Created</th> <th>Restored</th> <th>Enhanced</th> <th>Total Credits</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Coastal salt marsh</td> <td>Sweetwater</td> <td>4.87</td> <td></td> <td></td> <td>5.97</td> </tr> <tr> <td>Otay</td> <td>4.54</td> <td></td> <td></td> <td>4.54</td> </tr> <tr> <td rowspan="2">Coastal brackish marsh</td> <td>Sweetwater</td> <td></td> <td></td> <td>3.40</td> <td>1.70</td> </tr> <tr> <td>Sweetwater</td> <td></td> <td></td> <td>3.03</td> <td>1.52</td> </tr> <tr> <td rowspan="2">Riparian</td> <td>Otay</td> <td>1.99</td> <td></td> <td></td> <td>1.99</td> </tr> <tr> <td>F &amp; G Street Marsh</td> <td></td> <td>5.02</td> <td></td> <td>5.02</td> </tr> <tr> <td>Wetland</td> <td>Sweetwater</td> <td></td> <td></td> <td>2.14</td> <td>1.07</td> </tr> <tr> <td colspan="2"><b>TOTAL WETLAND ACREAGE</b></td> <td><b>11.40</b></td> <td><b>5.02</b></td> <td><b>8.57</b></td> <td><b>25.00</b></td> </tr> <tr> <td colspan="2"><b>TOTAL WETLAND CREDITS<sup>1</sup></b></td> <td><b>11.40</b></td> <td><b>5.02</b></td> <td><b>4.29</b></td> <td><b>20.71</b></td> </tr> <tr> <td rowspan="3">CSS/Native Grassland Restoration</td> <td>Sweetwater</td> <td></td> <td>17.73</td> <td></td> <td>17.73</td> </tr> <tr> <td>Otay</td> <td></td> <td>1.99</td> <td></td> <td>1.99</td> </tr> <tr> <td>F &amp; G Street Marsh</td> <td></td> <td>2.49</td> <td></td> <td>2.49</td> </tr> <tr> <td colspan="2"><b>TOTAL UPLAND ACREAGE</b></td> <td><b>0</b></td> <td><b>22.21</b></td> <td><b>0</b></td> <td><b>22.21</b></td> </tr> <tr> <td colspan="2"><b>TOTAL UPLAND CREDITS<sup>1</sup></b></td> <td><b>0</b></td> <td><b>22.21</b></td> <td><b>0</b></td> <td><b>22.21</b></td> </tr> </tbody> </table> <p><sup>1</sup>Credits are based on an assumption that habitat creation and restoration will receive a 1:1 mitigation credit and enhancement will receive a 0.5:1 mitigation credit.</p> <p>Impacts to disturbed coastal sage scrub would be mitigated by the restoration of a coastal sage scrub/native grassland habitat also within this buffer. There is the potential to provide a maximum of 20.71 acres of mitigation credit for impacts to wetland habitats and 22.21 acres for impacts to upland habitats. This would exceed the required mitigation needed for impacts within the Port's and City's jurisdiction.</p> <p>A detailed coastal sage scrub (CSS) and maritime succulent scrub (MSS) restoration plan that describes the vegetation to be planted shall be prepared by a Port- or City-approved biologist and approved by the Port or City, as appropriate. The City or Port shall develop guidelines for restoration in consultation with USFWS and CDFG.</p>	Habitat	District/Area	Created	Restored	Enhanced	Total Credits	Coastal salt marsh	Sweetwater	4.87			5.97	Otay	4.54			4.54	Coastal brackish marsh	Sweetwater			3.40	1.70	Sweetwater			3.03	1.52	Riparian	Otay	1.99			1.99	F & G Street Marsh		5.02		5.02	Wetland	Sweetwater			2.14	1.07	<b>TOTAL WETLAND ACREAGE</b>		<b>11.40</b>	<b>5.02</b>	<b>8.57</b>	<b>25.00</b>	<b>TOTAL WETLAND CREDITS<sup>1</sup></b>		<b>11.40</b>	<b>5.02</b>	<b>4.29</b>	<b>20.71</b>	CSS/Native Grassland Restoration	Sweetwater		17.73		17.73	Otay		1.99		1.99	F & G Street Marsh		2.49		2.49	<b>TOTAL UPLAND ACREAGE</b>		<b>0</b>	<b>22.21</b>	<b>0</b>	<b>22.21</b>	<b>TOTAL UPLAND CREDITS<sup>1</sup></b>		<b>0</b>	<b>22.21</b>	<b>0</b>	<b>22.21</b>				
Habitat	District/Area	Created	Restored	Enhanced	Total Credits																																																																																					
Coastal salt marsh	Sweetwater	4.87			5.97																																																																																					
	Otay	4.54			4.54																																																																																					
Coastal brackish marsh	Sweetwater			3.40	1.70																																																																																					
	Sweetwater			3.03	1.52																																																																																					
Riparian	Otay	1.99			1.99																																																																																					
	F & G Street Marsh		5.02		5.02																																																																																					
Wetland	Sweetwater			2.14	1.07																																																																																					
<b>TOTAL WETLAND ACREAGE</b>		<b>11.40</b>	<b>5.02</b>	<b>8.57</b>	<b>25.00</b>																																																																																					
<b>TOTAL WETLAND CREDITS<sup>1</sup></b>		<b>11.40</b>	<b>5.02</b>	<b>4.29</b>	<b>20.71</b>																																																																																					
CSS/Native Grassland Restoration	Sweetwater		17.73		17.73																																																																																					
	Otay		1.99		1.99																																																																																					
	F & G Street Marsh		2.49		2.49																																																																																					
<b>TOTAL UPLAND ACREAGE</b>		<b>0</b>	<b>22.21</b>	<b>0</b>	<b>22.21</b>																																																																																					
<b>TOTAL UPLAND CREDITS<sup>1</sup></b>		<b>0</b>	<b>22.21</b>	<b>0</b>	<b>22.21</b>																																																																																					

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

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



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p><b>Domestic Animals.</b> In all areas of the Chula Vista Bayfront, especially on the foot path adjacent to the marsh on the Sweetwater District property, mandatory leash laws shall be enforced. Appropriate signage shall be posted indicating human and domestic animal access is prohibited within the designated Preserve areas.</p> <p><b>Trash.</b> Illegal dumping and littering shall be prohibited within the Preserve areas. Throughout the Proposed Project site, easily accessible trash cans and recycling bins shall be placed along all walking and bike paths, and shop walkways. These trash cans shall be "animal-proof" and have self-closing lids, to discourage scavenger animals from foraging in the cans. The trash cans shall be emptied daily or more often if required during high use periods. Buildings and stores shall have large dumpsters in a courtyard or carport that is bermed and enclosed. This ensures that, if stray trash falls to the ground during collection, it does not blow into the Bay or marshes.</p> <p><b>Training.</b> Pursuant to permitting requirements of the Resource Agencies, pre-construction meetings will take place with all personnel involved with the project, to include training about the sensitive resources in the area.</p> <p><b>I. Boating Impacts.</b> All boating, human and pet intrusion must be kept away from F &amp; G Street channel mouth and marsh.</p> <ul style="list-style-type: none"> <li>• Water areas must be managed with enforceable boating restrictions. The Port will exercise diligent and good faith efforts to enter into a cooperative agreement with the Resource Agencies and Coast Guard to ensure monitoring and enforcement of no-boating zones and speed limit restrictions to prevent wildlife disturbances.</li> <li>• No boating will be allowed in vicinity of the J Street Marsh or east of the navigation channel in the Sweetwater District during the fall and spring migration and during the winter season when flocks of bird are present.</li> <li>• All rentals of jet-skis and other motorized personal watercraft (PWCs), as defined in Harbors and Navigations Code Section 651(s) will be prohibited in the Proposed Project area.</li> <li>• Use of PWCs will be prohibited in Wildlife Habitat Areas, subject to applicable law.</li> <li>• A five (5) mile-per-hour speed limit will be enforced in areas other than the</li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>navigation channels.</p> <ul style="list-style-type: none"> <li>• Nothing in this mitigation measure shall preclude bona fide research, law enforcement, or emergency activities.</li> </ul> <p>*Applies to Significant Impacts 4.8-6 and 4.8-7.</p>				
MM 4.8-7	<p>Mitigation Measure 4.8-7 is intended to provide additional measures to reduce further the indirect impacts to biological resources already addressed in and reduced to below a level of significance by Mitigation Measure 4.8-6. This additional measure provides for the creation, implementation, funding, and enforcement of a Natural Resources Management Plan ("NRMP"), good faith efforts to enter into a cooperative management agreement with the USFWS or other appropriate agency or organization, restoration priorities, the creation of a South Bay Wildlife Advisory Group, and education, as follows:</p> <p>A. Natural Resources Management Plan: In recognition of the sensitivity of the natural resources and the importance of protection, restoration, management and enforcement in protecting those resources, the Port, City and RDA will cause to be prepared an NRMP to be prepared in accordance with the mitigation measure. The NRMP will be designed to achieve the Management Objectives (defined below) for the Wildlife Habitat Areas (defined below). The NRMP will be an adaptive management plan, reviewed and amended as necessary by the Port and City in compliance with the process described in Section 4.8-7D of this measure.</p> <p>a. "Wildlife Habitat Areas" are defined as:</p> <ul style="list-style-type: none"> <li>i. All National Wildlife refuge lands, currently designated and designated in the future, in the South San Diego Bay and Sweetwater Marsh National Wildlife Refuge Units. National Wildlife Refuge lands are included in the definition of Wildlife Habitat Areas for the sole purpose of addressing adjacency impacts and not for the purpose of imposing affirmative resource management obligations with respect to the areas within the National Wildlife Refuge lands.</li> <li>ii. All Port designated lands and open water areas in the Conservation Land Use Designations of Wetlands, Estuary, and Habitat Replacement as depicted in the Draft Precise Plan for Planning District 7.</li> <li>iii. Parcels 1g and 2a from the City's Bayfront Specific Plan.</li> </ul>	<p>Port</p> <p>-Prior to start of construction</p>	Port		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<ul style="list-style-type: none"> <li>iv. The Wildlife Habitat Areas are depicted on Exhibit 1 to the MMRP.</li> <li>v. No Touch Buffer areas as depicted on Exhibit 2 to the MMRP.</li> <li>b. NRMP Management Objectives for Wildlife Habitat Areas: Taking into consideration the potential changes in functionality of Wildlife Habitat Areas due to rising sea levels, the NRMP will promote, at a minimum, the following objectives (“Management Objectives”) for the Wildlife Habitat Areas:               <ul style="list-style-type: none"> <li>i. Long term protection, conservation, monitoring, and enhancement of:                   <ul style="list-style-type: none"> <li>1. Wetland habitat, with regard to gross acreage as well as ecosystem structure, function and value.</li> <li>2. Coastal sage and coastal strand vegetation.</li> <li>3. Upland natural resources for their inherent ecological values, as well as their roles as buffers to more sensitive adjacent wetlands. Upland areas in the Sweetwater and Otay Districts will be adaptively managed to provide additional habitat or protection to create appropriate transitional habitat during periods of high tide, taking into account future sea level rise.</li> </ul> </li> <li>ii. Preservation of the biological function of all Bayfront habitats serving as avifauna for breeding, wintering, and migratory rest stop uses.</li> <li>iii. Protection of nesting, foraging, and rafting wildlife from disturbance.</li> <li>iv. Avoidance of actions within the Proposed Project area that would adversely impact or degrade water quality in San Diego Bay or watershed areas or impair efforts of other entities for protection of the watershed.</li> <li>v. Maintenance and improvement of water quality where possible and coordination with other entities charged with watershed protection activities.</li> </ul> </li> <li>c. Implementation of NRMP Management Objectives: NRMP will include a plan for achieving Management Objectives as they related to the Buffer Areas and Wildlife Habitat Areas (“WHA’s”) and the Proposed Project area, which will:               <ul style="list-style-type: none"> <li>i. Ensure the Port, City and RDA are not required to expend funds for NRMP implementation until project-related revenues are identified and impacts initiated.</li> <li>ii. Require coordination with the Resource Agencies of the Port’s City’s and Resource Agencies’ respective obligations with respect to the Buffer Areas and Wildlife Habitat Areas.</li> <li>iii. Designate “No Touch” Buffer Areas as that term is defined and described in this</li> </ul> </li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Final EIR. Such areas will contain contiguous fencing designed specifically to limit the movement of domesticated, feral, and nuisance predators (e.g. dogs, cats, skunks, opossums and other small terrestrial animals [collectively, "Predators"]) and humans between developed park and No Touch Buffer Areas and Wildlife Habitat Areas. The fence will be at a minimum 6-foot high, black vinyl chain link fence or other suitable barrier (built to the specifications described in this Final EIR). Fence design may include appropriate locked access points for maintenance and other necessary functions. Installation of the fence will include land contouring to minimize visual impacts of the fence. The installation of such fencing in the Sweetwater and Harbor Districts must be completed prior to the issuance of Certificates of Occupancy for development projects on either Parcel H-3 or H-23 and in conjunction with the development or road improvements in the Sweetwater District., with the exception of Parcel S-4 which will retain the existing fencing until that parcel is redeveloped and the fencing of the No Touch Buffer installed.</p> <p>iv. Prohibit active recreation, construction of any road (whether paved or not), within No Touch Buffer Areas, Limited Use Buffer Areas, and Transition Buffer Areas as that term is defined and described in this Final EIR, with the exception of existing or necessary access points for required maintenance.</p> <p>v. Result in the fencing of No Touch Buffer Areas including, without limitation, fencing necessary to protect the Sweetwater Marsh and the Sweetwater parcel tidal flats, the J Street Marsh next to the San Diego Bay Refuge and the north side of Parcel H-3.</p> <p>vi. Include additional controls and strategies restricting movement of humans and Predators into sensitive areas beyond the boundaries of the designated Buffer Areas.</p> <p>vii. Require the Recreational Vehicle Park to install fencing or other barriers sufficient to prevent passage of Predators and humans into sensitive adjacent habitat.</p> <p>viii. Require all dogs to be leashed in all areas of the Proposed Project at all times except in any designated and controlled off-leash areas.</p> <p>ix. Impose and enforce restrictions on all residential development to keep cats and dogs indoors or on leashes at all times. Residential developments will be required to provide education to owners and/or renters regarding the rules and restrictions regarding the keeping of pets.</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>d. Walkway and Path Design: Detail conditions and controls applicable to the walkways, paths, and overlooks near Wildlife Habitat Areas and outside of the No Touch Buffer Areas in accordance with the following:</p> <ul style="list-style-type: none"> <li>i. Alignment, design, and general construction plans of walkways and overlooks will be developed to minimize potential impacts to Wildlife Habitat Areas.</li> <li>ii. Path routes will be sited with appropriate setbacks from Wildlife Habitat Areas.</li> <li>iii. Paths running parallel to shore or marsh areas that will cause or contribute to bird flushing will be minimized throughout the Proposed Project.</li> <li>iv. Walkways and overlooks will be designed to minimize and eliminate, where possible, perching opportunities for raptors and shelter for skunks, opossums or other Predators.</li> <li>v. Walkways and overlooks that approach sensitive areas must be blinded, raised, or otherwise screened so that birds are not flushed or frightened. In general, walkway and overlook designs will minimize visual impacts on the Wildlife Habitat Areas of people on the walkways.</li> </ul> <p>e. Predator Management: The NRMP will include provisions designed to manage Predator impacts on Wildlife Habitat Areas which will include and comply with the following:</p> <ul style="list-style-type: none"> <li>i. Year-round Predator management will be implemented for the life of the Proposed Project with clearly delineated roles and responsibilities for the Port, City and Resources Agencies. The primary objective of such provisions will be to adequately protect terns, rails, plovers, shorebirds, over-wintering species, and other species of high management priority as determined by the Resource Agencies.</li> <li>ii. Predator management will include regular foot patrols and utilize tracking techniques to find and remove domestic or feral animals.</li> <li>iii. Address Predator attraction and trash management for all areas of the Proposed Project by identifying clear management measures and restrictions. Examples of the foregoing include design of trash containers, including those in park areas and commercial dumpsters, to be covered and self-closing at all times, design of containment systems to prevent access by sea gulls, rats, crows, pigeons, skunks, opossums, raccoons, and similar animals and adequate and frequent servicing of trash receptacles.</li> <li>iv. All buildings, signage, walkways, overlooks, light standards, roofs, balconies,</li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>ledges, and other structures that could provide line of sight views of Wildlife Habitat Areas will be designed in a manner to discourage their use as raptor perches or nests.</p> <p>f. Miscellaneous Additional Requirements of the NRMP: In addition to the standards described above, the NRMP will include:</p> <ul style="list-style-type: none"> <li>i. All elements which address natural resource protection in the MMRP including but not limited to those which assign responsibility and timing for implementing mitigation measures consistent with the City's MSCP Subarea Plan;</li> <li>ii. Pertinent sections of the MSCP Subarea Plan;</li> <li>iii. References to existing Port policies and practices, such as Predator management programs and daily trash collections with public areas and increase service during special events.</li> <li>iv. Establishment of design guidelines to address adjacency impacts, such as storm water, landscape design, light and noise and objectives ad discussed below;</li> <li>v. Establishment of baseline conditions and management objectives; and</li> <li>vi. Habitat enhancement objectives and priorities.</li> </ul> <p>g. Creation, Periodic Review, and Amendment of the NRMP: The NRMP will be a natural resource adaptive management and monitoring plan initially prepared in consultation with the Wildlife Advisory Group, and reviewed and amended in further consultation with the Wildlife Advisory Group one year following adoption of the NRMP and annually thereafter for the first five (5) years after adoption, after which it will be reviewed and amended as necessary every other year for the first 6 years, then once every 5 years thereafter. If the RCC is not pursued in the first five (5) years after certification of the FEIR, this schedule will be amended to ensure that NRMP is evaluated every year for five years after the development of the RCC. The periodic review of the NRMP described in the preceding sentences is hereinafter called "Periodic Review." A material revision of the NRMP is hereinafter called an "NRMP Amendment". However, nothing in this schedule will be interpreted to preclude a speedy response or revision to the NRMP if necessary to abate an emergency condition or to accommodate relevant new information or necessary management practices consistent with the NRMP management objectives. Preparation of the</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>NRMP will begin within six months of the filing of the Notice of Determination for the Final EIR by the Port and will be completed prior to the earlier of: (a) Development Commencement; (b) issuance of a Certificate of Occupancy for the residential development; or (c) three years. The adaptive management components of the NRMP Periodic Review will address, among other things, monitoring of impacts of development as it occurs and monitoring the efficacy of water quality improvement projects (if applicable)_and management and restoration actions needed for resource protection, resource threats, management (i.e., sea-level rise, trash, window bird strikes, lighting impacts, bird flushing, water quality, fireworks, human-wildlife interface, education and interpretation programs, public access, involvement, and use plan, management of the human-wildlife interface, wildlife issues related to facilities, trails, roads, overlooks planning, and watershed coordination), and other issues affecting achievement of NRMP Management Objectives.</p> <p>i. The Port and City will cause the preparation, consideration negotiation and approval of the NRMP including, staff and administrative oversight and engagement of such consultants as are reasonable and necessary for their completion, approval and amendment in accordance with this mitigation measure.</p> <p>ii. The Port and City will each provide a written notice of adoption to the Wildlife Advisory Group upon their respective approval of the NRMP.</p> <p>h. DISPUTE RESOLUTION FOR PLAN CREATION AND AMENDMENT. The NRMP and any material amendments to the NRMP will require submission, review, and approval by the CCC after final adoption by the Port and City. Nonetheless, the participants would benefit if the NRMP is developed through a meaningful stakeholder process providing for the resolution of as many disagreements as possible prior to NRMP submission to the CCC. This section provides a process by which the Coalition can participate in the creation and amendment of the NRMP.</p> <p>i. PLAN CREATION AND AMENDMENT. Where this mitigation measure contemplates the creation of the NRMP following the Effective Date or an NRMP Amendment, this section will provide a non-exclusive mechanism for resolution of disputes concerning the content of the NRMP and such NRMP Amendments. The standard of review and burden of proof for any disputes arising hereunder shall be the same as those under the California Environmental Quality Act.</p> <p>1. PLAN CREATION AND AMENDMENT INFORMAL NEGOTIATIONS. Any dispute that arises with respect to the creation or amendment of the NRMP will in</p>				

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

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



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

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

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>same as those under CEQA.</p> <p>i. PLAN ENFORCEMENT INFORMAL NEGOTIATIONS. Any dispute that arises with respect to implementation or enforcement of the NRMP will in the first instance be the subject of informal negotiations between the parties to the dispute. A dispute will be considered to have arisen when one Disputing Party sends the other party a written Notice of Dispute. During the informal negotiations, the Disputing Party will send a written Notice of Dispute to the other parties specifying the aspect of the NRMP it believes is not being implemented properly and the way in which the Disputing Party believes the NRMP should be implemented according to its terms (the "Notice of Dispute"). The period for informal negotiations will not exceed forty-five (45) days from the date such Notice of Dispute is received.</p> <p>ii. PLAN ENFORCEMENT FORMAL DISPUTE RESOLUTION, PHASE I. In the event the Parties cannot resolve a dispute by informal negotiations under the preceding section, the Disputing Party may invoke a formal dispute resolution procedure by presenting the dispute to the Governing Board of the Managing Agency by providing the other parties a written statement of position on the matter in dispute, including, but not limited to, any facts, data, analysis or opinion supporting that position and any supporting documentation relied upon by the Disputing Party (the "Position Statement"). The Position Statement must be transmitted (via electronic mail or verifiable post) within thirty (30) days of the end of informal negotiations, and will be provided to the other parties, to each member of the Wildlife Advisory Group. If informal negotiations are unsuccessful, and the Disputing Party does not invoke formal dispute resolution within thirty (30) days, the Managing Agency's position will be binding on the Disputing Party subject to any periodic review and/or approval by the CCC, if required by law.</p> <p>1. The other parties will submit their position statements ("Opposition Statements"), including facts, data, analysis, or opinion in support thereof, to the Disputing Party, the Wildlife Advisory Group members, and the Governing Board within thirty (30) days of transmission of the Position Statement.</p> <p>2. Within forty-five (45) days after transmission of the Opposition Statement(s), the Disputing Party will provide a written notice ("MA II Notice") to the other parties, the Wildlife Advisory Group and the Governing Board. The MA II Notice will include the Position Statement, Opposition Statement, the Wildlife Advisory Group proposal, and any other information the Disputing Party desires to</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>include. Any supplement to the Opposition Statement will be filed with the Managing Agency within fourteen (14) days following receipt of the MA II Notice. The Governing Board will review the transmitted information and within sixty (60) days from receipt of the MA II Notice will schedule a public hearing to consider the dispute and within ten (10) days of such public hearing, render a decision. The decision of the Governing Board will be final and binding on the Managing Agency but will not bind the members of Coalition. If the members of the Coalition accept the decision of the Governing Board of the Managing Agency, the decision will dictate the manner in which the dispute is resolved in the NRMP. If any member of the Coalition disagrees with the decision of the Governing Board, it shall have the right to seek a petition for writ of mandate from the Superior Court of California, San Diego Division.</p> <p>iii. WAIVER OF DEFENSE. To the extent permitted by law, the Port, City and RDA agree that lack of funds shall not be a defense to any claim of failure to adequately fund implementation and enforcement of the adopted NRMP.</p> <p>B. Additional Habitat Management and Protection:</p> <p>a. The Port will exercise diligent and good faith efforts to enter into the following cooperative agreements with the USFWS or other appropriate agency or organization:</p> <p>i. An agreement providing for the long-term protection and management of the sensitive biological habitat running north from the South Bay Boatyard to the Sweetwater River Channel (known as the Sweetwater Tidal Flats) and addressing educational signage, long-term maintenance, and additional protection measures such as increased monitoring and enforcement by Harbor Police, shared jurisdiction and enforcement by District personnel with legal authority to enforce applicable rules and regulations ("District Enforcement Personnel"), shared jurisdiction and enforcement by District Enforcement Personnel and other appropriate Resource Agencies of resource regulations, and placement of enforcement signage. Subject to the cooperation of the applicable Resource Agency, such cooperative agreement will be executed prior to the Development Commencement of any projects subject to Port's jurisdiction within the Sweetwater or Harbor Districts.</p> <p>ii. An agreement for the long-term protection and management of the J Street</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Marsh and addressing additional protective measures such as educational signage, long-term maintenance, and monitoring and enforcement by District Enforcement Personnel, shared jurisdiction and enforcement of resource regulations by District Enforcement Personnel and other Resource Agencies, and placement of enforcement signage. Subject to the cooperation of the applicable Resource Agency, such cooperative agreement will be executed prior to the Development Commencement within the Otay District.</p> <p>The Port will include an analysis of the appropriate level and method for wetland and marine life habitat restoration of the intake/discharge channels associated with the South Bay Power Plant in the environmental review document for the demolition of the South Bay Power Plant.</p> <p>iii. If either of the cooperative agreements contemplated above are not achievable within three (3) years after Final EIR certification, the Port will develop and pursue another mechanism that provides long-term additional protection and natural resource management for these areas.</p> <p>b. The Port will include an analysis of the appropriate level and method for wetland and marine life habitat restoration of the intake/discharge channels associated with the South Bay Power Plant in the environmental review document for the demolition of the South Bay Power Plant.</p> <p>c. As a future and separate project, the Port will investigate, in consultation with the USFWS, the feasibility of restoring an ecologically meaningful tidal connection between the F &amp; G Street Marsh and the upland marsh on parcel SP-2 consistent with USFWS restoration concepts for the area. At a minimum, the investigation will assess the biological value of tidal influence, the presence of hazardous materials, necessary physical improvements to achieve desired results, permitting requirements, and funding opportunities for establishing the tidal connection. This investigation will be completed prior to the initiation of any physical alteration of SP-2, F Street, and/or the F &amp; G Street Marsh. In addition, once emergency access to the Proposed Project area has been adequately established such that F Street is no longer needed for public right-of-way for vehicular use, but may reserve it for pedestrian and bicycle use if ecologically appropriate.</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>C. Restoration Priorities: The following will supplement the description of the conceptual mitigation opportunities in the Final EIR (including Appendix 4.8-8 Mitigation Opportunities). The following restoration priorities will not be included in the NRMP but rather will be applicable (i) if and only to the extent that Port or City are required to restore degraded habitat in accordance with the terms of the MMRP or (ii) to establish priorities for Port's pursuit of grant funding.</p> <ul style="list-style-type: none"> <li>a. Restoration priorities for the Proposed Project are those mitigation opportunities in the Final EIR as depicted in the conceptual mitigation opportunities (Figures 4.8-23 and 4.8-26) and the projects located in the South Bay in the Port's Adopted Restoration and Enhancement Plan.</li> <li>b. With the exception of the restoration described in Section (d) below, shoreline/marsh interface restorations in the Sweetwater and Otay Districts should be natural and gradually sloped and planted with salt marsh and upland transition plants in a manner that will stabilize the bank without the need for additional riprap areas. Upland slopes should be contoured to provide a very gentle grade so as to maximize tidal elevation of mudflats, salt marsh habitat and upland transition areas. This area should be wide enough to encourage or allow wildlife to move between the Sweetwater Marsh and the F &amp; G Marsh and between the J Street and the South San Diego Bay Unit of the NWR. The shoreline should be improved and restored to facilitate a more effective upland refuge area for species during high tides and to accommodate the impacts from global sea rise.</li> <li>c. The Telegraph Creek should be improved to be a more natural channel as part of the redevelopment of the Otay District. Efforts to naturalize and revegetate the creek will be maximized as is consistent with its function as a storm water conveyance.</li> <li>d. The Port will perform an analysis of the appropriate level and method for environmental restoration of the intake/discharge channels associated with the South Bay Power Plan in the environmental review document for the demolition of the power plant.</li> </ul> <p>D. South Bay Wildlife Advisory Group: A South Bay Wildlife Advisory Group ("Wildlife Advisory Group") will be formed to advise the Port and City in the creation of the NRMP, cooperative management agreements, Adaptive Management Review</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>(defined below) and any related wildlife management and restoration plans or prioritizations. The Wildlife Advisory Group will also address management issues and options for resolution. The Wildlife Advisory Group will initiate and support funding requests to the Port and City, identify priorities for use of these funds and engage in partnering, education, and volunteerism to support the development of the Proposed Project in a manner that effectively protects and enhances the fish, wildlife, and habitats of the area and educates and engages the public.</p> <p>a. Port and City will provide such administrative and staff support to the Wildlife Advisory Group as is necessary to perform the functions and achieve the goals described herein.</p> <p>b. The Wildlife Advisory Group will be comprised of the following: one (1) representative from each the Environmental Health Coalition, San Diego Audubon Society, San Diego Coastkeeper, Coastal Environmental Rights Foundation, Southwest Wetlands Interpretative Association, Surfrider Foundation (San Diego Chapter), and Empower San Diego; two (2) representatives from the Chula Vista Natural Center (one from educational programs and one from programs/operations); up to three (3) representatives from major developers or tenants with projects in the CVBMP (including one from Pacifica Companies, which on completion, may be succeeded by a representative of its homeowner association); one (1) representative from the City's Resource Conservation Commission; one (1) from either Harborside or Mueller elementary school or the School District; Western and Eastern Chula Vista residents selected by the City (one from Northwest one from the Southwest and one from east of I-805); one (1) representative from eco-tourism based business; two (2) individuals appointed by Port; and 6 representatives from Resources Agencies (two from the USFWS, one from Refuges and one from Endangered Species and one (1) each from California Department of Fish and Game, National Marine Fisheries Service, Regional Water Quality Control Board and CCC).</p> <p>c. The Wildlife Advisory Group will meet as needed, but at a minimum of every six months for the first ten (10) years and annually thereafter. The Wildlife Advisory Group will be formed within six months of the filing of the Notice of Determination for the FEIR by the Port.</p> <p>d. The Wildlife Advisory Group will meet at the intervals described above to review</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>the NRMP to: (i) determine the effectiveness of the NRMP in achieving the Management Objectives; (ii) identify any changes or adjustments to the NRMP required to better achieve the Management Objectives; (iii) identify any changes or adjustments to the NRMP required to respond to changes in the man-made and natural environments that are affecting or, with the passage of time may affect, the effectiveness of the NRMP in achieving the Management Objectives; and (iv) review priorities relative to available funding. At its periodic meetings, the Wildlife Advisory Group may also consider and make recommendations regarding (x) implementation of the NRMP as needed, (y) Adaptive Management Review and (z) NRMP Amendments.</p> <p>e. The Wildlife Advisory Group will advise the joint powers authority (JPA) on the expenditure of the Community Benefits Fund, subject to the applicable law.</p> <p>E. Education: An environmental education program will be developed and implemented and will include the following:</p> <p>a. The program will continue for the duration of the Proposed Project and will target both residential and commercial uses as well as park visitors.</p> <p>b. The program's primary objective will be to educate Bayfront residents, visitors, tenants and workers about the natural condition of the Bay, the ecological importance of the Proposed Project area and the public's role in the restoration and protection of wildlife resources of the Bay.</p> <p>c. The program will include educational signage, regular seminars and interpretive walks on the natural history and resources of the area, regular stewardship events for volunteers (shoreline and beach cleanups, exotic plant removal, etc.).</p> <p>d. Adequate annual funding for personnel or contractor/consultant and overhead to ensure implementation of the following functions and activities in collaboration with the Chula Vista Nature Center or USFWS:</p> <p>i. Coordination of Volunteer programs and events;</p> <p>ii. Coordination of Interpretive and educational programs;</p> <p>iii. Coordination of Tenant, resident and visitor educational programs;</p> <p>iv. Docent educational; and</p> <p>v. Enhancements and restoration.</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>F. Personnel and Funding: Funding for the implementation of the NRMP will be provided by the Port, City and RDA. To meet these obligations, the Port, City and RDA will commit revenues or otherwise provide funding to a JPA formed pursuant to the California Marks-Roos Act, Articles 1, 2, 3 and 4 of Chapter 5 of Division 7 of Title 1 of the California Government Code. Port, City and RDA will ensure the JPA is specifically charged to treat the financial requirements of this Agreement as priority expenditures that must be assured as project-related revenues are identified and impacts initiated. The Port, City and RDA expressly acknowledge the funding commitments contemplated herein will include, but not be limited to, funding for personnel and overhead or contractor(s)/consultant(s) to implement and ensure the following functions and activities:</p> <ul style="list-style-type: none"> <li>a. On-site management and enforcement for parks and Wildlife Habitat Areas as necessary to enforce restrictions on human and Predator access regarding Wildlife Habitat Areas;</li> <li>b. Enforcement of mitigation measures including, but not limited to, trash collection, noise restrictions, removal of invasive plants, habitat restoration, and park use restrictions;</li> <li>c. Coordination, development, implementation and evaluation of effectiveness of education and mitigation programs, including implementation of NRMP.</li> <li>d. Evaluation of effectiveness of bird strike mitigation and design measures;</li> <li>e. Water quality protections; and,</li> <li>f. Coordination of injured animal rehabilitation activities.</li> </ul> <p>*Applies to Significant Impacts 4.8-6 and 4.8-7.</p>				
MM 4.8-8	<p>Prior to construction of the H Street Pier, the Port shall create 0.96 acre of eelgrass habitat to mitigate for the loss of surface water foraging habitat in accordance with the Southern California Eelgrass Mitigation Policy. The creation of eelgrass habitat shall be conducted in accordance with Mitigation Measures 4.9-1 and 4.9-2 in <i>Section 4.9, Marine Biological Resources</i>.</p> <p>*Applies to Significant Impact 4.8-8.</p>	Port -Prior to completion of construction	Port		
MM 4.8-9	<p><b>A.</b> Prior to completion of in-harbor work in Phase IV, the Port shall create 1.93 acres of</p>	Port or Port	Port in		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>eelgrass habitat. The creation of eelgrass habitat shall be conducted in accordance with Mitigation Measure 4.9-2 in <i>Section 4.9, Marine Biological Resources</i>.</p> <p><b>B.</b> When project-specific designs are proposed for the remaining project components affecting 1.61 acres of surface water foraging habitat and intertidal mudflats, the mitigation of impacts shall be re-evaluated by the Port during subsequent environmental review pursuant to State CEQA Guidelines Section 15168 to determine accurate net loss and mitigation for the loss of foraging habitat.</p> <p>*Applies to Significant Impact 4.8-9.</p>	<p>Tenants -Prior to start of grading</p> <p>Port -Prior to start of grading</p>	<p>Consultation with wildlife agencies</p> <p>Port in Consultation with wildlife agencies</p>		

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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





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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>shall be used.</p> <ul style="list-style-type: none"> <li>• No solid spot lights or intense bright lights shall be used during bird migration periods in the spring (from March to May) and Fall (from August to October). All event lighting shall be directed downward and shielded, unless such directed and shielded minimized light spills beyond the area for which illumination is required.</li> <li>• Exterior lighting shall be limited to that which is necessary and appropriate to ensure general public safety and way finding, including signage for building identification and way finding.</li> <li>• Exterior lighting shall be directed downward and shielded to prevent upward lighting and to minimize light spill beyond the area for which illumination is required.</li> <li>• Office space, residential units, and hotel rooms shall be equipped with motion sensors, timers, or other lighting control systems to ensure that lighting is extinguished when the space is unoccupied.</li> <li>• Office space, residential units, and hotel rooms shall be equipped with blinds, drapes, or other window coverings that may be closed to minimize the effects of interior night lighting.</li> </ul> <p><b>Glass and Reflection</b></p> <ul style="list-style-type: none"> <li>• Use of reflective coatings on any glass surface is prohibited.</li> <li>• Buildings shall incorporate measures to the satisfaction of the Port or the City to indicate to birds that the glass surface is solid by creating visual markers and muting reflection.</li> <li>• Project design standards will encourage window stenciling and angling.</li> </ul> <p>These measures may include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• Glass surfaces which are non-reflective</li> <li>• Glass surfaces which are tilted at a downward angle</li> <li>• Glass surfaces which use fritted or patterned glass</li> <li>• Glass surfaces which use vertical or horizontal mullions or other fenestration patterns</li> <li>• Glass surfaces which are fitted with screening, decorative grills, or louvers</li> <li>• Glass surfaces which use awnings, overhangs, bris sole, or other exterior sun-shading devices</li> </ul>				



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<ul style="list-style-type: none"> <li>• Glass surfaces which use external films or coatings perceivable by birds</li> <li>• Artwork, drapery, banners, and wall coverings that counter the reflection of glass surfaces or block "see through" pathways.</li> </ul> <p><b>Building Articulation</b></p> <ul style="list-style-type: none"> <li>• Structure design features that reduce or avoid the potential for bird strikes, such as secondary and tertiary setbacks, stepped back building design, protruding balconies, recessed windows, and mullioned glazing systems, shall be incorporated to the extent feasible. Balconies and other elements will step back from the water's edge.</li> <li>• Design features that increase the potential for bird strikes, such as walkways constructed of clear glass and "see through" pathways through lobbies, rooms and corridors, shall be avoided to the extent feasible.</li> <li>• Buildings will be sited and designed to minimize glass and windows facing Wildlife Habitat Areas to the maximum extent possible. Design for towers on Parcel H-3 should avoid east-west monolith massing and should include architectural articulation.</li> <li>• The tallest buildings on Parcel H-3 will be located generally on the southern portion of the parcel with building heights decreasing towards the north and west. The foregoing will not be interpreted to preclude incorporating secondary and tertiary setbacks along public streets.</li> <li>• Parcels containing surface parking, such as those depicted for the Sweetwater District, will be designed with parking lots nearer Wildlife Habitat Areas. Site plans on parcels adjacent to Wildlife Habitat Areas will maximum distance between structures and such areas.</li> </ul> <p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>• Exterior trees and landscaping shall be located and glass surfaces shall incorporate measures so that exterior trees and landscaping are not reflected on building surfaces.</li> <li>• In small exterior courtyards and recessed areas, the building's edge shall be clearly defined with opaque materials and non-reflective glass.</li> <li>• Interior plants shall be located a minimum of 10 feet away from glass surfaces to avoid or reduce the potential for attracting birds.</li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p><b>Public Education</b></p> <ul style="list-style-type: none"> <li>• The owner or operator of each building shall implement an ongoing procedure to the satisfaction of the Port or the City to encourage tenants, residents, and guests to close their blinds, drapes, or other window coverings to reduce or avoid the potential for bird strikes.</li> <li>• The owner or operator of each building shall enroll in the Fatal Light Awareness Program's "Bird-Friendly Building Program" and shall implement ongoing tenant, resident, and guest education strategies, to the satisfaction of the Port or the City, to reduce or avoid the potential for bird strikes, such as elevator and lobby signage and educational displays, e-mail alerts and other bulletins during spring and fall migratory seasons, and other activities designed to enlist cooperation in reducing bird collisions with the building.</li> </ul> <p><b>Monitoring</b></p> <ul style="list-style-type: none"> <li>• For Phase I projects, the project applicant shall retain a qualified biologist to design a protocol and schedule, in consultation with the U.S. Department of Fish and Wildlife and subject to the approval of the Port or City, as appropriate depending on jurisdiction, to monitor bird strikes which may occur during the first 12 months after the completion of construction. Within 60 days after completion of the monitoring period, the qualified biologist shall submit a written report to the Port or the City, which shall state the biologist's findings and recommendations regarding any bird strikes that occurred. Based on the findings of those reports, the Port or the City, as appropriate depending on jurisdiction, in coordination with the U.S. Department of Fish and Wildlife, will evaluate whether further action is required, which may include further monitoring.</li> <li>• Bird strikes must be monitored in accordance with the NRMP and measures developed to address persistent problem areas. Nighttime lighting in tower buildings must be addressed and evaluated through adaptive management. Minimization of impacts of buildings on birds and the Wildlife Habitat Areas will be a priority in the selection of window coverings, glass color, other exterior materials, and design of exterior lighting and lighting of signs.</li> </ul> <p>*Applies to Significant Impacts 4.8-36 and 4.8-37.</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.9-1	<p><b>A.</b> Prior to construction of the H Street Pier during Phases II and IV or work within Parcel HW-4, a pre-construction eelgrass survey shall be conducted by a qualified marine biologist to confirm the exact amount of eelgrass to be affected at the time of pile driving operations. The pre-construction survey must be conducted during the period of March through October and would be valid for a period of no more than 60 days, with the exception that surveys conducted in August through October would be valid until the following March 1.</p> <p><b>B.</b> Prior to construction of the H Street Pier during Phases II and IV or work within Parcel HW-4, the Port shall establish and implement a plan to create new eelgrass habitat. The loss of eelgrass habitat must be mitigated at a 1.2:1 ratio as described in the SCEMP (NMFS 1991, Revision 11). Impacts to approximately 0.4 acre of eelgrass shall require the creation of approximately 0.48 acre of eelgrass to mitigate losses caused by construction of the H Street Pier.</p> <p><b>C.</b> Prior to or concurrent with the completion of the H Street Pier or work within Parcel HW-4, the Port shall create new eelgrass habitat at a ratio of 1.2:1 for the actual amount of impacts. This shall be done by removing the existing eelgrass currently located at the proposed H Street Pier site and transplanting it at an appropriate location within the filled area of the existing navigation channel, to the satisfaction of a qualified marine biologist.</p> <p><b>D.</b> Subsequent to construction of the H Street Pier during Phases II and IV or work within Parcel HW-4, a post-construction eelgrass survey shall be conducted by a qualified biologist. The post-construction survey shall be conducted within 30 days of the cessation of construction activities to confirm the exact amount of eelgrass affected. The difference between the pre-construction and post-construction eelgrass surveys shall determine the amount of required mitigation. In addition, the Port shall:</p> <ul style="list-style-type: none"> <li>• Conduct transplant reports following construction (Initial Report).</li> <li>• Conduct monitoring reports at 6, 12, 24, 36, 48, and 60 months post-transplant. Specific milestones and criteria for success are directed in the SCEMP along with guidelines for remedial actions if the success criteria are not met (including presence of green sea turtles based on soundings from the existing tagging program), which would require (based on the absence of other mitigating environmental considerations) a Supplementary Transplant Area to be constructed and monitored</li> </ul>	<p>Developer -Prior to construction</p> <p>Port - Prior to construction</p> <p>Developer -Prior to or concurrent with completion of construction</p> <p>Port in coordination with qualified biologist</p>	<p>Port in coordination with qualified biologist</p> <p>Port in coordination with qualified biologist</p> <p>Port in coordination with qualified biologist</p> <p>Port</p>		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>guidelines for remedial actions if the success criteria are not met (including presence of green sea turtles based on soundings from the existing tagging program), which would require (based on the absence of other mitigating environmental considerations) a Supplementary Transplant Area to be constructed and monitored for an additional 5 years.</p> <ul style="list-style-type: none"> <li>• Initiate mitigation within 135 days of project inception; projects requiring more than 135 days to complete would result in additional mitigation.</li> <li>• Coordinate with Sweetwater Authority to share monitoring reports, as necessary.</li> </ul> <p>*Applies to Significant Impact 4.9-3.</p>				
MM 4.9-3	<p><b>A.</b> Prior to the commencement of harbor improvements on Parcel HW-3, which includes the placement of bulkheads, the Port or Port tenants, as appropriate, shall prepare and initiate implementation of a plan to create new habitat at a ratio of 2:1 for intertidal mudflat and 4:1 for pickleweed. Impacts to approximately 0.03 acre of intertidal mudflat shall require the in-kind creation of approximately 0.06 acre, and less than 0.001 acre of pickleweed shall require creation of approximately 0.004 acre of comparable habitat.</p> <p><b>B.</b> Restoration shall occur in accordance with <i>Appendix 4.8-12</i>. At the time project specific designs are proposed for the Phase IV harbor reconfiguration, the mitigation for impacts to intertidal mudflat and pickleweed shall be re-evaluated by the Port during subsequent environmental review pursuant to State CEQA Guidelines Section 15168 to identify the total impact area and required mitigation for the loss of intertidal mudflat and pickleweed.</p> <p><b>C.</b> Restoration shall occur in accordance with Mitigation Opportunities, <i>Appendix 4.8-12</i> to this report, which includes the creation of additional mudflat through the removal of riprap on the Bay shore in the Sweetwater District. As detailed in Mitigation Opportunities, this created habitat would be dominated by pickleweed (<i>Salicornia virginica</i>) with subdominants including saltwort (<i>Batis maritime</i>), fleshy Jaumea (<i>Jaumea carnosa</i>), alkali heath (<i>Frankenia salina</i>), and others as listed in Table 4 of <i>Appendix 4.8-12</i>. Currently, the mitigation opportunities detailed in <i>Appendix 4.8-12</i> are anticipated to be implemented during Phase I. The Port shall verify that the creation of intertidal mudflat satisfies the required mitigation once the final impacts are verified.</p>	<p>Port or Port Tenants -Prior to start of harbor improvements</p> <p>Port or Port Tenants -Prior to start of harbor improvements</p> <p>Port or Port Tenants -Prior to start of harbor improvements</p>	<p>Port</p> <p>Port</p> <p>Port</p>		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	*Applies to Significant Impact 4.9-7.				
MM 4.9-6	<p>Prior to issuance of Coastal Development Permits, applicants shall submit a lighting plan and photometric analysis to the Port for review and approval. Lighting of all developed areas adjacent to open water shall be directed away from the water, wherever feasible and consistent with public safety. Lighting fixtures shall provide adequate shielding to protect the aquatic habitat and marine life from night lighting. The lighting plan shall illustrate the location of the proposed lighting standards and type of shielding measures. Low-pressure sodium lighting or the equivalent shall be used if feasible and shall be subject to the approval of the Port.</p> <p>*Applies to Significant Impact 4.9-8.</p>	<p>Applicants -Prior to First Coastal Development Permit</p>	Port		
4.10	<p>The Port shall implement a grading, monitoring, and data recovery program to reduce potential impacts to undiscovered buried archaeological resources on the Proposed Project to the satisfaction of the Director of Land Use Planning. Elements of the program will include that only certified archaeologists and Native American monitors are accepted. The project archaeologist shall monitor all areas identified for excavation, including off-site improvements. The monitors shall be present during the original cutting of previously undisturbed deposits. In the event that a previously unidentified potentially significant cultural resource is discovered, the archaeological monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant resource. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared and approved by the County, then carried out using professional archaeological methods.</p> <p>In the event that human bones are discovered, the County coroner shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD) as identified by the Native American Heritage Commission shall be contacted by the project archaeologist to determine proper treatment and disposition of the remains. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the context shall be completed and submitted to the satisfaction of the Director of Land Use Planning.</p>				

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

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



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	*Applies to Significant Impact 4.11-1				
MM 4.12-1	<p>Prior to the issuance of any permit for excavation, demolition, grading, or construction activities in the area described in the relevant permit based on the planned future use, the following shall occur:</p> <p><b>A.</b> The applicant shall contact the lead regulatory agency (RWQCB/DEH/DTSC) to discuss the appropriate course of action for the area of concern described in the permit based on the planned future site use. Remediation of contaminated soil and/or groundwater in these areas shall meet cleanup requirements established by the local regulatory agency based on the planned future use of the area and shall be protective of human health with regard to future occupants of these areas. The applicant shall submit documentation showing that contaminated soil and/or groundwater in the area covered by the permit shall have been avoided or remediated to meet cleanup requirements established by the local regulatory agencies (RWQCB/DEH/DTSC).</p> <p><b>B.</b> The applicant shall obtain written authorization from the regulatory agency (RWQCB/DEH/DTSC) confirming the completion of any remediation required for development of the site, exclusive of any on-going monitoring obligations. A copy of the authorization shall be submitted to the Port and City to confirm meeting all requirements acceptable to the governing agency and that the proposed development parcel has been cleaned up or is in process to the satisfaction of the regulatory agency. In the situation where previous contamination has occurred on a site that has a previously closed case or on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the DEH shall be notified of the proposed land use.</p> <p><b>C.</b> A Soil and Water Management Plan (SWMP) for Phase I activities shall be developed to provide procedures for addressing unknown contamination and subsurface equipment (i.e., pipes, tanks) or debris encountered during construction and excavation. A SWMP for subsequent phases shall be prepared prior to construction and excavation or such development. The plan shall be developed by a qualified environmental consultant and shall identify notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater) measures to avoid or reduce impacts associated with hazardous materials contamination to a less than significant impact. The SWMP shall be approved by the Port and/or City prior to commencement of</p>	<p>Applicant -Prior to First Permit for Excavation, Demolition, Grading, or Construction</p> <p>Applicant -Prior to First Permit for Excavation, Demolition, Grading, or Construction</p> <p>Applicant in coordination with a qualified environmental consultant -Prior to Construction and Excavation</p>	<p>RWQCB /DEH/ DTSC</p> <p>RWQCB /DEH/ DTSC</p> <p>Port and/or City</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>excavation, grading, demolition or construction. A qualified environmental consultant shall monitor excavations, grading, and construction activities in accordance with the plan. Any excess soil generated by construction shall be characterized to determine disposal options.</p> <p>If indications of contamination are encountered during construction, a qualified environmental consultant shall be retained to observe the contamination, consult with the regulatory oversight agency, perform environmental media (soil, soil gas, and groundwater) sampling and analysis as necessary, report the result, and provide recommendations or further action.</p> <p>In areas that have been identified as being contaminated, appropriate observation by a qualified environmental professional and sampling is required to characterize soil prior to off-site disposal. Contaminated soil shall be properly disposed of at an off-site facility. Fill soils shall be sampled to ensure that imported soil is free of contamination.</p> <p>Within one month of completion of cleanup activities, a report summarizing the results of monitoring shall be submitted by the applicant to the satisfaction of the Port and City.</p> <p><b>D.</b> In the event that grading or construction activities result in the discovery of hazardous waste, the Port and/or City shall ensure compliance with State of California CCR Title 23 Health and Safety Regulation. Excavated soils impacted by hazardous materials or waste shall be characterized and disposed of in accordance with CCR Title 14 and 22. The San Diego RWQCB shall be contacted regarding provisions for possible reuse as backfill of soils impacted by hydrocarbons. Excavated soils shall be lined and covered with an impermeable material to prevent spread of contaminated material.</p> <p>The applicant must have an Industrial Hygienist registered in the State of California on site while working in areas where contamination is encountered. The responsibility of this professional would be to monitor the work site for contamination and to implement mitigation measures as needed to prevent exposure to the workers or public. These measures may include signage and dust control.</p> <p>Dewatering activities during construction shall be limited to the extent practicable and</p>	<p>Port and/or City</p> <p>Applicant</p>	<p>RWQCB /DEH/ DTSC</p> <p>RWQCB /DEH/ DTSC</p> <p>RWQCB</p> <p>Port and/or City</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>water generated by dewatering shall be tested to determine treatment and disposal options in accordance with all applicable laws and regulations.</p> <p>*Applies to Significant Impacts 4.12-1, 4.12-3, 4.12-7, 4.12-12, 4.12-13, 4.12-17, and 4.12-18.</p>	Developer	RWQCB		
MM 4.12-2	<p>Prior to construction, all contractor and subcontractor project personnel shall receive training regarding the appropriate work practices necessary to effectively comply with the applicable environmental laws and regulations, including, without limitation, hazardous materials spill prevention and response measures.</p> <p>Hazardous materials shall not be disposed of or released onto the ground, the underlying groundwater, or any surface water. Totally enclosed containment shall be provided for all trash. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials shall be removed to a hazardous waste facility permitted or otherwise authorized to treat, store, or dispose of such materials.</p> <p>The Port of San Diego shall require that a Business Emergency Plan (BEPP) is prepared for the construction of the Proposed Project, if not covered under their approved SWPPP. The plan shall identify all hazardous materials (e.g., fuels, solvents) that would be present on any portion of the construction area and project site. Contingency analysis and planning shall be presented to identify potential spill or accident situations, how to minimize their occurrence, and how to respond should they occur. The plan shall also identify spill response materials (e.g., absorbent pads, shovels) to be kept at the construction site and their locations.</p> <p>Hazardous materials spill kits shall be maintained on site for small spills.</p> <p>*Applies to Significant Impact 4.12-2.</p>	<p style="text-align: center;">Developer -Prior to start of construction</p> <p style="text-align: center;">Applicant in coordination with a qualified consultant -Prior to Construction and Excavation</p> <p style="text-align: center;">Developer</p>	<p>Port</p> <p>Port</p> <p>Port</p>		
MM 4.12-3	<p>In-water construction activities shall be conducted in accordance with Mitigation Measure 4.5-4 in <i>Section 4.5, Hydrology/Water Quality</i>.</p> <p>*Applies to Significant Impact 4.12-4</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.12-4	<p>In event of removal of USTs, the soil and groundwater within the vicinity of the USTs shall be adequately characterized and remediated, if necessary, to a standard that would be protective of water quality and human health, based on future site use. In areas to be redeveloped, a geophysical survey shall be conducted by the applicant to evaluate if there are any previously unidentified USTs or piping still existing in areas to be redeveloped.</p> <p>In the event that USTs are not identified in the HMTS or undocumented areas of contamination are encountered during grading activities (as indicated by odors, discolored soil, etc.), all work shall cease until appropriate health and safety procedures are implemented pursuant to the applicant's contingency plan. The applicant shall prepare a contingency plan to address contractor procedures for such an event, to minimize the potential for construction delays. In addition, the lead regulatory agency (DEH or RWQCB, depending on the nature of the contamination) shall be notified regarding the contamination. Each agency and program within the respective agency has its own mechanism for initiating an investigation. The applicant shall conduct contamination remediation and removal activities in accordance with pertinent local, state, and federal regulatory guidelines, under the oversight of the appropriate regulatory agency. Parcels contaminated with hazardous materials will be remediated to levels adequate to protect human health and the environment.</p> <p>*Applies to Significant Impact 4.12-5.</p>	<p>Applicant -During grading activities</p> <p>Applicant -During grading activities</p>	<p>Lead Regulatory Agency (DEH or RWQCB)</p> <p>Lead Regulatory Agency (DEH or RWQCB)</p>		
MM 4.12-5	<p>Prior to the issuance of a demolition permit for buildings scheduled for demolition that have not been surveyed to date for ACMs and LBPs, the applicant shall conduct a survey to determine the locations and amounts of ACMs and LBPs present, as well as other miscellaneous hazardous materials, such as potential mercury-containing thermostats and switches, light ballasts and switches that might contain PCBs, fluorescent light tubes that might contain mercury vapor, exit signs that might contain a radioactive source, air conditioning systems, lead-acid batteries and batteries associated with emergency lighting systems, and Freon™-containing refrigeration systems. Should ACMs, LBPs, or other miscellaneous hazardous building materials be encountered in the site structures, the applicant shall obtain a licensed abatement contractor to remove the hazardous materials in accordance with all applicable federal, state, and local laws, regulations, and permitting requirements prior to initiation of demolition activities.</p>	<p>Applicant -Prior to First Demolition Permit</p>	<p>Port in coordination with lead regulatory agency</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Prior to any proposed demolition activities, the applicant shall conduct a thorough inspection of the facilities that have permits to store hazardous materials to confirm whether a release of hazardous materials at these facilities has impacted the underlying soil and/or groundwater. The facilities that currently store hazardous materials are located at 596 Sandpiper Way, 997 G Street, and 979 G Street. If indications of contamination are encountered during demolition, a qualified environmental consultant shall be retained to observe the contamination, consult with the regulatory oversight agency, perform environmental media (soil, soil gas, and groundwater) sampling and analysis as necessary, report the result and provide recommendations for further action.</p> <p>*Applies to Significant Impact 4.12-6.</p>	<p>Applicant in coordination with qualified environmental consultant -Prior to First Demolition Permit</p>	<p>Lead Regulatory Agency (DEH or RWQCB)</p>		
MM 4.12-6	<p>Prior to construction, remediation activities for known contamination shall be performed to be protective of construction workers on the project site, as required by Mitigation Measure 4.12-1.</p> <p>*Applies to Significant Impact 4.12-7.</p>	<p>Port and City - Prior to construction</p>	<p>Port and City</p>		
MM 4.12-7	<p>Management of the parks throughout the project site must be required to comply with the Port and City's Integrated Pest Management Policies (IPM). IPM shall be used on all landscaped areas. In addition, fertilizers must be minimized and only non-toxic products used. Runoff from irrigation sprinklers into surface waters must be minimized and use of mulching and drip irrigation, where needed, maximized. Measures shall be employed to ensure that landscape chemicals and wastes do not get into surface waters or habitat areas.</p> <p>*Applies to Significant Impact 4.12-8.</p>	<p>Port and City -Ongoing management of parks</p>	<p>Port and City</p>		
MM 4.12-8	<p>For development in the Sweetwater District that would result in exposure of any soil containing pesticides/herbicides, excavation and disposal of the contaminated soils at an appropriately licensed facility shall be conducted as required by applicable law, to reduce potential for future site occupants' exposure. Otherwise, soil capping shall be implemented. Capping could be performed by placement of a clean soil fill layer over the impacted soil, which in turn could be overlain by other surface covers (i.e., turf and other vegetative cover and pavement).</p> <p>*Applies to Significant Impact 4.12-9.</p>	<p>Developer -When grading activities result in exposure of any soil containing pesticides/herbicides</p>	<p>DEH and/or RWQCB</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.12-9	<p>At the time project specific designs are proposed for any development in Phases II through IV, a site assessment must be conducted by a qualified expert satisfactory to the City and/or Port to determine concentrations of contaminants in soil, soil gas, and groundwater on the parcel proposed for development. Further site assessment may be required as part of subsequent environmental review pursuant to State CEQA Guidelines.</p> <p>A HHRA, or other means of evaluation, must be prepared for any new development in Phases II through IV, analyzing each parcel proposed for development within the Proposed Project area. If the calculated risk from the HHRA (or other means of evaluation) is considered to be significant for a receptor in a parcel, mitigation measures shall be implemented to reduce the risk to below a level of significance. These measures may include one or both of the following:</p> <ul style="list-style-type: none"> <li>• Remediating the contaminant sources and impacts in the respective media (i.e., soil, soil gas, groundwater) to levels below the health-based remediation criteria. Parcels contaminated with hazardous materials will be remediated to levels adequate to protect human health and the environment.</li> <li>• Implementing institutional and/or engineering controls to eliminate the pathway of concern or attenuate the contaminant exposure to levels below the health-based remediation criteria.</li> </ul> <p>*Applies to Significant Impact 4.12-10</p>	<p>Applicant in coordination with qualified expert -When Project specific designs are proposed</p> <p>Applicant in coordination with qualified expert</p>	<p>City and/or Port</p> <p>City and/or Port</p>		
MM 4.12-10	<p>Prior to the approval of Design Review for development on Parcels H-3, H-13, H-14, H-15, and HP-5, the applicant shall submit a design plan for the project demonstrating to the satisfaction of the City and/or Port that proposed buildings shall be designed so as to prevent a risk to human health associated with intrusion of CVOC vapors into future buildings on these parcels. Such design measures may include vapor barriers or passive vent systems.</p> <p>*Applies to Significant Impacts 4.12-11, 4.12-16, 4.12-19, and 4.12-20.</p>	<p>Applicant -Prior to Design Review Approval</p>	<p>Port and/or City</p>		
MM 4.12-11	<p><b>A.</b> Remediation in soil locations identified as exceeding health-based remediation criteria shall be performed prior to redevelopment as targeted "hotspot" removal with confirmation sampling to demonstrate that the COPCs have been removed and concentrations in remaining soil are less than the remediation criteria.</p>	<p>Developer -Prior to redevelopment /construction</p>	<p>Port and/or City</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p><b>B.</b> Remediation of the areas of HP-5 that contain COPCs at concentrations exceeding remediation criteria shall be completed prior to construction activities depending on the design of proposed development and the potential for workers to be exposed to contamination in these areas.</p> <p><b>C.</b> Remediation of the areas of HP-5 that contain concentrations of CVOCs may be performed by various methods, including soil vapor extraction and treatment. Any required remediation shall be performed prior to construction activities in order to protect construction workers in these areas. This parcel shall be remediated to levels adequate to protect human health and the environment.</p> <p>*Applies to Significant Impacts 4.12-14 and 4.12-15.</p>	<p>Developer -Prior to redevelopment /construction</p> <p>Developer -Prior to redevelopment /construction</p>	<p>Port and/or City</p> <p>Port and/or City</p>		
MM 4.13.3-1	<p>Prior to reconstruction and/or reconfiguration of existing parks within the Project, the Port shall post a public notice at each affected park site at least 30 days prior to commencement of construction activity and maintain the posting throughout reconstruction of each affected park. Said public notice shall identify the duration of park closure and information related to optional locations for public park and recreational facilities.</p> <p>*Applies to Significant Impact 4.13.3-1.</p>	<p>Port -Prior to reconstruction/reconfiguration of parks</p>	Port		
MM 4.13.3-2	<p>Prior to approval of a building permit for any project within the City's jurisdiction, the applicant shall pay all applicable recreation and park fees, including those set forth in Chapters 3.50 and 17.10 in the City's Municipal Code.</p> <p>*Applies to Significant Impact 4.13.3-2.</p>	<p>Applicant -Prior to Building Permit Approval</p>	City		
MM 4.13.4-1	<p>Prior to the issuance of building permits for any residential project, the applicant shall pay required school mitigation fees. As indicated above, the fees set forth in Government Code Section 65996 constitute the exclusive means of both "considering" and "mitigating" school facilities impacts of projects (Government Code Section 65996(a)). They are "deemed to provide full and complete school facilities mitigation" (Government Code Section 65996(b)). Once the statutory school mitigation fee (sometimes referred to as a "developer fee") is paid, the impact would be deemed mitigated as a matter of law.</p>	<p>Applicant -Prior to First Building Permit</p>	City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	*Applies to Significant Impacts 4.13.4-1 and 4.13.4-2				
MM 4.14.1-1	<p>To avoid significant construction-related noise impacts, the following measures shall be followed:</p> <ul style="list-style-type: none"> <li>• Construction activity shall be prohibited Monday through Friday from 10:00 p.m. to 7:00 a.m., and Saturday and Sunday from 10:00 p.m. to 8:00 a.m., pursuant to the Chula Vista Municipal Code Section 17.24.050 (Paragraph J). It should be noted, however, that construction may require connections to existing water facilities, both on- and off-site, and may need to occur between the hours of 10:00 p.m. and 6:00 a.m. in order to minimize impacts to existing customers who cannot experience flow restrictions during daytime hours.</li> <li>• All stationary noise generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors. Where practicable, noise-generating equipment shall be shielded from noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, equipment storage, staging, and warm-up areas shall be located as far from noise sensitive receptors as possible.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p>*Applies to Significant Impacts 4.14.1-1 and 4.14.1-2.</p>	Developer -During construction	City		
MM 4.14.1-2	Construction-related noise from off-site water improvements shall be limited during the typical breeding season of January 15 to August 31 adjacent to the Sweetwater Marsh	Developer -During	Port and/or City		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	NWR, F & G Street Marsh, and the J Street Marsh. The current accepted noise threshold is 60 dB(A) Leq; thus construction activity shall not exceed this level, or ambient noise levels if higher than 60 dB(A) during the breeding season. If construction does occur within the breeding season or adjacent to the marshes, the project developer shall prepare and submit an acoustical analysis to the Port and/or City, which shall determine whether noise barriers would be required to reduce the expected noise levels below the threshold. If noise barriers or construction activities are unable to result in a level of noise below the threshold, construction in these areas shall be delayed until the end of the breeding season.  *Applies to Significant Impact 4.14.1-3.	construction or if during breeding season prior to construction			
MM 4.14.1-3	<b>A.</b> Prior to commencement of grading activities for all Phase I projects, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).  <b>B.</b> Prior to commencement of grading activities for all subsequent phases, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).  *Applies to Significant Impact 4.14.1-4.	Applicant(s) -Prior to start of grading	Port or City		
MM 4.14.2-1	Prior to the approval of a building permit for any development in Phases III and IV, the City shall verify that it has adequate sewer capacity to serve the proposed development. In the event the City does not have adequate sewer capacity to serve the proposed development, no building permit shall be approved for the proposed development until the City has acquired adequate sewer capacity to serve the proposed development.  *Applies to Significant Impact 4.14.2-1.	City -Prior to Building Permit Approval	City		
MM 4.14.2-2	To avoid significant construction-related noise impacts, the following measures shall be followed: <ul style="list-style-type: none"><li>• Construction activity shall be prohibited Monday through Friday from 10:00 p.m. to 7:00 a.m., and Saturday and Sunday from 10:00 p.m. to 8:00 a.m., pursuant to the Chula Vista Municipal Code Section 17.24.050 (Paragraph J).</li></ul>	Developer -During construction	Port or City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<ul style="list-style-type: none"> <li>• All stationary noise-generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors. Where practicable, noise-generating equipment shall be shielded from noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, and equipment storage, staging, and warm-up areas shall be located as far from noise sensitive receptors as possible.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p>*Applies to Significant Impact 4.14.2-2.</p>				
MM 4.14.2-3	<p>Construction-related noise shall be limited during the typical breeding season of January 15 to August 31 adjacent to the Sweetwater Marsh NWR, F &amp; G Street Marsh, and the J Street Marsh. The current accepted noise threshold is 60 dB(A) Leq; thus construction activity shall not exceed this level, or ambient noise levels if higher than 60 dB(A) during the breeding season. If construction does occur within the breeding season or adjacent to the marshes, the project developer shall prepare and submit an acoustical analysis to the Port and the City, which shall determine whether noise barriers would be required to reduce the expected noise levels below the threshold. If noise barriers or construction activities are unable to result in a level of noise below the threshold, construction in these areas shall be delayed until the end of the breeding season.</p> <p>*Applies to Significant Impact 4.14.2-3.</p>	Developer - During construction or if during breeding season prior to construction	Port or City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.14.2-4	<p><b>A.</b> Prior to commencement of grading activities for all Phase I projects, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).</p> <p><b>B.</b> Prior to commencement of grading activities for all Phase II–IV projects, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).</p> <p>*Applies to Significant Impact 4.14.2-4</p>	<p>Applicant -Prior to start of grading</p> <p>Applicant -Prior to start of grading</p>	<p>Port and City Engineer and Director of Public Works</p> <p>Port and City Engineer and Director of Public Works</p>		
MM 4.14.2-5	<p><b>A.</b> Prior to the issuance of a Coastal Development Permit for Properties within the Port's jurisdiction and prior to the issuance of a grading permit for properties within the City's jurisdiction, the applicant shall notify the RWQCB of dewatering of contaminated groundwater during construction. If contaminated groundwater is encountered, the project developer shall treat and/or dispose of the contaminated groundwater (at the developer's expense) in accordance with NPDES permitting requirements, which includes obtaining a permit from the Industrial Wastewater Control Program to the satisfaction of the RWQCB.</p> <p><b>B.</b> Prior to the discharge of contaminated groundwater for all construction activities, should flammables, corrosives, hazardous wastes, poisonous substances, greases and oils and other pollutants exist on site, a pretreatment system shall be installed to pre-treat the water to the satisfaction of the RWQCB before it can be discharged into the sewer system.</p> <p>*Applies to Significant Impact 4.14.2-5.</p>	<p>Applicant -Prior to First Coastal Development Permit (Port)/First Grading Permit (City)</p> <p>Applicant -During construction</p>	<p>Port, City and RWQCB</p> <p>RWQCB</p>		
MM 4.15-1	<p>Prior to the grading of parcels for specific developments, the applicant shall provide a comprehensive site-specific geotechnical evaluation, including subsurface exploration and laboratory testing showing that individual parcels are suitable for proposed development work and that on-site fill materials and soils can support proposed structures. The applicant shall submit a geotechnical design report to the Port or City, depending on jurisdiction, for approval showing site-specific measures to be employed. As applicable, these measures shall include:</p>	<p>Applicant -Prior to start of grading</p>	<p>Port or City</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<ul style="list-style-type: none"> <li>• Conformance to the California Building Code Seismic Zone 4 Design Parameters, as detailed in Table 1 of the geotechnical study (see Appendix 4.15-1)</li> <li>• Design capable of withstanding strong seismic accelerations</li> <li>• Earthwork procedures, including removal, moisture conditioning, and recompaction of existing fills on the site</li> <li>• Selective grading, densification of the subsurface soils, and/or deep foundations</li> <li>• Removal, moisture conditioning, and compaction of bay deposits/alluvial soils. Deep foundations shall be used for structural support in areas of relatively thick bay deposits/alluvium</li> <li>• Removal or deep burial of expansive soils during grading, moisture conditioning, or specially designed foundations and slabs</li> <li>• Removal, moisture conditioning, and compaction of the topsoil on site.</li> </ul> <p>*Applies to Significant Impact 4.15-1 through 4.15-5.</p>				
MM 4.15-2	<p>For all phases, the project applicant shall prepare a site specific geotechnical study. Mitigation of potential hazards due to liquefaction may include the densification or removal of the potentially liquefiable soil and placement of surcharge fills within building areas, or the use of deep foundation systems and mat slabs which still provide acceptable structural support should liquefaction occur. Soil densification can be accomplished by surcharging, compaction grouting, vibrocompaction, soil mixing, and deep dynamic compaction. Deep foundation systems may be used to transmit structural loads to bearing depths below the liquefiable zones and may consist of driven piles or drilled piles.</p> <p>*Applies to Significant Impact 4.15-2.</p>	Applicant -Prior to First Building Permit	Port or City		
MM 4.15-3	<p>Prior to the grading of parcels for the Pacifica development, the applicant shall adhere to the site-specific geotechnical evaluation prepared for the project or any amendment as approved by the Port/City (<i>Appendix 4.15-5</i>, Geocon Preliminary Geotechnical Investigation prepared for Pacifica Companies (February 2008), Sections 7 and 8 Conclusions and Preliminary Recommendations) which outlines general requirements and specific recommendations regarding soil and excavation, seismic design criteria, grading, consolidation settlement, ground improvement methods, slope stability, temporary slopes and shoring, groundwater and dewatering, shallow and deep</p>	Applicant -Prior to start of grading	Port or City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	foundations, subterranean structures, concrete slabs-on-grade, concrete flatwork, retaining walls and lateral loads, pavement, and drainage and maintenance.  *Applies to Significant Impacts 4.15-3 and 4.15-4.				
MM 4.15-4	Prior to the grading of parcels for the RCC development, the applicant shall adhere to the site-specific geotechnical evaluation prepared for the project or any amendment as approved by the Port/City ( <i>Appendix 4.15-4, Geocon Geotechnical Investigation prepared for Gaylord Hotels (January 2008), Section 6. Conclusions and Recommendations</i> ), which outlines general requirements and specific recommendations regarding soil and excavation, seismic design criteria, grading, temporary slopes and shoring, groundwater and dewatering, hotel/convention center/parking structure/flex space foundation, ancillary structure foundation, concrete slabs-on-grade, retaining walls and lateral loads, preliminary pavements, and drainage and maintenance.  *Applies to Significant Impact 4.15-5.	Applicant -Prior to start of grading	Port or City		
MM 4.16-1	Prior to the issuance of certificates of occupancy or building permits, the project applicant shall demonstrate that the Proposed Project complies with Title 24 of the California Energy Efficient Standards for Residential and Nonresidential Buildings. These requirements, along with the following measures, shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City: <ul style="list-style-type: none"> <li>• Use of low NO<sub>x</sub> emission water heaters</li> <li>• Installation of energy-efficient and automated air conditioners when air conditioners are provided</li> <li>• Energy-efficient parking area lights</li> <li>• Exterior windows shall be double paned.</li> </ul> Implementation of these measures along with the SDG&E efforts for long-term energy supply as outlined in their filing with the CPUC that proposes a mix of conservation, demand response, generation, and transmission ( <a href="http://www.sdenergy.org/uploads/7-9-04SDG&amp;E_LTRP.pdf">http://www.sdenergy.org/uploads/7-9-04SDG&amp;E_LTRP.pdf</a> ) would reduce the potential significant impact to below a level of significance.  *Applies to Significant Impact 4.16-1.	Applicant -Prior to First Certificate of Occupancy	Port and City Director of Planning or Building		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.16-2	<p>The following standards are intended to be interpreted broadly and with the flexibility to adapt to new energy technology and evolving building construction and design practices. They will apply to and govern development of all individual parcels within the Proposed Project area, except Parcels HP-5, H-13, H-14, and H-15. The term "Development" will mean the development of an individual parcel within the Proposed Project area.</p> <p><b>A.</b> To help reduce the need for fossil-fueled power generation, reduce greenhouse gas emissions, and support the California Energy Commission's Loading Order for Electricity Resources, all developments will achieve a minimum of a fifty (50) percent reduction in annual energy use as described below:</p> <ol style="list-style-type: none"> <li>1. Each building in each Development will perform at least fifteen (15) percent better than Title 24, Part 6 of the California Building Energy Efficiency Standards ("Title 24") in effect as of the date of this FEIR. The minimum energy efficiency performance standard adopted by the City is hereinafter described as its "Energy Efficiency Requirement" or "EER." Should revised Title 24 standards be adopted by the State of California, the City's EER that is in effect at the time a building permit application is submitted for such Development shall apply.</li> <li>2. The balance of the reduction in annual energy use required will be achieved through the use of any combination of the energy reduction measures described below. To achieve compliance, sponsors of Developments may select one of two paths. The first path is based on Title 24 ("Title 24 Path") and the second is described in Energy and Atmosphere, Credit 1 "Optimized Energy Performance" (Credit EA-/c1) in the US Green Building Council's Leadership in Energy and Environmental Design (LEED) Version 3 system ("LEED Path"). The definition of the term "Baseline" against which energy reduction will be measured will vary depending on the path selected and is further described in Exhibit 3 of the MMRP to this Agreement. Choosing the LEED Path does not require a Development to achieve LEED Certification, but simply uses the methodology of EA-/c1.               <ol style="list-style-type: none"> <li>a. Renewable Energy generated within the boundaries of the Development will be credited toward the energy reduction requirement of Section A 25.2. The term "Renewable Energy" will mean energy derived from the sources described in California Public Resources Code section 25741 (b)1.</li> <li>b. Renewable Energy generated on one or more sites ("Renewable Energy Sites")</li> </ol> </li> </ol>	Applicant -Prior to Building Permit Approval	Port and City in Coordination with the District.		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>within the boundaries of the Proposed Project by the Port, City or other third party and fed to the electrical grid or to the Development will be credited toward the energy reduction requirement described above. Aggregate energy generated on Renewable Energy Sites may be allocated to an individual Development up to the amount necessary to achieve such Development's compliance with the energy reduction requirement described above. Once allocated to a Development, the amount of energy generated by Renewable Energy Sites so allocated may not be further allocated to another development.</p> <p>c. Participation in a City of Chula Vista sponsored energy efficiency program provided that the resulting energy reduction may be calculated and verified. The methodology for calculating the amount of the credit toward the energy reduction requirement described above under the Title 24 Path and the LEED Path as described in Exhibit 3 of the MMRP.</p> <p>d. Each Development will develop, implement, and for the life of each Development, maintain a measurement and verification plan ("M&amp;V Plan"). Such participation has been shown to increase the persistence of energy efficiency ("EE") and also to provide a way of recognizing and encouraging the ongoing conservation efforts of occupants and facility managers and will be awarded a waiver for five (5) percent credit against the Baseline to determine compliance with the energy reduction requirement described above. The Port will include in all leases the requirement to perform an energy audit every three (3) years for the convention centers and hotel Developments over 300 rooms and five (5) years for all other Developments to ensure that all energy systems are performing as planned or corrective action will be taken if failing to meet EE commitments.</p> <p>e. Participation in one of SDG&amp;E's Voluntary Demand Reduction (DR) utility rates will be awarded a waiver for three (3) percent credit against the Baseline to determine compliance with the energy reduction requirement described above.</p> <p>f. Participation in one of SDG&amp;E's Mandatory Demand Reduction (DR) utility rates will be awarded a waiver for five (5) percent credit against the Baseline to determine compliance with the energy reduction requirement described above.</p> <p>g. Incorporation of natural ventilation into design such that at least 75% of the conditioned area is naturally ventilated according to the guidelines set forth in Exhibit 3 of the MMRP, and if this benefit was not included in the energy efficiency calculations, the project will be awarded either: a waiver for five (5) percent credit against the</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Baseline to determine compliance with the energy reduction requirement described above; or, a waiver for ten (10) percent credit will be awarded if the natural ventilation system is coupled with an energy or cooling system that does not draw from the grid if and when natural ventilation is not used. This may be prorated if less than 75% of the conditioned area is naturally ventilated.</p> <p>3. The parties understand and acknowledge that the energy reduction measures described above for a Development or component of a Development may be phased in over time to achieve compliance with the energy reduction provided such energy reduction measures are completed no later than thirty-six (36) months following issuance of a certificate of occupancy for such Development or such component thereof.</p> <p>4. To further incent responsible and sustainable development practices within the boundaries of the Proposed Project, the Port, the City and the Redevelopment Agency will consider voluntary commitments to levels of energy reduction in excess of the energy requirements described above commitment to achievement of a LEED Certification, and/or a "Living Building Challenge" in connection with the selection of respondents in RFP/RFQ processes for developments within the Proposed Project area.</p> <p>5. Within one year following the CCC's approval of a PMP amendment substantially consistent with the Proposed Project, the Port will in good faith consider adoption of an ordinance, in a public hearing process, that if approved by the Board of Port Commissioners, will require the following:</p> <p>a. Within six (6) months following adoption of the ordinance and every three (3) years thereafter, the Port will conduct an energy efficiency and renewable energy analysis that will:</p> <p>i. Assess the feasibility and cost-effectiveness of programs and options to reduce demand on the electric grid from all lands under Port's jurisdiction; and</p> <p>ii. Include, but not be limited to, an assessment of the potential for reduction in energy use on all land under Port's jurisdiction through increases in energy efficiency, demand response, clean renewable and distributed energy generation and other methods and technologies.</p> <p>b. Upon the completion of each analysis, the Port will consider good faith implementation of cost-effective programs and options as part of its commitment</p>				



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>to greenhouse gas reductions and global climate change prevention activities consistent with Assembly Bill 32.</p> <p>c. The results of each analysis will be published on the Port's website and received by the Port's Board of Port Commissioners in a public forum.</p> <p>*Applies to Significant Impact 4.16-1.</p>				
MM 4.17-1	<p>The Redevelopment Agency will use all Low and Moderate Income Housing funds generated from within the Bayfront Redevelopment Project Area on the production of affordable housing units, inside and/or outside of redevelopment areas, for very low, low and moderate income individuals/families only in areas located west of I-805 in the City of Chula Vista.</p> <p>* This measure is not associated with a significant impact related to population; however, it has been incorporated to ensure appropriate implementation and enforcement.</p>	Redevelopment Agency			
<b>Significant and Unavoidable Impacts</b>					
---	<p>No feasible mitigation beyond redesign of the project as identified as a project alternative would reduce this impact to view quality. See <i>Chapter 5, Alternatives</i>, for a discussion of design options that would allow for an overall reduction in height and bulk of the proposed development.</p> <p>*Applies to Significant Impact 4.1-4.</p>	—	—		
MM 4.1-3	<p>Prior to the approval of a building permit for any residential project, the applicant shall pay a PFDIF or equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance.</p> <p>*Applies to Significant Impact 4.1-5.</p>	Applicant -Prior to Building Permit Approval	City		
MM 4.2-8	<p>The Port and the City shall participate in a multi-jurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 south corridor from the SR-54 interchange to the Otay River (the "I-5 South Corridor") (hereinafter, the "Plan"). Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on the</p>	City, other cities along I-5, the Port, SANDAG, and Caltrans	Port Board of Commissioners and City Council		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>nexus established in this Draft EIR as well as other mechanisms. The Plan required by this mitigation shall include the following:</p> <ul style="list-style-type: none"> <li>a. The responsible entities (the Entities) included in this effort will include, but may not be limited to, the City, other cities along I-5, the Port, SANDAG, and Caltrans. Other entities will be included upon the concurrence of the foregoing Entities.</li> <li>b. The Plan will identify physical and operational improvements to I-5 adjacent to the project area, relevant arterial roads and transit facilities (the Improvements), that are focused on regional impacts and specific transportation impacts from the project, and will also identify the fair share responsibilities of each Entity for the construction and financing for each Improvement. The Plan will include an implementation element that includes each Entity's responsibilities and commitment to mitigate the impacts created by all phases of the Proposed Project.</li> <li>c. The Plan will set forth a timeline and other agreed upon relevant criteria for implementation of each Improvement.</li> <li>d. The Plan will identify the total estimated design and construction cost for each Improvement and the responsibility of each Entity for both implementation and funding of such costs.</li> <li>e. The Plan will include the parameters for any agreed upon fair-share funding to be implemented, that would require private and/or public developers to contribute to the costs, in a manner that will comply with applicable law.</li> <li>f. In developing the Plan, the Entities shall also consider ways in which the Improvements can be coordinated with existing local and regional transportation and facilities financing plans and programs, in order to avoid duplication of effort and expenditure; however, the existence of such other plans and programs shall not relieve the Entities of their collective obligation to develop and implement the Plan as set forth in this mitigation measure. Nothing in the Plan shall be construed as relieving any Entity (or any other entity) from its independent responsibility (if any) for the implementation of any transportation improvement.</li> <li>g. The Port shall seek adoption of the Plan before the Port Board of Commissioners and the City shall seek adoption of the Plan before the City Council upon the completion of the multi-jurisdictional effort to develop the Plan. The Port and the City shall report, to their respective governing bodies regarding the progress made to develop the Plan within 6 months of the first meeting of the entities. Thereafter, the Port and the City shall report at least annually regarding the progress of the</li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Plan, for a period of not less than 5 years, which may be extended at the request of the City Council and/or Board of Commissioners.</p> <p>h. The Plan shall also expressly include each Entity's pledge that it will cooperate with each other in implementing the Plan.</p> <p>i. Prior to issuance of certificates of occupancy or building permits for any development of individual projects within the Chula Vista Bayfront Master Plan, the Port and the City shall require project applicants to make their fair share contribution toward mitigation of cumulative freeway impacts within the City's portion of the I-5 South Corridor by participating in the City's Western Traffic Development Impact Fee or equivalent funding program.</p> <p>The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of the mitigation measure.</p> <p>*Applies to Significant Impacts 4.2-12, 4.2-17, 4.2-18, 4.2-29, 4.2-30, 4.2-35 through 4.2-37, and 4.2-46 through 4.2-50.</p>				
MM 4.2-10	<p>Prior to issuance of certificates of occupancy for parcel H-3 or building permits for any development within the City, the Port and the City shall require project applicants to make their fair share contribution toward mitigation of intersection impacts at H Street and E Street within the City's jurisdiction by participating in the City's Western Traffic Development Impact Fee or equivalent funding program.</p> <p>The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.</p> <p>However, because implementation of the physical improvements needed to reduce the significant impacts to the affected intersections will require funding from other sources in addition to the WTDIF, such as local, state and federal funds, and such funding is not</p>	Applicant(s) -Prior to First Certificate of Occupancy	Port and/or City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>certain or under the control of the Port or the City, the Port and the City cannot assure the necessary improvements will be constructed as needed or that they will be constructed within any known time schedule. Accordingly, the Proposed Project's impacts to the E Street and H Street intersections affected by an at-grade trolley crossing are considered significant and unmitigated.</p> <p>*Applies to Significant Impact 4.2-19.</p>				
---	<p>No feasible mitigation beyond redesign of the project as identified as a project alternative would reduce this impact to view quality. See <i>Chapter 5, Alternatives</i>, for a discussion of design options that would allow for an overall reduction in height and bulk of the proposed towers.</p> <p>*Applies to Significant Impacts 4.4-1 and 4.4-2.</p>	—	—		
MM 4.6-1	<p>Prior to the commencement of any grading activities, the following measures shall be placed as notes on all grading plans and shall be implemented during grading of each phase of the project to minimize construction emissions. These measures shall be completed to the satisfaction of the Port and the Director of Planning and Building for the City of Chula Vista (These measures were derived, in part, from Table 11-4 of Appendix 11 of the SCAQMD CEQA Air Quality Handbook, and from SCAQMD Rule 403).</p> <p>See Mitigation Measure 4.6-1 in <i>Section 4.6, Air Quality</i> for a list of Best Available Control Measures for Specific Construction Activities.</p> <p>*Applies to Significant Impacts 4.6-1 and 4.6-6.</p>	<p>Developer -Prior to start of grading</p>	Port and City		
MM 4.6-2	<p><b>A.</b> For development within the City's jurisdiction, applicants shall submit an AQIP with any Tentative Maps submitted to the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the project have been implemented to the satisfaction of the Director of Planning and Building for the City. This plan shall demonstrate "the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles traveled." There are two options to meet the AQIP requirement. The applicant shall evaluate the project in accordance with the computer modeling procedures outlined in the City's AQIP</p>	<p>Applicants -With submittal of Tentative Map</p>	City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Guidelines, including any necessary site plan modifications.</p> <p><b>B.</b> Prior to the issuance of building permits, the applicant shall demonstrate that the Proposed Project complies with Title 24 of the California Energy Efficient Standards for Residential and Nonresidential buildings. These requirements, along with the following measures, shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:</p> <ul style="list-style-type: none"> <li>• Use of low NO<sub>x</sub> emission water heaters</li> <li>• Installation of energy efficient and automated air conditioners when air conditioners are provided</li> <li>• Energy efficient parking area lights</li> <li>• Exterior windows shall be double paned.</li> </ul> <p>Although these measures will reduce air quality impacts of the Proposed Project, they would not bring area and operations emissions to a level below the standard established by the SCAQMD and used in this document by the City and Port. Therefore, air quality impacts remain significant and unmitigated.</p> <p>*Applies to Significant Impact 4.6-2.</p>	<p>Applicant -Prior to First Building Permit</p>	<p>Port and City</p>		
MM 4.6-3	<p><b>A.</b> For development within the City's jurisdiction, the applicants shall submit an AQIP with any Tentative Maps submitted to the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the project have been implemented to the satisfaction of the Director of Planning and Building for the City of Chula Vista. This plan shall demonstrate "the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles traveled." There are two options to meet the AQIP requirement. The applicant shall evaluate the project in accordance with the computer modeling procedures outlined in the City's AQIP Guidelines, including any necessary site plan modifications.</p> <p><b>B.</b> Prior to the issuance of building permits, the applicant shall demonstrate that the Proposed Project complies with Title 24 of the California Energy Efficient Standards for Residential and Nonresidential buildings. These requirements along with the following</p>	<p>Applicants -With submittal of Tentative Map</p> <p>Applicant -Prior to First Building Permit</p>	<p>City</p> <p>Port and City</p>		





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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Although these measures would reduce air quality impacts of the Proposed Project, they would not bring area and operations emissions to a level below the standard established by the SCAQMD and used in this document by the City and Port. Therefore, air quality impacts remain significant and unmitigated.</p> <p>*Applies to Significant Impact 4.6-5.</p>				
MM 4.13.5-1	<p>Prior to the approval of a building permit for any residential project, the applicant shall pay a PFDIF or equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance.</p> <p>*Applies to Significant Impacts 4.13.5-1 and 4.13.5-2.</p>	Applicant -Prior to Building Permit Approval	City and applicable school district		
<b>Cumulative Impacts</b>					
MM 6.5-1	<p>The Port and the City shall participate in a multi-jurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor-level study (hereinafter, the "Plan") that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources, and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River (the "I-5 South Corridor"). Local funding sources identified in the Plan shall include fair-share contributions related to private and/or public development based on nexus as well as other mechanisms. The Plan required by this mitigation shall include the following:</p> <ol style="list-style-type: none"> <li>a. The responsible entities (the Entities) included in this effort will include, but may not be limited to, the City, other cities along I-5, the Port, SANDAG, and Caltrans. Other entities will be included upon the concurrence of the foregoing Entities.</li> <li>b. The Plan will identify physical and operational improvements to I-5 adjacent to the project area, relevant arterial roads, and transit facilities (the Improvements) that are focused on regional impacts and specific transportation impacts from the project and will also identify the fair-share responsibilities of each Entity for the construction and financing for each Improvement. The Plan will include an implementation element that includes each Entity's responsibilities and commitment to mitigate the impacts created by all phases of the Proposed Project.</li> <li>c. The Plan will set forth a timeline and other agreed upon relevant criteria for implementation of each Improvement.</li> </ol>	Port, City, CALTRANS, and SANDAG	Port and City in coordination with other cities along I-5, SANDAG, and Caltrans.		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>d. The Plan will identify the total estimated design and construction cost for each Improvement and the responsibility of each Entity for both implementation and funding of such costs.</p> <p>e. The Plan will include the parameters for any agreed upon fair-share funding to be implemented that would require private and/or public developers to contribute to the costs, in a manner that will comply with applicable law.</p> <p>f. In developing the Plan, the Entities shall also consider ways in which the Improvements can be coordinated with the financing plans and programs of existing local and regional transportation and facilities, in order to avoid duplication of effort and expenditure; however, the existence of such other plans and programs shall not relieve the Entities of their collective obligation to develop and implement the Plan as set forth in this mitigation measure. Nothing in the Plan shall be construed as relieving any Entity (or any other entity) from its independent responsibility (if any) for the implementation of any transportation improvement.</p> <p>g. The Port shall seek adoption of the Plan before the Port Board of Commissioners and the City shall seek adoption of the Plan before the City Council upon the completion of the multi-jurisdictional effort to develop the Plan. The Port and the City shall report to their respective governing bodies regarding the progress made to develop the Plan within 6 months of the first meeting of the entities. Thereafter, the Port and the City shall report at least annually regarding the progress of the Plan, for a period of not less than 5 years, which may be extended at the request of the City Council and/or Board of Commissioners.</p> <p>h. The Plan shall also expressly include each Entity's pledge that it will cooperate with each other in implementing the Plan.</p> <p>i. Prior to issuance of certificates of occupancy or building permits for any development of individual projects within the Chula Vista Bayfront Master Plan, the Port and the City shall require project applicants to make their fair-share contribution toward mitigation of cumulative freeway impacts within the City's portion of the I-5 South Corridor by participating in the City's Western Traffic Development Impact Fee or equivalent funding program.</p> <p>The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of this mitigation measure.</p> <p>*Applies to Significant Impacts 6.5-1, 6.5-2, 6.5-3, 6.5-4, 6.5-5, 6.5-6, 6.5-7, 6.5-8, 6.5-9, 6.5-10, 6.5-14, 6.5-15, 6.5-21, 6.5-22, 6.5-23, 6.5-24 and 6.5-25, which would remain significant after implementation.</p>				
MM 6.5-2	<p>In assessing the impact of the project on the Phase III network, it was determined that H Street between Street A and the I-5 Ramps was already widened in Phase II to accommodate growth in traffic, and it would be difficult to widen more, due to right-of-way constraints. To accommodate traffic from the project and to provide another route to I-5, the Port shall extend E Street from the RCC Driveway to west of Bay Boulevard. The segment shall be built as a two-lane Class III Collector prior to the issuance of either a building permit or final map for a Phase II project. This Mitigation would reduce Significant Impacts 6.5-11 and 6.5-12 to below a level of significance.</p> <p>*Applies to Significant Impacts 6.5-11 and 6.5-12.</p>	<p>Port -Prior to First Building Permit or Final Map for Phase II Project</p>	City Engineer		
MM 6.5-3	<p>Prior to issuance of a certificate of occupancy for any Phase III project, the Port shall construct an exclusive westbound right-turn lane at the intersection of J Street and I-5 NB Ramps. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-13 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-13.</p>	<p>Port -Prior to First Certificate of Occupancy for any Phase III Project</p>	City Engineer		
MM 6.5-4	<p>Prior to issuance of a certificate of occupancy for any Phase III project, the Port shall widen E street between the RCC Driveway and Bay Boulevard to a two-lane Class II Collector. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 6.5-16 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-16.</p>	<p>Port -Prior to First Certificate of Occupancy for any Phase III Project</p>	City Engineer		
MM 6.5-4	<p>Prior to issuance of a certificate of occupancy for any Phase III project, the Port shall widen Street A between H Street and Street C to a four-lane Class I Collector. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 6.5-17 to below a level of significance.</p>	<p>Port -Prior to First Certificate of Occupancy for any Phase III Project</p>	City Engineer		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	*Applies to Significant Impact 6.5-17.				
MM 6.5-6	Prior to issuance of a certificate of occupancy for any Phase III project, the Port shall construct southbound left- and right-turn lanes at the intersection of E Street and Bay Boulevard. The lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-18 to below a level of significance.  *Applies to Significant Impact 6.5-18..	Port -Prior to First Certificate of Occupancy for any Phase III Project	City Engineer		
MM 6.5-7	Prior to issuance of a certificate of occupancy for any Phase III project, the Port shall construct an exclusive eastbound right-turn lane at the intersection of J Street and Bay Boulevard. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-19 to below a level of significance.  *Applies to Significant Impact 6.5-19..	Port -Prior to First Certificate of Occupancy for any Phase III Project	City Engineer		
MM 6.5-8	Prior to issuance of a certificate of occupancy for any Phase III project, the Port shall construct an exclusive westbound right-turn lane at the intersection of J Street and I-5 NB Ramps. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-20 to below a level of significance.  *Applies to Significant Impact 6.5-20.	Port -Prior to First Certificate of Occupancy for any Phase III Project	City Engineer		
MM 6.5-9	Prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port shall construct an eastbound and westbound through-lane along H Street (as part of roadway segment mitigation) and a westbound right-turn lane at the intersection of H Street and Woodlawn Avenue. The additional lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-26 to below a level of significance.  *Applies to Significant Impact 6.5-26.	Port -Prior to First Certificate of Occupancy	City Engineer		
MM 6.5-10	Prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port shall construct a westbound through- and right-turn lane along H Street at the intersection of H Street and Broadway. The lane shall be constructed to the satisfaction of the City Engineer. With mitigation, this intersection would still operate at LOS E during the PM peak hour. This is consistent with the result from the Chula Vista Urban Core traffic study, which concluded that no additional mitigation is desired at this	Port -Prior to First Certificate of Occupancy for any development in Phase IV	City Engineer		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	location. This mitigation would reduce Significant Impact 6.5-27 to below a level of significance.  *Applies to Significant Impact 6.5-27.				
MM 6.5-11	Prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port shall construct a dual eastbound left-turn lane along J Street at the intersection of J Street and I-5 NB Ramps. The additional lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-28 to below a level of significance.  *Applies to Significant Impact 6.5-28.	Port -Prior to First Certificate of Occupancy for any development in Phase IV	City Engineer		
MM 6.6-1	<b>A. View Protection:</b> As a condition for issuance of Coastal Development Permits, buildings fronting on H Street shall be designed to step away from the street. More specifically, design plans shall protect open views down the H Street Corridor by ensuring that an approximate 100-foot ROW width (curb–curb, building setbacks and pedestrian plaza/walkway zone) remains clear of buildings, structures, or major landscaping. Visual elements above six feet in height shall be prohibited in this zone if the feature would reduce visibility by more than 10 percent. Placement of trees should take into account potential view blockage. This mitigation should not be interpreted to not allow tree masses; however, trees should be spaced in order to ensure "windows" through the landscaping. Trees should also be considered to help frame the views and they should be pruned up to increase the views from pedestrians and vehicles, underneath the tree canopy. In order to reduce the potential for buildings to encroach into view corridors, and to address the scale and massing impact, buildings shall step back at appropriate intervals or be angled to open up a broader view corridor at the groundplane to the extent feasible. All plans shall be subject to review and approval by the Port. All future development proposals shall conform to Port design guidelines and standards to the satisfaction of the Port.  <b>B. Height and Bulk:</b> Prior to issuance of Coastal Development Permits for projects within the Port's jurisdiction, the project developer shall ensure that design plans for any large scale projects (greater than two stories in height) shall incorporate standard design techniques such as articulated facades, distributed building massing, horizontal banding, stepping back of buildings, and varied color schemes to separate the building base from	Project Developer -Prior to First Coastal Development Permit  Project Developer -Prior to First Coastal Development	Port  Port		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>residential development, the project developer shall submit a landscaping design plan for on-site landscaping improvements that is in conformance to design guidelines and standards established by the City of Chula Vista. The plan shall be implemented as a condition of project approval.</p> <p><b>F. Gateway Plan:</b> Concurrent with the preparation of Phase I infrastructure design plans for E and H Street, a Gateway plan shall be prepared for E and H Streets. Prior to issuance of occupancy for any projects within the Port's jurisdiction in Phase I, the E and H Street Gateway plan shall be approved by the Port and City's Directors of Planning and Building. The E and H Street Gateway plan shall be coordinated with the Gateway plan for J Street.</p> <p><b>G. Gateway Plan:</b> Concurrent with development of H-13 and H-14, the applicant shall submit a Gateway plan for J Street for City Design Review consideration. Prior to issuance of any building permits, the J Street Gateway plan shall be approved by the Director of Planning and Building in coordination with the Port's Director of Planning. The J Street Gateway plan shall be coordinated with the Gateway plan for E and H Streets.</p> <p>*Applies to Significant Impact 6.6-1, which would remain significant after mitigation</p>	<p>-Prior to TM/SDP Approval</p> <p>Applicant -Prior to Occupancy</p> <p>Applicant -Prior to First Building Permit</p>	<p>Port and City's Director of Planning and Building</p> <p>City's Director of Planning and Building in coordination with the Port's Director of Planning</p>		
MM 6.8-1	<p>Prior to the issuance of any grading permit, the following measures shall be placed as notes on all grading plans, and shall be implemented during grading of each phase of the project to minimize construction emissions. These measures shall be completed to the satisfaction of the Port and the Director of Planning and Building for the City of Chula Vista (these measures were derived, in part, from Table 11-4 of Appendix 11 of the SCAQMD CEQA Air Quality Handbook (SCAQMD 1999)).</p> <p>See Mitigation Measure 6.8-1 in <i>Chapter 6, Cumulative Impacts</i>, for a list of Best Available Control Measures for Specific Construction Activities.</p> <p>*Applies to Significant Impact 6.8-1, which would remain significant and unmitigated after mitigation</p>	<p>Developer -Prior to start of grading</p>	<p>Port and City</p>		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p><u>Energy Efficiency</u></p> <ul style="list-style-type: none"> <li>• Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping, and sun screens to reduce energy use.</li> <li>• Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.</li> <li>• Install light colored "cool" roofs, cool pavements, and strategically placed shade trees.</li> <li>• Provide information on energy management services for large energy users.</li> <li>• Install energy efficient heating and cooling systems, appliances and equipment, and control systems.</li> <li>• Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting.</li> <li>• Limit the hours of operation of outdoor lighting.</li> <li>• Use solar heating, automatic covers, and efficient pumps and motors for pools and spas.</li> <li>• Provide education on energy efficiency.</li> <li>• Renewable Energy</li> <li>• Install solar and wind power systems, solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives.</li> <li>• Install solar panels on carports and over parking areas.</li> <li>• Use combined heat and power in appropriate applications.</li> <li>• Water Conservation and Efficiency</li> <li>• Create water-efficient landscapes.</li> <li>• Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.</li> <li>• Use reclaimed water for landscape irrigation in new developments and on public property where appropriate. Install the infrastructure to deliver and use reclaimed water.</li> <li>• Design buildings to be water-efficient. Install water-efficient fixtures and appliances.</li> <li>• Use gray water. (Gray water is untreated household wastewater from bathtubs, showers, bathroom wash basins, and water from clothes washing machines.) For example, install dual plumbing in all new development, allowing gray water to be</li> </ul>	<p>components of the CVBMP</p>			



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>used for landscape irrigation.</p> <ul style="list-style-type: none"> <li>• Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.</li> <li>• Restrict the use of water for cleaning outdoor surfaces and vehicles.</li> <li>• Implement low-impact development practices that maintain the existing hydrologic character of the site to manage stormwater and protect the environment. (Retaining stormwater runoff on site can drastically reduce the need for energy-intensive imported water at the site.)</li> <li>• Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.</li> <li>• Provide education about water conservation and available programs and incentives.</li> <li>• Solid Waste Measures</li> <li>• Reuse and recycle construction and demolition waste (including but not limited to soil, vegetation, concrete, lumber, metal, and cardboard).</li> <li>• Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.</li> <li>• Recover by-product methane to generate electricity.</li> <li>• Provide education and publicity about reducing waste and available recycling services.</li> <li>• Transportation and Motor Vehicles</li> <li>• Limit idling time for commercial vehicles, including delivery and construction vehicles.</li> <li>• Use low- or zero-emission vehicles, including construction vehicles.</li> <li>• Promote ride sharing programs, for example, by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.</li> <li>• Provide the necessary facilities and infrastructure to encourage the use of low- or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling).</li> <li>• Provide public transit incentives, such as free or low-cost monthly transit passes.</li> <li>• For commercial projects, provide adequate bicycle parking near building entrances to</li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including (for example) locked bicycle storage or covered or indoor bicycle parking.</p> <ul style="list-style-type: none"> <li>• Institute a telecommute work program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences.</li> <li>• Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation.</li> <li>• The measures identified above and in Mitigation Measures 4.16-2, will substantially reduce GHG emissions, achieving reductions of at least 20 percent below "business as usual." Furthermore, better technology is rapidly developing and may provide further measures in the near future that will avoid conflict with the goals or strategies of AB 32 or related Executive Orders. Once projects are defined within the program phases, further environmental review will be required, at which time the most current measures will be identified and required to be consistent with this mitigation measure and any additional regulations in effect at the time. Implementation of Mitigation Measure 6.8-3, therefore, will avoid a contribution to a cumulatively significant impact and will result in a less than significant impact to global climate change.</li> </ul> <p>*Applies to Significant Impact 6.8-3</p>				
MM 6.11-1	<p><b>A.</b> Prior to construction of any program-level components of the project that impact eelgrass, a pre-construction eelgrass survey shall be conducted by a qualified biologist to confirm the exact extent of the impact at the time of pile driving operations. The pre-construction survey must be conducted during the period of March through October and would be valid for a period of no more than 60 days, with the exception that surveys conducted in August through October would be valid until the following March 1.</p> <p><b>B.</b> Prior to the construction of any program-level components of the project that impact eelgrass, the Port shall establish and implement a plan to create new eelgrass habitat at a ratio of 1.2:1. The Port shall create new eelgrass habitat by removing the existing eelgrass currently located in the impacted areas and transplanting it at the new location. Identification and planting of the restoration site shall be completed to the satisfaction of the Port prior to commencement of construction.</p>	<p>Port -Prior to construction of any program-level components that would impact eelgrass</p> <p>Port -Prior to construction of any program-level</p>	<p>Port in coordination with a qualified biologist</p> <p>Port in coordination with a</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>C. Subsequent to construction of any program-level components of the project that impact eelgrass, a post-construction eelgrass survey shall be conducted by a qualified biologist. The post-construction survey shall be conducted within 30 days of the cessation of construction activities to confirm the exact amount of eelgrass affected. The difference between the pre-construction and post-construction eelgrass surveys shall determine the amount of required additional mitigation. In addition, the Port shall:</p> <ul style="list-style-type: none"> <li>• Conduct transplant reports following construction (Initial Report). It would take 1 to 2 years for all of the fine sediment to dissipate in the water column for the movement of such a large amount of sediment. Based on this, eelgrass transplant success would not be possible for 1 to 2 years. Mitigation would be required for additional time delays.</li> <li>• Conduct monitoring reports at 6, 12, 24, 36, 48, and 60 months post-transplant. Specific milestones and criteria for success are directed in the SCEMP along with guidelines for remedial actions if the success criteria are not met, which would require (based on the absence of other mitigating environmental considerations) a Supplementary Transplant Area to be constructed and monitored for an additional 5 years.</li> <li>• Initiate any potential additional mitigation within 135 days of project inception; projects requiring more than 135 days to be completed may result in further additional mitigation.</li> </ul> <p>D. If an appropriate mitigation site is not available at the time of construction of the program components which would impact eelgrass, mitigation habitat shall be created through fill or appropriate habitat in the Bay. Any delays to eelgrass planting after the impact occurs would require additional mitigation of 7 percent per month of additional eelgrass.</p> <p>Implementation of Mitigation Measure 6.11-1 would reduce significant cumulative impacts to eelgrass to below significance.</p> <p>*Applies to Significant Impact 6.11-1.</p>	<p>components that would impact eelgrass</p> <p>Port in coordination with a qualified biologist eelgrass</p>	<p>qualified biologist</p> <p>Port</p>		

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

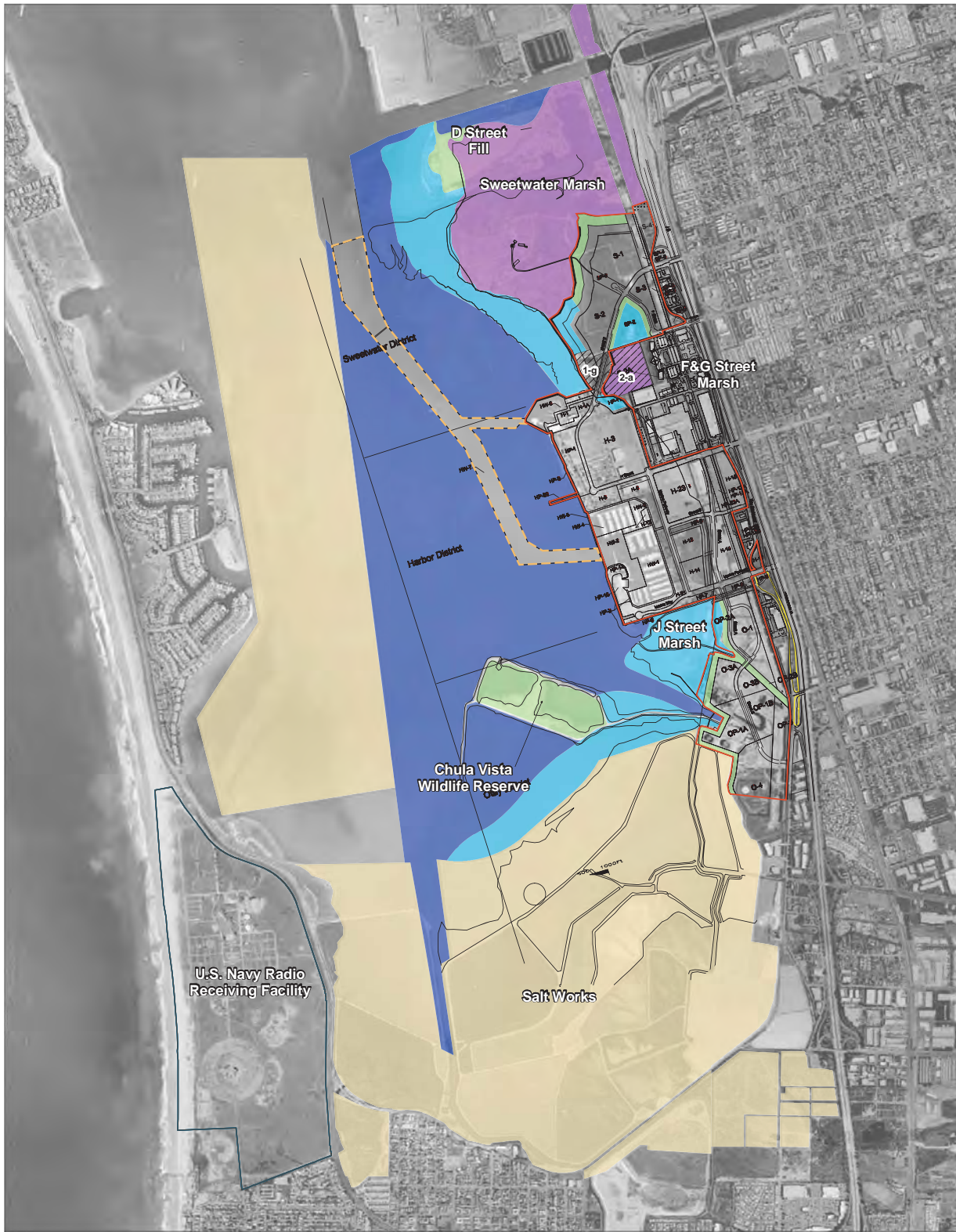
Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 6.15.2-1	<p>Prior to the approval of a building permit for any development in all phases of the Proposed Project, the City shall verify that it has adequate sewer capacity to serve the proposed development. In the event the City does not have adequate sewer capacity to serve the proposed development, no building permit shall be approved for the proposed development until the City has acquired adequate sewer capacity to serve the proposed development. In accordance with Section 15130(a)(3) of the State CEQA Guidelines, a significant cumulative impact would be rendered less than cumulatively considerable, and thus is not significant when the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The requirement for the contribution to provide a fair-share contribution to the provision of the needed sewer service mitigates the cumulative impact to below significance.</p> <p>*Applies to Significant Impact 6.15.2-1</p>	<p>City -Verify adequate sewer capacity exists prior to Approval of Building Permit (if City acquires additional sewer capacity for project, applicant to pay fair share of acquisition fee)</p>	City		
MM 6.15.6-1	<p>Prior to the issuance of a building permit, the applicant shall pay all required school mitigation fees.</p> <p>Payment of statutory school fees would ensure that project impacts to school services remain below a level of significance. As indicated above, the fees set forth in Government Code Section 65996 constitute the exclusive means of both "considering" and "mitigating" school facilities impacts of projects (Government Code Section 65996(a)). Once the statutory school mitigation fee (sometimes referred to as a "developer fee") is paid, the impact would be deemed mitigated as a matter of law. Therefore, this mitigation measure would reduce the cumulative impact to schools to a level less than significant.</p> <p>*Applies to Significant Impact 6.15.6-1.</p>	<p>Applicant -Prior to Building Permit Approval</p>	City		
MM 6.15.7-1	<p>For Phase I residential project, prior to the approval of a building permit, the applicant(s) shall pay a Public Facilities Development Impact Fee (PFDIF) or other equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance.</p> <p>Implementation of Mitigation Measure 6.15.7-1 would provide funds that can be used to construct new facilities, as required, to meet the need resulting from project development. Due to existing library deficiency and inability to demonstrate that fees would fully</p>	<p>Applicant(s) -Prior to Building Permit Approval</p>	City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	mitigate, implementation of the measure would not reduce the significant impact to library services to a level below significance.  *Applies to Significant Impact 6.15.7-1				
MM 6.17-1	<p>Encourage compact development featuring a mix of uses that locate residential areas within reasonable walking distance to jobs, services, and transit.</p> <ul style="list-style-type: none"> <li>• Promote and facilitate transit system improvements in order to increase transit use and reduce dependency on the automobile.</li> <li>• Encourage innovative energy conservation practices and air quality improvements in new development and redevelopment projects consistent with the City's AQIP Guidelines or their equivalent, pursuant to the City's Growth Management Program.</li> </ul> <p>Despite the fact that the Project would result in adoption of these conservation measures, the cumulative impact relative to energy supply would remain significant and unmitigated because of the of the uncertainty of the future supply of energy, which is within the responsibility and control of SDG&amp;E and other entities responsible for arranging electric energy supplies, not the Port or the City.</p> <p>*Applies to Significant Impact 6.17-1.</p>	Applicant	Port or City		

Exhibit 1  
*Wildlife Habitat Areas*

Z:\Projects\570301\Figs\ER Figs\Section 48-B\0\fig-8\_01 (marshes).mxd



AERIAL SOURCE: DIGITAL GLOBE, MARCH 2007

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

**Port Master Plan - Planning District 7  
Conservation Land and Water Designations**

- Estuary
- Habitat Replacement
- Wetland

**Exhibit 1 to the Mitigation Monitoring and Reporting Program for the Chula Vista Bayfront Master Plan  
Wildlife Habitat Areas**

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

# Exhibit 2

## *Buffer Areas*



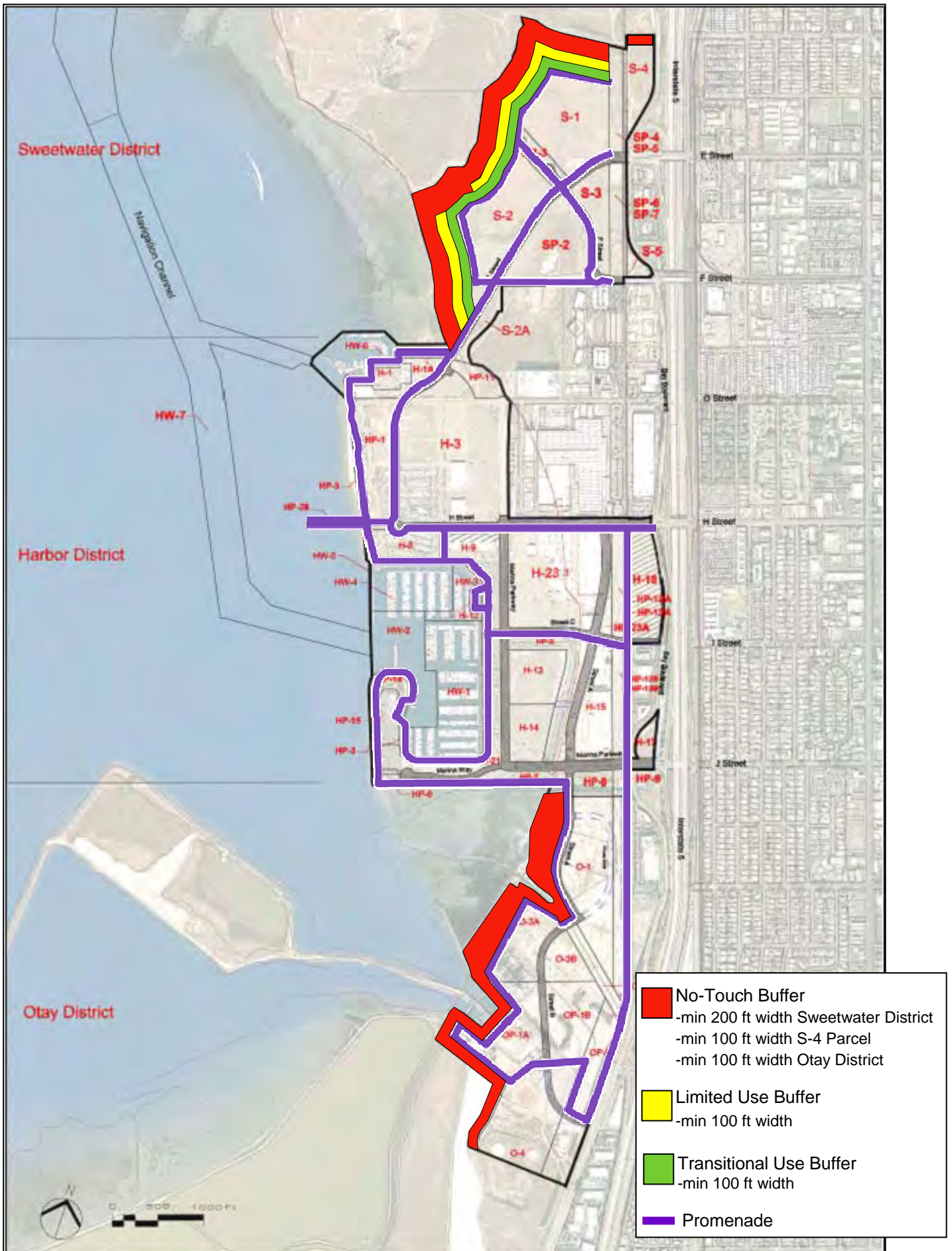


Exhibit 2 to the Mitigation Monitoring and Reporting Program for the Chula Vista Bayfront Master Plan Buffer Areas (Defined by Chapter 3, Project Description, of the Final EIR)

Exhibit 3  
*Energy Demand Reduction*

## EXHIBIT 3 to the Mitigation Monitoring and Reporting Program for the Chula Vista Bayfront Master Plan

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

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

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

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

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

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

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

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

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

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

**EXHIBIT 3**

**SAMPLE Worksheet A: Title 24 Path**

Name: Example Development

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

**NOTES TO WORKSHEET A**

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

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

### EXHIBIT 3

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

Name: Example Development

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

**NOTES TO WORKSHEET A-LTG**

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

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

**EXHIBIT 3**

**SAMPLE Worksheet B: LEED Path**

Name: Example Development

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

**NOTES TO WORKSHEET B**

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

### EXHIBIT 3

#### SAMPLE Worksheet C: Natural Ventilation

**Name: Example Development**

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

Two approaches are possible:

1. A Development may use a performance approach, such as macro-flow or Computational Fluid Dynamics (CFD) modeling, to design and confirm the maintenance of comfort using natural ventilation techniques.
  
2. As an alternate, the prescriptive calculations outlined in the Collaborative for High Performance Schools (CHPS) may be used. CHPS identifies an approach to achieving ventilation strategies which are likely to be effective in helping to maintain interior comfort when outside conditions are moderate. Even though the CHPS program targets school campuses, the approach is useful for  
 The designer should follow the CHPS guidelines. To satisfy the prescriptive approach, the following table may be used. Inlets and Outlets should each be at least 4% of the floor area of the space.

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

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

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

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

### EXHIBIT 3

#### SAMPLE Worksheet D: Chula Vista Energy Efficiency Program

Name: Example Development

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

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

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



### EXHIBIT 3

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

Name: Example Development

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

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

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

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

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



## EXHIBIT 3

### Links for References used in EXHIBIT 3

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

Re Chula Vista Bayfront Master Plan ]  
and Port Master Plan Amendment: ]  
Certification of Final Environmental ]  
Impact Report (UPD # 83356-EIR-658; ]  
SCH # 2005081077); Adoption of Findings ]  
of Fact and Statement of Overriding ]  
Considerations; Adoption of Mitigation ]  
Monitoring and Reporting Program ]  
\_\_\_\_\_ ]

**RESOLUTION** 2010-78

**WHEREAS**, the San Diego Unified Port District ("Port District") has proposed the Chula Vista Bayfront Master Plan and Port Master Plan Amendment ("Proposed Project"); and

**WHEREAS**, the Proposed Project represents a collaborative planning effort between the Port District and the City of Chula Vista ("City") to create a master plan for the approximately 556-acre Chula Vista Bayfront, which consists of amendments to the Port Master Plan and to various City plans to allow the development of commercial recreation and public recreation land uses, as well as improvements to coastal access and additional protection of natural resources and the environment throughout the project area, an exchange of land between the Port District and North CV Waterfront LP, and a development proposal known as the Pacifica Project; and

**WHEREAS**, the property which is subject to the Proposed Project is located in the Port District's Planning District 7, Chula Vista Bayfront, and is bounded on the north by the Sweetwater Marsh National Wildlife Reserve, the mouth of the Sweetwater River and the City of National City, on the east by Interstate 5 and the commercial development along Bay Boulevard, on the south by Palomar Street and the South Bay Unit of the San Diego Bay National Wildlife Refuge on the south, and on the west by San Diego Bay; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. ("CEQA Guidelines"), the Port District prepared a Draft Program Environmental Impact Report ("Draft EIR") for the Proposed Project and circulated the Draft EIR for public comment as required by law; and

**WHEREAS**, pursuant to CEQA Guidelines section 15088.5, the Port District prepared a Revised Draft Program Environmental Impact Report ("Revised Draft EIR") for the Proposed Project and re-circulated the Revised Draft EIR for public comment as required by law; and

WHEREAS, the Port District received and responded to public comments on the Revised Draft EIR and has prepared a Final Environmental Impact Report ("Final EIR"), which consists of three volumes and includes all of the information required by CEQA Guidelines section 15132, including revisions to the Revised Draft EIR, public comments and the responses to public comments on the Revised Draft EIR, the technical appendices, and the Errata to the Final EIR, which has been filed with the Clerk of the Board of Port Commissioners ("Board"); and

WHEREAS, pursuant to CEQA, the Port District has prepared a Mitigation Monitoring and Reporting Program, which has been filed with the Clerk of the Board; and

WHEREAS, pursuant to Resolution 2010-11, adopted 5 January 2010, the Board authorized the Executive Director or his authorized representative to execute a Real Estate Exchange Agreement and Joint Escrow Instructions ("Agreement") with San Diego Gas & Electric Company ("SDG&E") (said Agreement is on file in the office of the District Clerk as Document No. 56143) transferring approximately 12.42 acres of property located in the City of Chula Vista, as described in the Quitclaim Deed, Easement Reservation and Covenant Agreement between SDG&E and the Port District, on file in the office of the Port District Clerk as Document No. 38357, as amended; and

WHEREAS, an approximately 6.08 acres portion of Parcel OP-3, directly adjacent to the above-referenced approximately 12.42 acres of transferred property, will not be included in the Proposed Project, thereby reducing the total acreage of the Otay District of the Proposed Project by approximately 18.5 acres; and

WHEREAS, pursuant to Resolution 2010-33, adopted 2 March 2010, the Board authorized the Executive Director of the Port District to issue a Coastal Development Permit for L-Ditch Sediment Remediation and Habitat Project, located on Parcel HP-5 in the Harbor District and the work plan authorized in said permit is consistent with the development plan for the Pacifica Project proposed in the Alternate L-Ditch Remediation Alternative in the Final EIR; and

WHEREAS, the Clerk of the Board has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and affidavit of mailing on file with the Clerk of the Board; and

WHEREAS, all materials with regard to the Proposed Project were made available to the Board for its review and consideration of the Proposed Project including, but not limited to, the following:

1. The Final EIR, dated May 2010, Volumes 1 through 3;
2. The Errata to the Final EIR, dated May 2010;
3. The Staff Report and Agenda Sheet, dated May 14, 2001;

4. The Port Master Plan Amendment, dated May 2010;
5. The proposed Findings of Fact and Statement of Overriding Considerations, dated May 2010;
6. The proposed Mitigation Monitoring and Reporting Program, dated May 2010;
7. All documents and records filed in this proceeding by interested parties;

and

WHEREAS, a duly noticed public hearing was held on May 18, 2010, before the Board, at which the Board received public testimony and gave direction to Port District staff regarding the Proposed Project; and

WHEREAS, having reviewed and considered all testimony and materials made available to the Board, including but not limited to the Final EIR, the staff reports and all the testimony and evidence in the record of the proceedings with respect to the Proposed Project, the Board took the actions hereinafter set forth, **NOW, THEREFORE,**

**BE IT RESOLVED** by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

1. The Board finds the facts recited above are true and further finds that this Board has jurisdiction to consider, approve and adopt the subject of this Resolution.
2. The Board finds and determines that the applicable provisions of CEQA and the CEQA Guidelines and Port District guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.
3. The Board finds and determines that (a) the Final EIR is complete and adequate in scope and has been completed in compliance with CEQA and the State and Port District guidelines for implementation thereof, (b) the Final EIR was presented to the Board and the Board has fully reviewed and considered the information in the Final EIR prior to approving the Proposed Project, (c) the Final EIR reflects the Port District's independent judgment and analysis, and, therefore, the Final EIR is hereby declared to be certified in relation to the subject of this Resolution.
4. The Board hereby adopts the Alternate L-Ditch Remediation Alternative as the development plan for Parcels H-13, H-14 and HP-5 in place of the plan for the development of said parcels proposed in Chapter 3, *Project Description (Section 3.4.4.1(b)(I) Project Description: Harbor District Project Level (Phase I) Components)* of the Final EIR, and hereby approves the Proposed Project as amended to incorporate said alternative.

5. The Proposed Project is approved despite the existence of certain significant environmental effects identified in the Final EIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the Board hereby makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended hereto as Exhibit "A" and made a part hereof by this reference, and declares that it considered the evidence described in connection with each such finding.

6. The Proposed Project is approved despite the existence of certain unavoidable significant environmental effects identified in the Final EIR and, pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the Board hereby makes and adopts the Statement of Overriding Considerations, appended hereto as Section 8.0 of Exhibit "A" and made a part hereof by this reference, and finds that such effects are considered acceptable because the benefits of the Proposed Project outweigh the unavoidable environmental effects.

7. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the Board hereby adopts and approves the Mitigation Monitoring and Reporting Program, which is appended hereto as Exhibit "B" and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Final EIR, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program as conditions of approval for the proposed project.

8. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the Clerk of the Board shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research. Unless the project is declared exempt herein and a Certificate of Filing Fee Exemption is on file, the proposed project is not operative, vested or final until the filing fees required pursuant to Fish and Game Code Section 711.4 are paid to the Clerk of the County of San Diego.

9. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

ADOPTED this 18th day of May, 2010.

5/18/10  
attachments

San Diego Unified Port District

Office of the Clerk

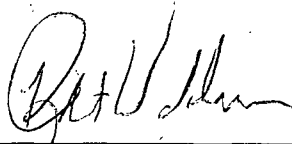
**CERTIFICATION OF VOTE**

Passed and adopted by the Board of Port Commissioners of the San Diego Unified Port

District on May 18, 2010, by the following vote:

<u>Commissioners</u>	<u>Yeas</u>	<u>Nays</u>	<u>Excused</u>	<u>Absent</u>	<u>Abstained</u>
Michael Bixler	X				
Lee Burdick	X				
Stephen P. Cushman			X		
Stephen C. Padilla	X				
Scott H. Peters	X				
Lou Smith	X				
Robert Valderrama	X				


**AUTHENTICATED BY:**



Chairman of the Board of Port Commissioners

MARY ANN LINER

Clerk of the San Diego Unified Port District

By:   
District Clerk

(Seal)

Resolution Number: 2010-78

OR

Ordinance Number: \_\_\_\_\_

Adopted: May 18, 2010



2010-78

EXHIBIT A  
**FINDINGS OF FACT  
AND  
STATEMENT OF OVERRIDING CONSIDERATIONS**

*for the*

**CHULA VISTA BAYFRONT MASTER PLAN  
UPD #83356-EIR-658  
SCH #2005081077**

*Prepared for:*

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

*Prepared by:*

**DUDEK**  
605 Third Street  
Encinitas, California 92024

**MAY 2010**

EXHIBIT "A"

# TABLE OF CONTENTS

<u>Section</u>	<u>Page No.</u>
<b>ACRONYMS AND ABBREVIATIONS .....</b>	<b>I</b>
<b>INTRODUCTION.....</b>	<b>1</b>
<b>1.0 PROJECT DESCRIPTION .....</b>	<b>5</b>
1.1 Project Location .....	5
1.2 Project Components .....	5
1.3 Project Objectives .....	7
<b>2.0 ENVIRONMENTAL PROCEDURES.....</b>	<b>11</b>
2.1 Lead Agency .....	11
2.2 Environmental Impact Report.....	11
2.3 Public Participation.....	16
2.4 Record of Proceedings .....	20
<b>3.0 FINDINGS PURSUANT TO CEQA.....</b>	<b>23</b>
3.1 Purpose.....	23
3.2 Terminology.....	23
3.3 Legal Effect.....	24
3.4 Mitigation Monitoring and Reporting Program.....	24
<b>4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT .....</b>	<b>25</b>
4.1 Land and Water Use Compatibility .....	25
4.2 Traffic and Circulation.....	31
4.3 Aesthetics/Visual Quality .....	61
4.4 Hydrology/Water Quality .....	69
4.5 Air Quality .....	74
4.6 Noise .....	79
4.7 Terrestrial Biological Resources.....	93
4.8 Marine Biological Resources.....	166
4.9 Paleontological Resources .....	178
4.10 Hazards and Hazardous Materials/Public Safety .....	180
4.11 Public Services.....	208
4.12 Public Utilities .....	213
4.13 Seismic/Geologic Hazards .....	227
4.14 Energy.....	234

<b><u>Section</u></b>	<b><u>Page No.</u></b>
<b>5.0 FINDINGS REGARDING DIRECT SIGNIFICANT AND UNAVOIDABLE IMPACTS .....</b>	<b>241</b>
5.1 Land and Water Use Compatibility .....	241
5.2 Traffic and Circulation.....	243
5.3 Aesthetics/Visual Quality .....	262
5.4 Air Quality .....	266
5.5 Public Services.....	280
<b>6.0 FINDINGS REGARDING SIGNIFICANT CUMULATIVE IMPACTS .....</b>	<b>283</b>
6.1 Transportation/Circulation.....	284
6.2 Aesthetics/Visual Quality .....	314
6.3 Air Quality .....	317
6.4 Marine Biological Resources.....	327
6.5 Public Services and Utilities .....	329
6.6 Energy.....	334
<b>7.0 FINDINGS REGARDING PROJECT ALTERNATIVES.....</b>	<b>337</b>
7.1 No Project Alternative .....	341
7.2 Harbor Park Alternative.....	343
7.3 No Land Trade Alternative .....	345
7.4 Reduced Overall Density Alternative .....	347
7.5 Alternate L-Ditch Remediation Alternative.....	355
<b>8.0 STATEMENT OF OVERRIDING CONSIDERATIONS.....</b>	<b>359</b>

**ATTACHMENT**

- 1 Table 5.1-1 Comparison of Impacts between Proposed Project and Project Alternatives

## ACRONYMS AND ABBREVIATIONS

---

AB	Assembly Bill
ACM	asbestos-containing materials
ADT	average daily traffic
AGU	air handling unit
APCD	Air Pollution Control District
AQIP	Air Quality Improvement Plan
Bay	San Diego Bay
Bayfront	Chula Vista Bayfront
BEPP	Business Emergency Plan
BMP	best management practice
Board	Board of Port Commissioners
CAC	Citizen Advisory Committee
Cal-IPC	California Invasive Plan Council
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CCC	California Coastal Commission
CD	compact disc
CDFG	California Department of Fish and Game
CDWR	California Department of Water Resources
CEC	California Energy Commission
CEQA	California Environmental Quality Act
City	City of Chula Vista
City Council	Chula Vista City Council
CNEL	community noise equivalent level
CO	carbon monoxide
COPC	contaminants of potential concern
County	County of San Diego
CPP	central power plant
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources
CSS	coastal sage scrub
CVBMP	Chula Vista Bayfront Master Plan
CVESD	Chula Vista Elementary School District
CVOC	chlorinated volatile organic compound
CWA	Clean Water Act

dB	decibels
dB(A)	decibels adjusted
DEH	Department of Environmental Health
DEIR	draft environmental impact report
DR	demand reduction
EA	exposure area
EE	energy efficiency
EPA	U.S. Environmental Protection Agency
FAA	Federal Aviation Administration
FEIR	final environmental impact report
FHWA	Federal Highway Administration
GHG	greenhouse gas
Goodrich	The Goodrich Corporation
Goodrich Agreement	Second Amendment to Relocation Agreement
GPU	General Plan Update
Harbor Police	Port of San Diego Harbor Police
HCP	Habitat Conservation Plan
HHRA	human health risk assessment
HLIT	habitat loss incidental take
HMTS	Hazardous Materials Technical Study
HVAC	heating, ventilation, and air conditioning
I-5	Interstate 5
I-8	Interstate 8
IPM	integrated pest management policies
JPA	Joint powers authority
KHA	Kimley-Horn & Associates, Inc.
LBP	lead-based paint
LCP	local coastal program
LED	light emitting diode
LEED	U.S. Green Building Council's Leadership in Energy and Environmental Design
Leq	equivalent continuous noise level
LNG	liquefied natural gas
LOS	level of service
LUP	Land Use Plan
M&V Plan	measurement and verification plan
MBTA	Migratory Bird Treaty Act
Metro	City of San Diego Metropolitan Sewage System
MGD	million gallons per day

MLLW	Mean Low Low Water
MSCP	Multiple Species Conservation Program
MMRP	mitigation monitoring reporting plan
MSS	maritime succulent scrub
MWWD	Metropolitan Wastewater Department
NAAQS	National Ambient Air Quality Standards
NCCP	Natural Community Conservation Plan
NMFS	U.S. Department of Commerce National Marine Fisheries Service
NO <sub>x</sub>	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NRMP	national resources management plan
NWR	National Wildlife Reserve
PDF	project design feature
PFDIF	Public Facilities Development Impact Fee
PM	particulate matter
PMP	Port Master Plan
Port	San Diego Unified Port District
Project	Chula Vista Bayfront Master Plan
Proposed Project	Chula Vista Bayfront Master Plan
Pub. Res. Code	California Public Resources Code
PWC	personal watercraft
RAP	remedial action plan
RAQS	Regional Air Quality Standards
RCC	Resort Conference Center
RDA	City of Chula Vista Redevelopment Agency
ROG	reactive organic gases
ROW	right-of-way
RFP	Request for Proposal
RFQ	Request for Qualifications
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SBPP	South Bay Power Plant
SCEMP	Southern California Eelgrass Mitigation Policy
SDAB	San Diego Air Basin
SDBNWR	San Diego Bay National Wildlife Refuge
SDCWA	San Diego County Water Authority
SDG&E	San Diego Gas & Electric
SIP	State Implementation Plan

STL	Sound Transmission Loss
SO <sub>2</sub>	sulfur dioxide
SR-54	State Route 54
SUHSD	Sweetwater Union High School District
SWMP	soil and water management plan
SWPPP	stormwater pollution prevention plan
TCM	transportation control measures
TIA	traffic impact analysis
TNM	traffic noise model
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
UST	underground storage tank
UWMP	Urban Water Management Plan
VMT	vehicle miles traveled
WTDIF	Western Traffic Development Impact Fee

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING  
CONSIDERATIONS FOR THE  
CHULA VISTA BAYFRONT MASTER PLAN  
FINAL ENVIRONMENTAL IMPACT REPORT  
(UPD # 83356-EIR-658; SCH # 2005081077)**

**INTRODUCTION**

The Board of Port Commissioners (Board) of the San Diego Unified Port District (Port) hereby makes the following Findings of Fact and Statement of Overriding Considerations concerning the Final Environmental Impact Report (FEIR) for the Chula Vista Bayfront Master Plan (Proposed Project or Project), pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq. (CEQA), and its implementing regulations, California Code of Regulations, Title 14, section 15000 et seq. (CEQA Guidelines).

The Proposed Project will involve the redevelopment of approximately 497 acres of land and 59 acres of water located at the southeastern end of San Diego Bay within the jurisdiction of the Port and the City of Chula Vista (City). The Project area is divided into three districts referred to as the Sweetwater District, the Harbor District, and the Otay District. Development within these three districts is expected to occur in four phases and involves amendments to the Port Master Plan (PMP), the City's General Plan and Local Coastal Program (LCP); a mapping change to the Multiple Species Conservation Program (MSCP) Chula Vista Subarea Plan; a land exchange between the Port and a private developer; redevelopment of the Sweetwater, Harbor, and Otay districts with a variety of uses, including parks, open space, ecological buffers, residential, resort conference center (RCC), hotel, retail, cultural, and recreational space; a reconfigured marina basin and boat slips; a new commercial harbor; and a realignment of the existing navigation channel. The Proposed Project also involves redevelopment of the existing roadway and infrastructure system to serve the proposed new uses, as well as the demolition and/or relocation of existing uses to allow for redevelopment to occur.

The Proposed Project, as approved, also involves two changes as a result of activities outside the scope of the Proposed Project as outlined in the FEIR.

- First, on January 6, 2010, the Port approved a Real Estate Exchange Agreement with San Diego Gas & Electric Company (SDG&E Agreement), which provides for the relocation of an existing SDG&E switchyard from Parcels O-1, O-3A, and O-3B to Parcels O-4 and OP-2A; the extinguishing of easements in favor of SDG&E on Parcels O-1, O-3A, and O-3B; and the transferring of ownership of the southerly portions of Parcels O-4 and OP-2A, totaling 12.42 acres, from the Port to SDG&E. In addition, the southern 6.08-acre portion of Parcel OP-3 directly adjacent to the transferred property will not be included in



the associated PMP Amendment. The switchyard relocation provides the benefit of furthering local land use goals and objectives for the beautification and redevelopment of the Chula Vista Bayfront (Bayfront). Although the SDG&E Agreement reduces the size of the Otay District and the overall Project site by 18.5 acres by excluding this area in its entirety from the PMP Amendment, this reduction does not result in a new significant environmental impact or a substantial increase in the severity of the environmental impacts evaluated in the FEIR, and therefore does not constitute significant new information that would require recirculation. Accordingly, the figures and acreage references for the Otay District (including portions of Parcels O-4, OP-2A, and OP-3) in the FEIR should be considered reduced by 18.5 acres.

- Second, at the time that the Draft Environmental Impact Report (DEIR) and the Revised Draft Environmental Impact Report (Revised DEIR) were prepared, the Port had not yet formulated a work plan for remediation of the existing contamination in the L-Ditch located on Parcel HP-5 in the Harbor District, which is considered a wetland and is subject to Cleanup and Abatement Order No. 98-08 issued by the California Regional Water Quality Control Board (RWQCB). The Revised DEIR therefore analyzed two potential scenarios for Parcel HP-5: the Proposed Project, which assumed that the existing contamination would be excavated and removed and that the L-Ditch would remain a wetland on which no development would occur; and the Alternate L-Ditch Remediation Alternative, which assumed that development would occur if the existing contamination were remediated in place by filling the L-Ditch and the L-Ditch were no longer considered a wetland. On March 2, 2010, the Port approved a work plan that proposes to fill the L-Ditch and remediate the existing contamination in place, as provided in the Alternate L-Ditch Remediation Alternative which was analyzed in *Section 5.7* of the Revised DEIR. Accordingly, the Port has determined to adopt the Alternate L-Ditch Remediation Alternative in the Project as approved.

Pursuant to CEQA Guidelines section 15132, the FEIR for the Proposed Project consists of the following components:

- Volume 1 includes a list of persons, organizations, and public agencies that commented on the Revised DEIR, copies of the written comment letters received by the Port concerning the Revised DEIR, and the Port's responses as the Lead Agency to significant environmental points raised in the public and agency comment, review, and consultation process;
- Volume 2 and Volume 3 include a revised version of the Revised DEIR, which identifies changes in the text of the Revised DEIR and other information added by the Port in response to public comments received on the Revised DEIR;

- Appendices to the FEIR, which comprised five volumes in the Revised DEIR, are included in electronic form on compact disc (CD) and enclosed in Volume 3 of the FEIR (hard copies of the appendices are available for public review during normal business hours at the Office of the District Clerk, located at 3165 Pacific Highway, San Diego, California); and
- Errata to the FEIR, which consist of minor corrections to the text of the FEIR and additional measures to protect natural resources and the environment above and beyond those required by CEQA and other applicable federal, state, and local laws and regulations.

The environmental effects, mitigation measures, and alternatives analyzed in the Revised DEIR, the public comments and responses thereto, the extensive public outreach and public participation described in the FEIR, and other activities that are not part of the Proposed Project have influenced the design of the Proposed Project as approved. These environmental documents and procedures reflect the Port's commitment to incorporate into final Project design the environmental considerations identified during the CEQA process.

INTENTIONALLY LEFT BLANK

## **1.0 PROJECT DESCRIPTION**

### **1.1 Project Location**

The Chula Vista Bayfront Master Plan (Proposed Project or Project) site is located within San Diego Unified Port District (Port) tidelands and the City of Chula Vista (City) in San Diego County (County), situated on the southeastern edge of San Diego Bay (see *Figure 3-1* of the Final Environmental Impact Report (FEIR)) and located approximately 1.5 miles west of the City's downtown commercial area. The Project site encompasses approximately 556 acres and consists of 497 acres of land area and 59 acres of water area. The planning area is generally bordered by the Sweetwater Marsh National Wildlife Reserve (NWR), the mouth of the Sweetwater River, and the jurisdictional boundary of National City on the north. Interstate 5 (I-5) and the commercial development along Bay Boulevard are to the east. Palomar Street and the South Bay Unit of the San Diego Bay National Wildlife Refuge (SDBNWR), which includes the salt evaporation ponds at the southern end of San Diego Bay, border the Project site to the south and west. An aerial photograph of the Project site is provided in *Figure 3-2* of the FEIR.

### **1.2 Project Components**

The Proposed Project is described in detail in *Chapter 3.0, Project Description*, of the FEIR and is comprised of the following components:

- Amendments to the PMP, the City's General Plan, and the City's LCP (which includes the Land Use Plan and Bayfront Specific Plan), and a mapping change to the MSCP Chula Vista Subarea Plan.
- A land exchange between the Port and Pacifica (a private developer).
- Implementation of the CVBMP through redevelopment of the Sweetwater, Harbor, and Otay Districts with a variety of uses, including park, open space, ecological buffers, cultural, recreational, residential, hotel and conference space, mixed-use office/commercial recreation, and retail. The CVBMP includes a specific residential development proposed by Pacifica. In addition, CVBMP redevelopment may potentially include an RCC and proposed water uses, including a reconfigured marina basin and boat slips, a new commercial harbor, and realignment of the existing navigation channel.
- Redevelopment of the roadway and sewer and water infrastructure system to serve the Proposed Project area both on site and off site.
- Demolition and/or relocation of existing uses to allow for the above redevelopment to occur subject to existing Port lease agreements.

The planning area has been divided into three districts: the Sweetwater District, the Harbor District, and the Otay District. The Sweetwater District (approximately 130 acres) proposes the lowest intensity development of the three districts and focuses on lower-scale, environmentally sensitive, and environmentally themed uses, including a large ecological buffer, a signature park, a bike path, pedestrian trails, other open space areas, uses such as office/retail, a hotel, parking for the Chula Vista Nature Center, and roadway and infrastructure improvements.

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

The Otay District is composed of approximately 144 acres and proposes medium-intensity development that will consist of industrial business park uses, low-cost visitor-serving recreational uses, other open space areas, an ecological buffer, stormwater retention basins, a bike path, pedestrian trails, and new roadways and infrastructure.

The Proposed Project will extend Chula Vista's traditional grid of streets to ensure pedestrian, vehicle, bicycle, transit, and water links. The Proposed Project also proposes a continuous open space system, fully accessible to the public, which would connect the Sweetwater, Harbor, and Otay districts through a shoreline promenade or baywalk and a bicycle path linking the parks. Significant park and other open space areas in each of the three districts are proposed, along with a Signature Park and the creation of an active commercial harbor with public space at the water's edge. The Proposed Project would also enhance existing physical and visual corridors while adding new ones. Although approximately 258 acres (46%) of the Project site are proposed for development, approximately 238 acres (43%) of the Project site are proposed for open space, either in the form of natural habitat or public parks. The remaining 59 acres (11%) of the Project site consist of water area for the marina basins and new commercial harbor. A map of the Proposed Project, depicting the Sweetwater, Harbor, and Otay districts and their individual parcels, is provided in *Figure 3.8A* of the FEIR.

Proposed development is planned to occur in four phases over an approximate 24-year period (approximately 5 years for Phases I and II, approximately 5 years for Phase III, and approximately 14 years for Phase IV). Phases I and II will consist of high-quality development and public improvements concentrated in the Sweetwater and Harbor districts that are intended

to be the catalyst for subsequent public and private development in the Proposed Project. The phasing schedule represents a best-case scenario and will be contingent upon many factors, such as availability and timing of public financing and construction of public improvements, the disposition of existing long-term leases, actual market demand for and private financing of proposed development, the relocation and/or demolition of existing uses, the approvals of new uses, and other future events and circumstances.

The Proposed Project, as approved, includes adoption of the Alternate L-Ditch Remediation Alternative, which proposes to construct the Pacifica residential development on a larger footprint that includes Parcel HP-5. Remediation and fill of approximately 8.0 acres of Parcel HP-5 would distribute the residential development for the Pacifica project over 23 acres, in lieu of the 14 acres allocated within Parcels H-13 and H-14. This increase in land area would allow for a reduction in height, bulk, and development density while simultaneously affording an increase in useable public open space. Because the wetlands would have been removed as a result of the remediation and fill required by Cleanup and Abatement Order No. 98-08, the 50-foot wetland buffer surrounding HP-5 would no longer be necessary.

### **1.3 Project Objectives**

The Bayfront has the potential to be a world-class visitor destination, which would serve not only local and regional needs but also the statewide public purposes of the public trust lands within the Port's jurisdiction. The shoreline and natural areas provide an excellent complement to the visitor-serving amenities that could be placed in the already-developed portions of the Project area. The Bayfront is also located within an ecologically sensitive area of South San Diego Bay. Comprised of rich biological resources, the surrounding marshes, mudflats, and open water provide important foraging habitat to many birds and mammal species. The waterfront parks also offer many public amenities for local residents. The Bayfront's setting on the western edge of Chula Vista offers an opportunity for cooperative planning combining public amenities, private development, ecological preservation, shoreline enhancement, and the preservation of open space. Up to this point, however, the Bayfront's potential has been largely unrealized. Therefore, the purposes of the Proposed Project are as follows:

- Create a vibrant, active, unified waterfront with strong connections to the rest of the City and region
- Create new public access, recreational amenities, and shoreline enhancements
- Protect biological resources in the vicinity of the Proposed Project
- Stimulate economic growth for the Port, the City, the South Bay area, and the San Diego region

- Improve land use compatibility (shift the power distribution facilities from active use areas and relocate residential development away from resources in the Sweetwater Marsh National Wildlife Refuge (NWR))
- Develop economically feasible land uses throughout the Bayfront to serve the local community and region, as well as serve the public trust purposes
- Develop property in a manner that minimizes environmental impacts and reinforces the public realm in a manner befitting the setting and regional significance of the area
- Balance the cost of public improvements with private development so that public costs can be paid for by the increased revenues from the private development.

The cooperative planning venture between the Port and the City embodied in the Proposed Project reflects an understanding of the potential of the Bayfront as a world-class waterfront district in the City and an appreciation for a coordinated, comprehensive vision for the area. Accordingly, the Port and City developed the following objectives during the master planning process with the ultimate goal of creating a world-class bayfront:

- Consistency with tidelands trust requirements and restrictions
- Broad community input into the planning process and support of the PMP
- Development of a PMP that protects and enhances environmental resources
- Seamless integration with adjoining properties
- Development of a visionary PMP that is economically sustainable, provides revenue generation, and will encourage private sector participation
- Development of a PMP that creates future market opportunities and defines the market rather than simply responding to the existing market
- Development of a PMP that eliminates or reduces barriers linking the Bayfront to the rest of western Chula Vista
- Development of a PMP that enhances a culturally diverse community and integrates the Bayfront with the rest of Chula Vista
- Development of a comprehensive funding program
- Development of a PMP that includes recreational, public art, and open space opportunities as significant components.

In addition, the Proposed Project's urban design consultants developed the following design principles, which provided a framework in developing the initial land use concepts for the Bayfront during the master planning process:

- Create one Chula Vista Bayfront
- Celebrate the serenity and Hispanic culture of Chula Vista's Bayfront setting
- Extend Chula Vista all the way to the Bayfront
- Take advantage of deep water at the harbor to create an active boating environment
- Create a Bayfront park system that marries ecological habitats and recreational needs of the community
- New development should reinforce the sense of place at the Bayfront.

Based on its review of the FEIR and other information and testimony received in connection with the Proposed Project, the Port finds these objectives to be acceptable and desirable from a policy standpoint. In choosing to approve the Proposed Project, the Port accords great weight to the above objectives when considering the feasibility of the alternatives analyzed in the FEIR and in invoking overriding considerations in approving the Proposed Project.



INTENTIONALLY LEFT BLANK

## **2.0 ENVIRONMENTAL PROCEDURES**

### **2.1 Lead Agency**

The Proposed Project includes individual development projects that the Port and the City will carry out or approve. The Project site includes land and water areas located within the jurisdiction of the Port and the City. Pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15051(d), therefore, the Port and the City agreed to designate the Port as the Lead Agency for the purpose of preparing the environmental review required by CEQA. The environmental review prepared by the Port will be used by the Port, as Lead Agency, and by the City, as a Responsible Agency, for the discretionary actions necessary for implementation of the Proposed Project, which are identified in *Section 2.5, Intended Uses*, of the FEIR.

Other Responsible Agencies and Trustee Agencies may also use the information contained in the FEIR when considering issuance or authorization of the permits required for construction of the individual development projects that comprise the Project. Agencies expected to use the FEIR in their decision-making process include, but are not limited to, the California State Lands Commission, California Coastal Commission (CCC), California Department of Fish and Game (CDFG), California Department of Transportation (Caltrans), U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), U.S. Department of Commerce (National Marine Fisheries Service), Regional Water Quality Control Board (RWQCB) Region 9, and the San Diego County Department of Environmental Health (DEH).

### **2.2 Environmental Impact Report**

The FEIR was prepared as a combined program and project EIR. The Proposed Project consists of amendments to the Port's PMP and the City's General Plan and LCP, and a mapping change to the MSCP Chula Vista Subarea Plan, which provide for future development and redevelopment of the Project area, as well as certain site-specific development projects that are expected to commence implementation upon approval of the Project. The site-specific development projects, which are analyzed in the FEIR at a project level of detail, consist of the following Phase I components: the Pacifica residential development on Parcels H-13, H-14, and HP-5; the new fire station on Parcel H-17; and proposed roadway and infrastructure improvements in the Sweetwater and Harbor districts (except the new F Street segment). The remainder of the Phase I components and all of Phases II through IV of the Project are analyzed at a more general program level of detail. With the exception of the site-specific development projects analyzed in the FEIR at a project level, the nature and extent of any additional environmental review that may be required for subsequent development projects will be determined pursuant to CEQA Guidelines section 15168.

### 2.2.1 Draft EIR

The Port prepared a Draft EIR (DEIR) (September 2006) which was circulated for a 60-day public review period from September 29, 2006, to November 27, 2006. In response to requests for additional review time, the Port extended the public review period for 45 days to January 11, 2007, bringing the total public review period for the DEIR to 105 days. The Port received 59 individual comment letters, many of which requested more information and project-specific data, specifically for the project-level components (i.e., the proposed RCC, Pacifica Residential Site, and the Signature Park).

### 2.2.2 Revised Draft EIR

In response to the numerous public comments on the DEIR and substantial additional information concerning the Proposed Project, the Port prepared and circulated a Revised DEIR. The Revised DEIR revised, updated, and expanded upon the original DEIR in a good faith effort to respond to the public comments, provide additional information concerning the design of specific development projects, and address changes that have been made to various aspects of the Proposed Project. Although revised and updated information was contained throughout the Revised DEIR, the most significant revisions to the original DEIR may be summarized as follows:

- Additional information was provided concerning the design of the resort hotel and conference center project proposed for development on Parcel H-3 in the Harbor District during Phase I.
- Additional information was provided concerning the design of the residential and ancillary retail project proposed for development on Parcels H-13 and H-14 in the Harbor District during Phase I.
- No residential development will occur in the Otay District. Residential development will occur only on Parcels H-13 and H-14 in the Harbor District and will be limited to 1,500 units. The proposed land exchange will not include any parcels in the Otay District.
- No new power plant will occur in the Otay District. Parcel O-4 in the Otay District will not be designated as an “Energy/Utility” zone, and the proposal to develop a new power plant, which was a separate project subject to the exclusive jurisdiction of the California Energy Commission (CEC), has been withdrawn.
- Parcel O-4 in the Otay District will be designated for “Industrial Business Park” use under the PMP, which would generally be consistent with the uses presently allowed by the existing “Industrial” use designation under the City’s LCP.

- The first 200 feet of the buffer zone proposed for Parcel SP-1 in the Sweetwater District has been designated a “no touch” zone.
- The phasing plan for implementation of the Proposed Project was expanded from three to four phases, and changes were made to the phases in which the development of various parcels is anticipated to occur.
- The range of alternatives to the Proposed Project was revised. The Modified Sweetwater Alternative, Reduced Residential Density Alternative, and Modified Land Exchange Alternative were eliminated in light of changes made to the project description. A new alternative (Alternate L-Ditch Remediation Alternative) was added to address the change in circumstances that would occur on Parcel HP-5 if the remediation of existing contamination under the jurisdiction of the RWQCB required filling, rather than removal and restoration, of the affected area.
- The discussion of many of the Proposed Project’s potential environmental impacts and feasible mitigation measures was revised, updated, and expanded in *Sections 4.1 through 4.17* of the Revised DEIR.
- The issue of global climate change, also known as global warming, became an important issue since the adoption of California Assembly Bill 32 and was analyzed in *Section 4.5, Hydrology/Water Quality*, and *Section 4.6, Air Quality*.
- Many of the technical reports and studies on which the analysis of potential environmental effects was based were revised, updated, and expanded. The revised technical reports and studies were identified in *Sections 4.1 through 4.17* of the Revised DEIR and were either attached as appendices to the Revised DEIR or were available for public review at the Port.

Because the revisions described above were substantial, the Port decided to recirculate the entire Revised DEIR for public review and comment. Public comments on the original DEIR are included in the administrative record, but the Port did not provide written responses to them in the Revised DEIR. Instead, pursuant to state CEQA Guidelines section 15088.5(f)(1), the Port advised that new comments must be submitted on the Revised DEIR and that the Port would respond in writing in the FEIR only to those comments submitted in response to the Revised DEIR. The Revised DEIR was made available for public review and comment for the period from May 23, 2008, to August 7, 2008.

### 2.2.3 Final EIR

In response to recirculation of the Revised DEIR, the Port received numerous public comments and other information concerning the Proposed Project and its environmental review. The public comments on the Revised DEIR and the Port’s responses to them are provided in Volume 1 of

the FEIR. The Port and the City also continued public outreach concerning the Proposed Project and its environmental review after the close of the public comment period on the Revised DEIR (see *Section 2.1.1.3* of the FEIR). The Port prepared the FEIR in a good faith effort to respond to the significant environmental points raised in the public comments and outreach efforts, provide additional protection to the natural resources and environment in the project area above and beyond that required by CEQA and other applicable laws and regulations, and address changes that have been made to various aspects of the project.

In addition, a number of events occurred after the Revised DEIR was made available for public review that resulted in changes to the Revised DEIR. These events are reflected in the FEIR and include the following:

- In November 2008, Gaylord Entertainment withdrew its proposal to develop an RCC on Parcel H-3 in the Harbor District. The specific RCC proposed by Gaylord was analyzed in the Revised DEIR on a project level. Although the Gaylord RCC is no longer a part of the Proposed Project, Parcel H-3 retains its designation for use as an RCC, and the future development of an RCC on Parcel H-3 is analyzed in the FEIR at a program level. Project-level technical studies prepared for the former RCC project are still relied upon in the FEIR for the general program-level analysis of the proposed RCC on Parcel H-3. When the Port receives a specific proposal to develop an RCC on Parcel H-3, it will be subject to environmental review pursuant to CEQA Guidelines section 15168.
- The Proposed Project includes a proposed land exchange between the Port and North C.V. Waterfront L.P. (Pacifica), which was analyzed in the Revised DEIR. On February 2, 2010, the Port entered into a Land Exchange Agreement with Pacifica that provides for the transfer of approximately 97 acres of land in the Sweetwater District from Pacifica to the Port in exchange for the transfer of approximately 33 acres of land in the Harbor District from the Port to Pacifica. The specific parcels included in the exchange are depicted in *Figure 3-5* in *Chapter 3.0, Project Description* of the FEIR. Pursuant to state CEQA Guidelines section 15004, the exchange agreement conditioned the future use of the exchange parcels on the Port's compliance with CEQA in the FEIR.
- In response to comments received on the Revised DEIR, the Port and the City engaged in outreach efforts with Rohr, Inc., operating as Goodrich Aerostructures and a wholly owned subsidiary of The Goodrich Corporation (Goodrich), to address its concerns regarding the potential impacts of the Proposed Project on Goodrich's ongoing and future manufacturing operations and contamination remediation activities in and near the Project area. As a result of these outreach efforts, which are described more fully in *Section 2.1.1.3(b)* of the FEIR, the Port, the City, and the City's Redevelopment Agency (RDA) entered into a Second Amendment to Relocation Agreement (Goodrich

Agreement) with Goodrich on February 2, 2010, which addressed all of the concerns expressed by Goodrich to its satisfaction.

- In response to comments received on the Revised DEIR, the Port and the City engaged in public outreach efforts with interested persons and organizations, including representatives of the Bayfront Coalition and its member organizations: the Environmental Health Coalition, San Diego Audubon Society, San Diego Coastkeeper, Coastal Environmental Rights Foundation, Southwest Wetlands Interpretive Association, Surfrider Foundation (San Diego Chapter), and Empower San Diego, to address their concern that the Proposed Project and its component parts would be implemented in a manner that provides community benefits and preservation and protection of natural resources and the environment in the Project area. These outreach efforts resulted in a written agreement among the Port, the City, the RDA and the Bayfront Coalition and its member organizations, which provides for revisions to the Final EIR to incorporate additional design features and mitigation measures such as a natural resources management plan (NRMP); cooperative agreements with resource agencies for additional habitat management and protection, standards for public parks; and additional measures to reduce the effects of bird strikes and disorientation, stormwater and urban runoff, landscaping and vegetation, noise, lighting and illumination, boating impacts, hazardous waste removal, and energy conservation and efficiency. Although these additional project design features and mitigation measures are above and beyond those required by CEQA and other applicable laws and regulations, the Port agreed to include them in the FEIR and the Mitigation Monitoring and Reporting Program (MMRP) for all purposes under CEQA.

The FEIR reflects these events and responds to significant environmental points raised in the public and agency comments by providing written responses to the comments and making changes in the Revised DEIR. Pursuant to CEQA Guidelines section 15132, the FEIR consists of three volumes and the appendices to the Revised DEIR, which contain the comments and recommendations received by the Port on the Revised DEIR; a list of persons, organizations, and public agencies commenting on the Revised DEIR; the responses of the Port as the Lead Agency to significant environmental points raised in the review and consultation process; other information added by the Port; and the Errata to the FEIR.

#### **2.2.4 Finding Regarding Recirculation**

CEQA requires recirculation of an EIR when “significant new information” is added to an EIR after public notice has been given of the availability of the Draft EIR but prior to certification of a Final EIR. The term “information” can include changes in the project or environmental setting, as well as additional data or other information.

Pursuant to CEQA Guidelines section 15088.5, “significant new information” requiring recirculation includes, for example, a disclosure showing that (1) a new significant impact would result from the project or from a new mitigation measure proposed to be implemented; (2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to below a level of significance; (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project but the project’s proponents decline to adopt it; and (4) the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

New information added to an EIR is not “significant,” and recirculation of an EIR is not required, unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent has declined to implement. Recirculation is not required where new information added to an EIR merely clarifies or amplifies or makes modifications to an adequate EIR. Recirculation under section 15088.5 is intended to be the exception, rather than a general rule, and is not intended to promote endless rounds of revision and recirculation of an EIR.

The FEIR incorporates information obtained since the DEIR and the Revised DEIR were completed and contains additions, clarifications, modifications, and other changes, including the additional measures to protect natural resources and the environment and to encourage future public participation that are above and beyond the requirements of CEQA and other applicable federal, state, and local laws and regulations. The Port has reviewed all of the changes to the Revised DEIR and the additional information that are included in the FEIR. Based on this review, the Port hereby finds that said changes and new information do not change any of the findings or conclusions of the Revised DEIR or FEIR and do not constitute “significant new information” within the meaning of CEQA Guidelines section 15088.5. Accordingly, the Port hereby finds that recirculation of the Revised DEIR and/or FEIR is not required.

### **2.3 Public Participation**

Pursuant to CEQA Guidelines section 15201, the Port and the City implemented procedures and sponsored activities intended to promote wide public involvement, formal and informal, in order to receive and evaluate public reactions to environmental issues related to the Project. These public outreach efforts, which are described in *Section 1.2, Public Outreach and Participation*, and *Section 2.1.1, Public Participation in the Planning Process*, of the FEIR, are summarized below.

Public outreach and participation have been the cornerstones of the master planning process for the Proposed Project. The public outreach and participation program for the Chula Vista Bayfront Master Plan (CVBMP) was one of the most comprehensive public outreach efforts conducted to date by the Port and City and was recognized for excellence by the San Diego Section of the American Planning Association. The program occurred in three phases.

The first phase occurred during the initial master planning process, which began in January 2003 and ended in May 2004, when the Port and City engaged in an extensive public outreach and participation program. The program consisted of 15 Citizens Advisory Committee (CAC) meetings, 7 South Bay Power Plant (SBPP) working group meetings, 8 public workshops, joint Board of Port Commissioners (Board)/Chula Vista City Council (City Council) meetings, and other activities. The initial master planning process resulted in the development of two land use plans, then referred to as “Option C” (which evolved into the Harbor Park Alternative) and “Option B” (which evolved into the No Land Trade Alternative). Both plans were considered as alternatives to the Proposed Project and are discussed in *Chapter 5.0, Alternatives*, in the FEIR. In addition to the CAC and SBPP working group meetings, public workshops, and joint Board/City Council meetings, approximately 30 community presentations were made to interested stakeholders, agencies, and organizations.

Furthermore, three newsletters were published to keep the public apprised of the master planning progress. The first newsletter was issued in June 2003 and described the master planning site process; allowable uses on Port tidelands; a summary of the May 21, 2003, public workshop; the Port/City master plan objectives; and opportunities for public input. The second newsletter was issued in January 2004 and described the CAC formation, a master plan timeline, availability of the CVBMP webpage and online survey, and an article written by the CAC. The third newsletter was issued in May 2004 and provided an update on the master planning phase and a summary of the January CAC visioning exercise results.

The Port also kept the public apprised of the planning effort and solicited further public input by creating a webpage for the Proposed Project to make information available in electronic format on the Internet. The Port’s webpage contained a description of the Project area, planning process, and schedule; public input opportunities through public meetings; and access to major consultant deliverables. The webpage also allowed the public to register to be placed on the Proposed Project mailing list, which ultimately contained approximately 1,500 names, and provided an online survey in which the public could express concerns and provide ideas on the vision for the Bayfront, master plan alternatives, public outreach, and the planning process. Over 75 individuals completed the survey either online or in written format.

The Port and City also participated in various community events, such as “Celebrate Chula Vista,” to educate the public about the CVBMP planning process and encourage public



participation. Finally, the Port and City issued media releases and maintained contact with media representatives throughout the planning process.

The second phase of the Port and the City's public outreach program occurred during subsequent stages of the master planning process, which began in June 2004 and ended in August 2005. This phase built upon the initial master planning efforts and resulted in the development of three master plan alternatives with specific uses and locations, development program and height ranges, and phasing recommendations. The Port and City continued their public outreach and participation program by conducting the following activities: 16 CAC meetings, including 2 "charrette" workshops that enabled participants to review plan alternatives in three dimensions; 5 meetings on economics; a Bayfront tour; a public workshop; a joint Board/City Council meeting; 6 separate CVBMP-related Board/City Council meetings; and 15 community presentations.

The Port also issued a four-page color newsletter in January 2005 that discussed the CAC master planning process, summarized the two CAC charrettes, and provided a sampling of comments received from the public during the December 2004 public meeting. The Port continued to maintain the Proposed Project webpage during the master planning process to keep the public apprised of the planning effort. As in the initial master planning process, the Port and City also continued to participate in various community events during subsequent phases of the process to educate the public about the Proposed Project and to encourage their participation. Finally, the Port and City continued to provide additional information to the public through media releases and contact with media representatives throughout the master planning process.

The third phase of the Port and the City's public outreach and participation program occurred during the environmental review phase of the Project, which began on August 9, 2005, when the Port and the City directed staff to begin preparation of the environmental review of the Proposed Project, and continued through March 2010, when the Port completed preparation of the FEIR. During this phase, the Port and the City met on numerous occasions with interested persons, organizations, and public agencies to provide information concerning the Project and to receive and respond to concerns about environmental issues.

After the close of the public comment period for the Revised DEIR in August 2008, the Port and City continued an extensive public outreach and participation program. Over a period of approximately 9 months, the Port and the City met with interested individuals, organizations, and public agencies to address issues raised in public and agency comments on the Proposed Project and the Revised DEIR. The continuing public outreach and participation program was highly productive and resulted in a variety of specific recommendations for improving the design of the Proposed Project and increasing the protection of natural resources in and around the Project area. Although these recommendations provide for changes in the Proposed Project and for additional protection of natural resources and the environment above and beyond that required

by CEQA and other applicable federal, state, and local laws and regulations, the Port and the City have agreed to include them in the FEIR and the Mitigation Monitoring and Reporting Program (MMRP) as design features and mitigation measures.

The Port and the City appreciate the participation of the numerous individuals, organizations, and public agencies in the continuing public outreach and participation program. The following participants also engaged in outreach efforts that address specific concerns expressed during the public comment period for the Revised DEIR:

- a. The Port, the City, and the RDA met with representatives of the Bayfront Coalition and its member organizations, including the Environmental Health Coalition, San Diego Audubon Society, San Diego Coastkeeper, Coastal Environmental Rights Foundation, Southwest Wetlands Interpretative Association, Surfrider Foundation (San Diego Chapter), and Empower San Diego, to address their concern that the Proposed Project and its component parts would be implemented in a manner that provides community benefits, including but not limited to the preservation and protection of natural resources and the environment. Over a period of approximately 9 months, the Port, the City, and the RDA met with representatives of the Bayfront Coalition to address specific concerns and to develop specific recommendations for improvements in Project design and increased protection of natural resources in the Project area. As a result of these efforts, the parties entered into a written agreement which provides for a wide variety of measures, above and beyond those required by CEQA or other applicable laws and regulations, that have been incorporated in the Final EIR, including the creation and implementation of an NRMP; cooperative agreements with the USFWS or other appropriate agency for additional habitat management and protection; the design and timing of Phase I Signature Park improvements and minimum standards for the Sweetwater and Otay district public parks; and additional mitigation measures regarding bird strikes and disorientation, stormwater and urban runoff, landscaping and vegetation, lighting and illumination, noise, boating impacts, hazardous waste removal, and energy conservation and efficiency (see *Chapter 3.0, Project Description*, and Mitigation Measures 4.8-6, 4.8-7, 4.8-23, 4.12-4, 4.12-8, 4.12-9, 4.12-11, and 4.16-2 of the FEIR).
- b. The Port, the City, and the RDA met with representatives of Goodrich to address Goodrich's concerns regarding its potential costs and liabilities that could result from the proposed development of residential uses on Parcels H-13 and H-14 in close proximity to ongoing and future operations on the Goodrich property, and the remediation of existing soil and groundwater contamination. Over a period of approximately 7 months, the Port, the City, and the RDA met with Goodrich representatives to address these and other related concerns set forth in Goodrich's written comments (Letter R) on the Revised DEIR and to develop specific recommendations for resolving the concerns. As a result of

these efforts, the parties entered into a written agreement (the aforementioned Goodrich Agreement), which provides specific measures for the disclosure of information regarding Goodrich's operations to future occupants of the residential project proposed on Parcels H-13 and H-14, for a minimum distance between residential dwellings and the northern boundary of the Goodrich property; for development conditions for the residential parcels relating to foundation systems, grading requirements, development sequencing, vapor intrusion requirements, and interior noise levels; and for fencing, landscaping, screening, and buffer areas where appropriate. The Goodrich Agreement also provides specific measures to ensure cooperation among the Port, the City, the RDA, and Goodrich with respect to development and implementation of the Proposed Project and activities relating to the remediation of existing contamination, including measures designed to mitigate risks to human health and the environment, measures related to the placement and relocation of remediation facilities, measures to reduce the potential for lateral groundwater migration in utility corridors and vertical migration of contaminants, and measures to avoid the infiltration of hazardous substances into storm drain lines. The Port, the City, and the RDA have approved the Goodrich Agreement, and Goodrich agrees that the Port, the City, and the RDA have adopted significant and meaningful measures that adequately address all of the issues raised and concerns expressed in its written comments on the Revised DEIR (Comment Letter R). The Goodrich Agreement is a matter of public record and is available to the public during normal business hours in the office of the District Clerk, located at 1600 Pacific Highway, San Diego, California. Pursuant to CEQA Guidelines section 15150, the Goodrich Agreement is incorporated in this FEIR as though set forth in full.

## 2.4 Record of Proceedings

For the purposes of CEQA and the findings contained herein, the record of the administrative proceedings for the Board's decision concerning certification of the FEIR for the Project shall include, but is not limited to, the following documents:

- The DEIR and the Appendices to the DEIR
- The Revised DEIR and the Appendices to the Revised DEIR
- The FEIR and the Errata and Appendices to the FEIR
- The PMP
- The City of Chula Vista General Plan and the FEIR for the City of Chula Vista General Plan Update (GPU) (December 2005)
- The City of Chula Vista LCP Land Use Plan
- The City of Chula Vista MSCP

- The City of Chula Vista Bayfront Specific Plan and the FEIR for the Bayfront Specific Plan (RECON 1984)
- The Chula Vista Bayfront Master Plan Settlement Agreement, approved by the Board on May 4, 2010
- Board Resolution No. 2010-033, adopted on March 2, 2010, approving a work plan for remediation of the contamination on Parcel HP-5
- The Land Exchange Agreement between the Port and Pacifica, approved by the Port on February 2, 2010
- Second Amendment to Relocation Agreement among the Port, the City, the Redevelopment Agency of the City of Chula Vista, and Rohr, Inc. (operating as Goodrich Aerostructures, a wholly owned subsidiary of Goodrich), approved by the Port on February 2, 2010
- The Goodrich Agreement and the Mitigated Negative Declaration (Case No: IS-99-21), prepared and approved by the City of Chula Vista Redevelopment Agency (June 1999)
- The Chula Vista Business Park Expansion and PMP Amendment FEIR, certified by the Port (October 1997)
- The Real Estate Exchange Agreement and Joint Escrow Instructions between the Port and San Diego Gas & Electric Company (SDG&E), dated January 5, 2010
- San Diego Bay National Wildlife Refuge, Sweetwater Marsh, and South San Diego Bay Units Draft Comprehensive Conservation Plan and Environmental Impact Statement, USFWS (July 2005)
- San Diego Bay Integrated NRMP, U.S. Department of the Navy (September 2000)
- FEIR Midbayfront LCP Re-submittal No. 8, City of Chula Vista (July 1991)
- The MMRP for the Proposed Project
- Documents and other materials listed as references and/or incorporated by reference in the DEIR, the Revised DEIR, and the FEIR, and the appendices thereto
- Findings and resolutions adopted by the Port in connection with the Proposed Project
- Documents cited or referred to in the FEIR
- Reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by Port staff and consultants to the Port or City, which were before the Board as determined by the District Clerk

- Documents and other materials submitted to the Port by other public agencies or members of the public in connection with the Proposed Project through the close of the public hearing at which the Proposed Project was approved
- The minutes, recordings, and transcripts of public hearings held by the Port concerning the FEIR and the Proposed Project
- Documents or other materials submitted to the Port or City at the public hearings concerning the Proposed Project
- Matters of common knowledge to the Port
- Documents expressly cited or referenced in these findings, in addition to those cited above
- Other materials required to be included in the record of proceedings by California Public Resources Code section 21167.6(e).

The documents and materials that constitute the record of administrative proceedings are maintained at the Office of the District Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California, 92101. The custodian for these records is the District Clerk.

## **3.0 FINDINGS PURSUANT TO CEQA**

### **3.1 Purpose**

CEQA requires the Port to make written findings of fact for each significant environmental impact identified in the FEIR (Pub. Res. Code section 21081; CEQA Guidelines section 15091). The purpose of findings is to systematically restate the significant effects of the Proposed Project on the environment and to determine the feasibility of mitigation measures and alternatives identified in the FEIR that would avoid or substantially lessen the significant effects. Once the Port has adopted sufficient measures to avoid or substantially lessen a significant impact, it is not required to adopt every mitigation measure identified in the FEIR or otherwise brought to its attention. If significant impacts remain after application of all feasible mitigation measures, the Port must review the alternatives identified in the FEIR and determine whether they are feasible. These findings set forth the reasons, and the evidence in support of, the Port's determinations.

### **3.2 Terminology**

A "finding" is a written statement made by the Port that explains how the Port dealt with each significant impact and alternative identified in the FEIR. Each finding identifies a significant impact and provides an ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the evidence supports the conclusion.

For each significant impact identified in the FEIR, CEQA requires the Port to make a written finding reaching one or more of the following conclusions: (1) that changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect; (2) that the changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or (3) that specific legal, economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR (Pub. Res. Code section 21081(a); CEQA Guidelines section 15091(a)).

A mitigation measure or an alternative is considered "feasible" if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors, as well as considerations for employment of highly trained workers (Pub. Res. Code section 21061.1; CEQA Guidelines section 15364).

### **3.3 Legal Effect**

To the extent that these findings conclude that mitigation measures identified in the FEIR are feasible and have not been modified, superseded, or withdrawn, the Port hereby binds itself to implement those measures. These findings are not merely informational, but constitute a binding set of obligations upon the Port and responsible agencies that take effect upon the Port's adoption of the resolutions certifying the FEIR and approving the Proposed Project.

### **3.4 Mitigation Monitoring and Reporting Program**

In adopting these findings, the Port also adopts an MMRP pursuant to Public Resources Code section 21081.6. This program is designed to ensure the Proposed Project complies with the feasible mitigation measures identified below during implementation of the Proposed Project. The program is set forth in the "Chula Vista Bayfront Master Plan Mitigation Monitoring and Reporting Program (MMRP)," which the Port adopts concurrently with these findings and is incorporated herein by this reference.

## **4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT**

The FEIR determined that the Project may result in direct significant environmental impacts with respect to land/water use compatibility, traffic and circulation, aesthetics/visual quality, hydrology/water quality, air quality, noise, terrestrial biological resources, marine biological resources, paleontological resources, hazards and hazardous materials/public safety, public services, public utilities, seismic/geology and energy. The FEIR also identified mitigation measures that will avoid or substantially lessen the significant environmental impacts to a less-than-significant level. The potentially significant impacts of the Proposed Project and the mitigation measures that will reduce them to below a level of significance are discussed in *Chapter 4.0, Environmental Analysis (Sections 4.1 through 4.17)* of the FEIR. In addition, the full suite of mitigation measures described and required within the FEIR is sufficient to mitigate the construction of 1,600 rooms and 415,000 net square feet of conference facilities on Parcel H-3 at the program level.

Set forth below are the findings regarding the direct significant impacts of the Proposed Project that can be mitigated to below a level of significance. These findings are based on the discussion of potential significant impacts and mitigation measures contained in *Chapter 4.0, Environmental Analysis* of the FEIR. Pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), therefore, the Port finds that changes or alterations have been required in, or incorporated into, the Proposed Project which will avoid or substantially lessen the following significant environmental impacts identified in the FEIR:

### **4.1 Land and Water Use Compatibility**

#### **4.1.1 Potential Significant Impact (4.1-1)**

The development within the Coronado Railroad right-of-way (ROW) may result in a significant impact to CCC wetlands on Parcel HP-7 during Phase II and to CCC wetlands on Parcel HP-13B during Phase III of the Proposed Project.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.



### **Facts in Support of Finding**

The potential significant impact to CCC wetlands on Parcels HP-7 and HP-13B will be avoided or reduced to below a level of significance with the incorporation of Mitigation Measure 4.1-1. The mitigation will require that prior to the issuance of the first grading permit for activities that could impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall consult with the CCC to determine if the proposed impact is allowed under the Coastal Act. If the impact is not allowed, then a design shall be developed that avoids impacts to CCC jurisdictional wetlands, thus eliminating any potential impacts to such resources.

In the event that the CCC concurs that the impact to CCC jurisdictional wetlands is allowed, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create and/or restore CCC wetlands to provide 2:1 mitigation for the impact to CCC wetlands on Parcels HP-7 and HP-13B; therefore, the mitigation would ensure that there would be no net loss to any CCC wetlands that may result from the Project.

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 and propose site preparation techniques, planting palettes, implementation procedures, monitoring and maintenance practices, and establish a performance criteria for each mitigation site. Typical success criteria may include percent of canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum five-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within three months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.

Through either complete avoidance or the creation of like kind and quality wetlands for any CCC wetlands impacted on Parcels HP-13B, the potential significant impact, incorporation of Mitigation Measure 4.1-1 will reduce the potential impact resulting from development of a CCC jurisdictional wetland on Parcels HP-7 and HP-13B (Potential Significant Impact 4.1-1) to below a level of significance.

#### **4.1.2 Potential Significant Impact (4.1-2)**

The development of Parcel O-1 for Industrial Park uses during Phase III of the Proposed Project may result in a significant impact to a small seasonal pond located on Parcels O-1 and OP-3 in the Otay District that are considered CCC wetlands.

##### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

The potential significant impact to the small seasonal pond on Parcels O-1 and OP-3 during Phase III development would be less than significant with the incorporation of Mitigation Measure 4.1-2. The Port or Port tenants, as appropriate, shall confer with CCC in order to determine whether the drainages mapped as a potential CCC wetland falls under CCC jurisdiction. If this area is not subject to CCC jurisdiction, no additional mitigation would be required. If CCC does assert jurisdiction over these areas, the final development design must mitigate impacts at a 2:1 ratio.

Prior to the issuance of the first grading permit for projects that could impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall consult with the CCC to determine if the proposed impact is allowed under the Coastal Act. If the impact is not allowed, then a design shall be developed that avoids impacts to CCC jurisdictional wetlands and no impact to such wetlands shall occur.

In the event that the CCC concurs that the impact to CCC jurisdictional wetlands is allowed, the Port or Port tenants, as appropriate, shall prepare a restoration plan to detail the measures needed to create and/or restore the CCC wetlands. This would ensure that direct impacts to the resource would be appropriately mitigated.

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 and propose site preparation techniques, planting palettes, implementation procedures, monitoring and maintenance practices, and establish a performance criteria for each mitigation site. Typical success criteria may include percent of canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum five-year maintenance and monitoring period

would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within three months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.

Therefore, if CCC asserts jurisdiction over the drainages mapped as a potential CCC wetland, through either complete avoidance or appropriate measures as required under the wetlands restoration plan, the incorporation of Mitigation Measure 4.1-2 will reduce potentially significant impacts to the small seasonal pond on Parcel O-1 and OP-3 due to future development during Phase III (Potential Significant Impact 4.1-2) to below a level of significance.

#### **4.1.3 Potential Significant Impact (4.1-3)**

The development of Parcel O-1 and proposed Streets A and B may result in a significant impact to potential CCC jurisdictional resources if it is determined that these areas are subject to CCC jurisdiction.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The northern area of the Otay District, including proposed Parcels O-1, OP2-A, and Streets A and B, is the location of a former industrial facility that was part of the South Bay Power Plant (SBPP) site. Tanks 4, 5, and 6 as identified on the site plan for the SDG&E and SBPP facilities existed at this location. A depressed area exists that acted as an overflow detention basin for the adjacent tanks. The tanks have been removed, but the overflow detention basin remains. Prior to removal of the tanks, each of the three fuel oil tanks held a capacity of 375,000 barrels of stored No. 6 fuel oil. The facilities were entirely within a bermed area. Approximately 21,000 cubic yards of soil has been excavated and removed since removal of the tanks and piping as part of a decommissioning and remediation process. Prior to removal of the tanks, each of the three fuel oil tanks held a capacity of 375,000 barrels of stored No. 6 fuel oil. The facilities were entirely within a bermed area. Approximately 21,000 cubic yards of soil has been excavated and removed since removal of the tanks and piping as part of a decommissioning and remediation process. The

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

detention basin is an artificial basin with little wildlife value; however, during the extreme rainy season of 2005 (which received 12 inches more than average), large ponded areas were observed. The area supports small patches of hydrophytic vegetation, mainly grass poly. These seasonally ponded areas exist on fill soil. There are pipes leading from each of the tank sites to the detention basin. The detention basin outlet works on a valve system and must be opened and closed manually. Unless opened, this detention basin is not connected hydrologically to the adjacent waters. Moreover, contamination is present on site and remediation actions will occur.

In addition to the work conducted by RECON, CH2M Hill evaluated the biological resources in the same areas within the Otay District for a CEC Application prepared by LS Power (the CEC application has since been withdrawn). CH2M Hill identified the same areas in the Otay District as poorly drained depressions not subject to USACE jurisdiction. CH2M Hill noted that the soils typically contained small gravel, rocks, and marine snail shells (indicating fill material from the Bay). CH2M Hill concluded that although the depressions pond water in some years and contain marginal wetland plant species, they do not have distinct boundaries (except the depression outlined by dirt roads) or an ordinary high water mark, and do not connect to natural water bodies (bay or creeks) through swales or sheet flow. Furthermore, CH2M Hill noted that the 2004–2005 wet season was extraordinarily high with approximately 22 inches, and although standing water was observed during extremely high rainfall in 2004–2005, CH2M Hill observed little in November 2005 and only for a short period.

The work of RECON and the work of CH2M Hill both reflect similar observations. The differences in observation stem, in part, from the fact that RECON's investigation was completed during one of the wettest years on record, while CH2M Hill's analysis was done during a dry year.

Because the former tank sites and detention basin are not connected hydrologically to the adjacent waters and it is a previously developed site, the detention basin and associated tank sites are considered exempt from USACE jurisdiction. For these reasons, the former industrial facility site is also considered unlikely to be subject to CCC jurisdiction and therefore no impact would result from Phase III development of these areas.

However, if it is determined that these areas are subject to CCC jurisdiction, the development proposed at these locations on Parcel O-1 and Streets A and B would be significant and mitigation would be required. This impact would be less than significant with the incorporation of Mitigation Measure 4.1-2. The Port or Port tenants, as appropriate, shall confer with CCC in order to determine whether the tank sites and detention basin are a potential CCC wetland under CCC jurisdiction. If this area is not subject to CCC jurisdiction, no additional mitigation would be required. If CCC does assert jurisdiction over these areas, the final development design must mitigate impacts at a 2:1 ratio.

As discussed under Potential Significant Impact 4.1-2, prior to the issuance of the first grading permit for projects that could impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall consult with the CCC to determine if the proposed impact is allowed under the Coastal Act. If the impact is not allowed, then a design shall be developed that avoids impacts to CCC jurisdictional wetlands and no impact to such wetlands shall occur.

In the event that the CCC concurs that the impact to CCC jurisdictional wetlands is allowed, the Port or Port tenants, as appropriate, shall prepare a restoration plan to detail the measures needed to create and/or restore the CCC wetlands. This would ensure that direct impacts to the resource would be appropriately mitigated (see discussion pursuant to Potential Significant Impact 4.1-2 above regarding details of the restoration plan).

Therefore, if CCC asserts jurisdiction over the tank sites and detention basin, through either complete avoidance or appropriate measures as required under the wetlands restoration plan, incorporation of Mitigation Measure 4.1-2 will reduce potentially significant impacts to future development during Phase III (Potential Significant Impact 4.1-3) to below a level of significance.

#### **4.1.4 Potential Significant Impact (4.1-6)**

The Proposed Project's development on Parcels H-13, H-14, H-15, and HP-5 would not conform to the adopted MSCP Subarea Plan and may result in a significant impact unless a Habitat Loss Incidental Take (HLIT) Permit is obtained.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The Proposed Project will require a mapping change to the MSCP Subarea Plan to adjust the boundaries of the plan to correspond to the change in land use jurisdictional boundaries. The amendment will change the designation of Parcels H-13, H-14, H-15, and HP-5 from "Other Agency—Preserve Planning Efforts" to "Development Area Outside of "Covered Projects," and will change the designation of lands within Parcels S-1, S-2, S-3, SP-1, SP-2 and SP-3 from "Development Area" to "Other Agency—Preserve Planning Efforts." The proposed amendment must be approved by the City, USFWS, and CDFG. None of the areas proposed for exchange are designated as Preserve, and as such are not proposed for conservation under the Subarea Plan. Mitigation ratios for affected habitats within the parcels proposed for exchange would not be

affected by the proposed exchange or amendment, since the mitigation ratios being applied to the affected resources within these parcels are consistent between the Port and City jurisdictions. Therefore, the biological effect of the proposed land exchange and MSCP mapping change would be less than significant.

However, as a result of the proposed amendment, development within the future City jurisdiction on Parcels H-13, H-14, H-15, and HP-5 will be subject to a HLIT Permit. Projects within the City of Chula Vista's jurisdiction are required to comply with the City of Chula Vista's MSCP Subarea Plan. This includes obtaining a HLIT permit pursuant to the HLIT Ordinance which is the implementing regulatory vehicle for the City of Chula Vista MSCP Subarea Plan. This Project is subject to this ordinance because, as stated in Section 5.2.2 Habitat Loss and Incidental Take Ordinance, the Subarea Plan requires issuance of an HLIT permit for "all development within the City's jurisdiction which is not located within the Development Areas of Covered Projects prior to issuance of any land development permit."

In order to approve an HLIT Permit, certain findings must be made by the City. *Table 4.1-10* in the FEIR summarizes the Project's conformity to MSCP Development Guidelines and Findings for the HLIT Ordinance. As shown on this table, the Project would not conform to the adopted MSCP Subarea Plan unless an HLIT Permit is obtained for the development on Parcels H-13, H-14, H-15, and HP-5.

As provided for in Mitigation Measure 4.1-4, prior to issuance of any permit for clearing, grubbing, or grading, the project applicant shall be required to obtain an HLIT Permit pursuant to Section 17.35 of the Chula Vista Municipal Code for impacts to Covered Species and Vegetation Communities protection under the City's MSCP Subarea Plan.

Incorporation of Mitigation Measure 4.1-4 will reduce impacts resulting from the Proposed Project's conflict with the City's MSCP (Potential Significant Impact 4.1-6) to below a level of significance.

## **4.2 Traffic and Circulation**

### **4.2.1 Potential Significant Impact (4.2-1)**

Without adequate access and frontage, the development of the Project during Phase I would result in a significant impact related to roadway design.

### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

Mitigation Measure 4.2-1 will require that prior to the issuance of any certificates of occupancy for any development on H-3 in Phase I, the Port or Port tenant, as appropriate, shall:

- Construct H Street west of Marina Parkway as a 2-lane Class III Collector.
- Construct E Street as a two-lane Class III Collector along Parcel H-3. This would provide a connection to Lagoon Drive via Marina Parkway.
- Construct a traffic signal at H Street and RCC Truck Driveway.

Mitigation Measure 4.2-1 will also require that 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 three-lane Class II Collector with excess ROW used for pedestrian facilities, or secure such construction to the satisfaction of the City engineer. Frontage improvements for the remaining segments of Marina Parkway, J Street, and Sandpiper Way will be constructed in conjunction with the development of the adjacent parcels to these frontages in subsequent phases.
- Construct Street A north of J Street would be constructed as a two-lane Class III Collector, or secure such construction to the satisfaction of the City Engineer.

This mitigation for access and frontage impacts includes construction of adjacent roadways and connection to the existing roadway network. The following discussion related to site access is based on the mitigated condition (i.e. roadways providing access and frontage are assumed to be constructed). Detailed site access alternative studies were conducted for the Pacifica Residential and Retail Project, and RCC developments. These studies analyzed driveway configurations for site access, which are described below.

### ***Pacifica Residential and Retail Project***

A detailed access analysis was prepared for the residential parcels H-13 and H-14. The access analysis looked at driveway configurations to provide access for the site bordered by Marina

Parkway to the west, Street C to the north, Street A to the east, and J Street to the south. The project distribution beyond the periphery of the site was kept constant.

This configuration assumes that the L-Ditch will not be filled, and that the 1,500 residential units will be divided into six residential buildings. Three driveways are assumed, two connecting to Marina Parkway and one connecting to Street A. The one driveway connecting to Street A will require a bridge to be constructed over the L-Ditch. *Figure 4.2-4b* in the FEIR shows the general location of each of the three driveways and the share of Project traffic using those driveways. Each of the driveways would operate at an acceptable LOS as one-way stop controlled intersections. A right-turn lane would be required on southbound Street A to and for access to Access Driveway #3. Right-turn lanes are not necessary for either Marina Parkway driveway. None of the driveways, including the bridge, is required to be more than two lanes. No additional improvements are required at the adjacent intersections, and with the appropriate mitigation incorporated, no significant impacts related to hazards associated with roadway and driveway design would result.

#### ***Resort Conference Center (RCC)***

An in-depth site access analysis was performed for the RCC site at Parcel H-3. The area is bound by E Street to the west and north, the BF Goodrich site to the east, and H Street to the south. As part of this analysis, the four adjacent intersections were examined. These intersections are:

- E Street and RCC Secondary Driveway
- Main Exit and H Street
- Main Entrance and H Street
- Marina Parkway/ RCC Truck Driveway and H Street.

The location of the driveways, the geometry of the driveways, and the distribution of traffic using each driveway is shown in *Figure 4.2-4c* of the FEIR. Most of the parking would be accessed via the main driveway on H Street, west of Marina Parkway. Additional parking is accessible from the secondary driveway off of E Street.

Parking for the first 1,500 rooms to be constructed for the RCC is assumed to be on site at H-3. At buildout of the 2,000 rooms proposed for the RCC site, H-18 will provide 500 spaces to meet the parking requirements for H-3. Parking at H-18 may be used for RCC employees and during large RCC special events and a shuttle between H-3 and H-18 may be provided. The RCC is expected to require 2,816 parking spaces; 2,316 of those spaces will be provided on H-3. Thus, 18% of the total parking will be provided off site at H-18. Therefore, 82% of trips were distributed to H-3 and 18% of trips were distributed to H-18.



The RCC access analysis uses the year 2030 volumes from the July 2006 TIA. The exit driveway only allows movements exiting the site and the entrance driveway only allows movements entering the site. Both entering and exiting movements are allowed at the other driveways. The main entrance and exit driveways would not require signals, but operate at an acceptable LOS as one-way stop-controlled intersections. It is suggested but not required that the main exit driveway provide a dedicated left-turn and a dedicated right-turn. The Secondary RCC Driveway is required to provide separate left-turn and right-turn lanes in order to operate at an acceptable LOS as a one-way stop-controlled intersection. The RCC Truck Driveway intersection must be signalized. With the proposed access and frontage improvements in place, no significant impacts related to hazards associated with roadway and driveway design would result.

Incorporation of Mitigation Measure 4.2-1 will reduce impacts regarding adequate access and frontage related to roadway design (Potential Significant Impact 4.2-1) to below a level of significance.

#### **4.2.2 Potential Significant Impact (4.2-2)**

The development of the Project would result in a significant impact to the roadway segment of Lagoon Drive/F Street (from Marina Parkway to Bay Boulevard) given that, without sufficient mitigation, the roadway segment would experience congested LOS F conditions during Phase I.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

All of the roadway improvements within the Sweetwater and Harbor Districts were evaluated at a project level, and roadway improvements in subsequent phases in the Otay District were analyzed at a program level. *Table 4.2-10* of the FEIR, provides a summary of trip generation in Phase I for the Proposed Project. The Proposed Project in Phase I is expected to generate a total of 30,842 daily trips, all of which would be generated by proposed land uses in Harbor District, except for the 900 trips per day that would be generated by the proposed signature park located in the Sweetwater District. This represents about 47% of the Proposed Project traffic generated by development occurring within the Harbor District.

Phase I traffic volumes are calculated by increasing the existing traffic volumes gathered in 2005 by annual growth over 7 years, which is the difference between year 2012 (Phase I) and year 2005 (Existing). Phase I Baseline traffic volumes are calculated as the increase in traffic volumes

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

resulting from 7 years of growth between 2005 and 2012 (as projected in the Chula Vista GPU) added to the existing baseline conditions. Phase I Plus Project volumes are calculated by adding the Phase I project trips (generated by proposed land uses) to the Phase I Baseline volumes and subtracting the trip credits associated with existing land uses to be redeveloped as part of Phase I (RV Park).

As discussed in the FEIR, *Table 4.2-15* provides the Phase I Conditions Roadway Level of Service summary and presents the LOS analysis results for the roadway segments under Phase I Baseline and Phase I Plus Project conditions. As shown in the table, the following segments will experience congested LOS D or worse conditions for segments outside of the Urban Core and LOS E conditions for segments inside of the Urban Core and will require mitigation:

- Lagoon Drive/F Street (Marina Parkway to Bay Boulevard) (LOS F)
- H Street (west of Marina Parkway)(LOS F)
- Marina Pkwy (Lagoon Drive to G Street) (LOS F)
- Bay Boulevard (E Street to F Street) (LOS F).

In order to mitigate for the level of service impact (LOS F) at Lagoon Drive/F Street (from Marina Parkway to Bay Boulevard), prior to the issuance of any certificates of occupancy for any development on H-3 in Phase I, the Port or Port tenant, as appropriate, shall construct H Street from I-5 to Marina Parkway as a four-lane Major Street. This mitigation is provided in lieu of widening of F Street due to environmental constraints associated with the widening of F Street in the vicinity of the F & G Street Marsh. At the completion of the H Street Extension, the Port or Port tenant, as appropriate, shall also restrict access along the segment of Lagoon Drive/F Street (between Parcel H-3 and the BF Goodrich access on F Street) to emergency vehicle access only.

Incorporation of Mitigation Measure 4.2-2 will ensure an appropriate level of service at the roadway segment of Lagoon Drive/F Street (from Marina Parkway to Bay Boulevard) and reduce Potential Significant Impact 4.2-2 to below a level of significance.

#### **4.2.3 Potential Significant Impact (4.2-3)**

The development of the Project would result in a significant impact to the roadway segment of H Street (west of Marina Parkway) given that, without sufficient mitigation, the roadway segment would experience congested LOS F conditions during Phase I.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-2 above also apply to Potential Significant Impact 4.2-3. In order to mitigate the significant impact to roadway segment of H Street (west of Marina Parkway), prior to the issuance of any certificates of occupancy for any development on H-3 in Phase I, Port or Port tenants, as appropriate, shall widen H Street west of Marina Parkway from a 2-lane Class III Collector to a 3-lane Class II Collector.

Incorporation of Mitigation Measure 4.2-3 will ensure an appropriate level of service and reduce Potential Significant Impact 4.2-3 to below a level of significance.

**4.2.4 Potential Significant Impact (4.2-4)**

The development of the Project would result in a significant impact to the roadway segment of Marina Parkway (from Lagoon Drive to G Street) given that, without sufficient mitigation, the roadway segment would experience congested LOS F conditions during Phase I.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-2 above also apply to Potential Significant Impact 4.2-4. In order to mitigate for the level of service impact (LOS F) at Marina Pkwy (from Lagoon Drive to G Street), prior to the issuance of any certificates of occupancy for any development on H-3 in Phase I, the Port or Port tenant, as appropriate, shall construct H Street from I-5 to Marina Parkway as a four-lane Major Street. This mitigation is provided in lieu of widening of F Street due to environmental constraints associated with the widening of F Street in the vicinity of the F & G Street Marsh. At the completion of the H Street Extension, the Port or Port tenant, as appropriate, shall also restrict access along the segment of Lagoon Drive/F Street (between Parcel H-3 and the BF Goodrich access on F Street) to emergency vehicle access only.

Incorporation of Mitigation Measure 4.2-2 will ensure an appropriate level of service at the roadway segment of Marina Parkway (from Lagoon Drive to G Street) and reduce Potential Significant Impact 4.2-4 to below a level of significance.

**4.2.5 Potential Significant Impact (4.2-5)**

The development of the Project would result in a significant impact to the roadway segment of Bay Boulevard (from E Street to F Street) given that, without sufficient mitigation, the roadway segment would experience congested LOS F conditions during Phase I.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-2 above also apply to Potential Significant Impact 4.2-5. In order to mitigate for the level of service impact (LOS F) at Bay Boulevard (from E Street to F Street), prior to the issuance of certificates of occupancy for development on H-3 and building permits for any development on H-13 or H-14 in Phase I, the Port, Port tenants, or applicant, as appropriate, shall widen Bay Boulevard between E Street and F Street from a two-lane Class III Collector to a two-lane Class II Collector, or secure such widening to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of Project traffic.

Incorporation of Mitigation Measure 4.2-4 will ensure an appropriate level of service at the roadway segment of Bay Boulevard (from E Street to F Street) and reduce Potential Significant Impact 4.2-5 to below a level of significance.

**4.2.6 Potential Significant Impact (4.2-6)**

The development of the Project would result in a significant impact to the intersection of E Street and I-5 southbound off-ramps given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during PM peak hours under Phase I conditions.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### Facts in Support of Finding

Figures 4.2-8a through 4.2-8d of the FEIR depict the Phase I Baseline Conditions Peak-Hour Traffic Volumes for intersections in the study area. Only the intersections that are constructed or those that will be constructed in Phase I are depicted. Figures 4.2-9a through 4.2-9d in the FEIR depicts the Phase I Plus Project Conditions Peak-Hour Traffic Volumes. Finally, Table 4.2-16 summarizes the Phase I Conditions Peak-Hour Level of Service for intersections in the Project area.

As shown in the FEIR in Table 4.2-16, the following intersections will be characterized by LOS E or F conditions under Phase I Baseline Plus Project conditions and would result in direct impacts and would require mitigation:

- E Street/I-5 Southbound Off-Ramps (LOS F, PM peak hour)
- F Street/Bay Boulevard (LOS F, PM peak hour)
- J Street/Bay Boulevard (LOS F, both AM and PM peak hours)
- L Street/Bay Boulevard (LOS F, both AM and PM peak hours)
- I-5 Southbound Ramps/Bay Boulevard (LOS F, PM peak hour)
- J Street/Marina Parkway (LOS E, PM peak hour)

In order to mitigate for the level of service impact (LOS F during the PM peak hour) at the intersection of E Street and I-5 southbound off-ramps, prior to the issuance of any certificates of occupancy for any development on H-3 in Phase I, the Port or Port tenant, as appropriate, shall construct H Street from I-5 to Marina Parkway as a four-lane Major Street. This mitigation is provided in lieu of widening of F Street due to environmental constraints associated with the widening of F Street in the vicinity of the F & G Street Marsh. At the completion of the H Street Extension, the Port or Port tenant, as appropriate, shall also restrict access along the segment of Lagoon Drive/F Street (between Parcel H-3 and the BF Goodrich access on F Street) to emergency vehicle access only.

Incorporation of Mitigation Measure 4.2-2 will ensure an appropriate level of service at the intersection of E Street and I-5 southbound off-ramps during the PM peak hour and reduce Potential Significant Impact 4.2-6 to below a level of significance.

#### 4.2.7 Potential Significant Impact (4.2-7)

The development of the Project would result in a significant impact to the intersection of F Street and Bay Boulevard given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during PM peak hours under Phase I conditions.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-6 above also apply to Potential Significant Impact 4.2-7. In order to mitigate for the level of service impact (LOS F during the PM peak hour) at the intersection of F Street and Bay Boulevard, prior to the issuance of any certificates of occupancy for any development on H-3 in Phase I, the Port or Port tenant, as appropriate, shall construct H Street from I-5 to Marina Parkway as a four-lane Major Street. This mitigation is provided in lieu of widening of F Street due to environmental constraints associated with the widening of F Street in the vicinity of the F & G Street Marsh. At the completion of the H Street Extension, the Port or Port tenant, as appropriate, shall also restrict access along the segment of Lagoon Drive/F Street (between Parcel H-3 and the BF Goodrich access on F Street) to emergency vehicle access only.

Incorporation of Mitigation Measure 4.2-2 will ensure an appropriate level of service at the intersection of F Street and Bay Boulevard during the PM peak hour and reduce Potential Significant Impact 4.2-7 to below a level of significance.

**4.2.8 Potential Significant Impact (4.2-8)**

The development of the Project would result in a significant impact to the intersection of J Street and Bay Boulevard given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during both the AM and PM peak hours under Phase I conditions.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-6 above also apply to Potential Significant Impact 4.2-8. In order to mitigate for the level of service impact (LOS F during the AM and PM peak hour) at the intersection of J Street and Bay Boulevard, 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, as provided for in Mitigation Measure 4.2-5. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-5 will ensure an appropriate level of service at the intersection of J Street and Bay Boulevard during the AM and PM peak hours and reduce Potential Significant Impact 4.2-8 to below a level of significance.

#### **4.2.9 Potential Significant Impact (4.2-9)**

The development of the Project would result in a significant impact to the intersection of L Street and Bay Boulevard given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during both the AM and PM peak hours under Phase I conditions.

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-6 above also apply to Potential Significant Impact 4.2-9. In order to mitigate for the level of service impact (LOS F during the AM and PM peak hour) at the intersection of L Street and Bay Boulevard, prior to the issuance of certificates of occupancy for development on H-3 or building permits on H-13 or H-14 for any development in Phase I, the Port, Port tenants, or applicants, as appropriate, shall construct a traffic signal at the intersection of L Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer, as provided for in Mitigation Measure 4.2-9. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-9 will ensure an appropriate level of service at the intersection of L Street and Bay Boulevard during the AM and PM peak hours and reduce Potential Significant Impact 4.2-9 to below a level of significance.

#### **4.2.10 Potential Significant Impact (4.2-10)**

The development of the Project would result in a significant impact to the intersection of the I-5 southbound ramps and Bay Boulevard given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during the PM peak hour under Phase I conditions.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-6 above also apply to Potential Significant Impact 4.2-10. In order to mitigate for the level of service impact (LOS F during the PM peak hour) at the intersection of the I-5 southbound ramps and Bay Boulevard, prior to the issuance of certificates of occupancy for development on H-3 or building permits on H-13 or H-14 for any development in Phase I, the Port, Port tenants, or applicants, as appropriate, shall construct a traffic signal at the intersection of I-5 southbound ramps and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer, as provided for in Mitigation Measure 4.2-7. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-7 will ensure an appropriate level of service at the intersection of the I-5 southbound ramps and Bay Boulevard during the PM peak hour and reduce Potential Significant Impact 4.2-10 to below a level of significance.

**4.2.11 Potential Significant Impact (4.2-11)**

The development of the Project would result in a significant impact to the intersection of J Street and Marina Parkway given that, without sufficient mitigation, the intersection would be characterized by congested LOS E conditions during the PM peak hour under Phase I conditions.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impacts 4.2-2 and 4.2-6 above also apply to Potential Significant Impact 4.2-11. In order to mitigate for the level of service impact (LOS E) at the intersection of J Street and Marina Parkway, prior to the issuance of any certificates of occupancy for any development on H-3 in Phase I, the Port or Port tenant, as appropriate, shall construct H Street from I-5 to Marina Parkway as a four-lane Major Street, as provided for in Mitigation Measure 4.2-2. This mitigation is provided in lieu of widening of F



Street due to environmental constraints associated with the widening of F Street in the vicinity of the F & G Street Marsh. At the completion of the H Street Extension, the Port or Port tenant, as appropriate, shall also restrict access along the segment of Lagoon Drive/F Street (between Parcel H-3 and the BF Goodrich access on F Street) to emergency vehicle access only.

Incorporation of Mitigation Measure 4.2-2 will ensure an appropriate level of service at the intersection of J Street and Marina Parkway and reduce Potential Significant Impact 4.2-11 to below a level of significance.

#### **4.2.12 Potential Significant Impact (4.2-13)**

With the closure of F Street, the extension of H Street, and the partial extension of E Street, the development of the Project would result in a significant impact to the intersection of H Street and RCC Driveway given that, without sufficient mitigation, the intersection would be characterized by congested LOS E conditions during the PM peak hour as a result of Phase I conditions.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

*Table 4.2-19* in the FEIR displays the LOS analysis for the study intersections under the Proposed Project-Phase I conditions with the closure of F Street, the extension of H Street, and the partial extension of E street traffic volumes. As shown in *Table 4.2-19, Phase I Conditions with Closure of F Street, Extension of H Street, and Partial Extension of E Street Peak-Hour Intersection Level of Service Summary* in the FEIR, the following intersections will be characterized by LOS E or F conditions and would result in direct impacts and would require mitigation:

- H Street/RCC Driveway (LOS E, PM peak hour)
- J Street/Bay Boulevard (LOS F, PM peak hour)
- L Street/Bay Boulevard (LOS F, both peak hours)
- I-5 Southbound Ramps/Bay Boulevard (LOS F, PM peak hour)

In order to mitigate for the level of service impact (LOS E) at the intersection of H Street and RCC Driveway, prior to the issuance of certificates of occupancy for any development on H-3 in Phase I, the Port or Port tenant, as appropriate, shall construct a westbound lane along H Street/

RCC Driveway, which would result in widening H Street west of Marina Parkway to a three-lane Class II Collector, as provided for in Mitigation Measure 4.2-9.

Incorporation of Mitigation Measure 4.2-9 will ensure an appropriate level of service at the intersection of H Street and RCC Driveway and reduce Potential Significant Impact 4.2-13 to below a level of significance.

#### **4.2.13 Potential Significant Impact (4.2-14)**

With the closure of F Street, the extension of H Street, and the partial extension of E Street, the development of the Project would result in a significant impact to the intersection of J Street and Bay Boulevard given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during the PM peak hour as a result of Phase I conditions.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-13 above also apply to Potential Significant Impact 4.2-14. In order to mitigate for the level of service impact (LOS F) at the intersection of J Street and Bay Boulevard, prior to the issuance of building permits for any development on H-13 or H-14 in Phase I, the applicant shall construct a traffic signal at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-5 will ensure an appropriate level of service at the intersection of J Street and Bay Boulevard and reduce Potential Significant Impact 4.2-14 to below a level of significance.

#### **4.2.14 Potential Significant Impact (4.2-15)**

With the closure of F Street, the extension of H Street, and the partial extension of E Street, the development of the Project would result in a significant impact to the intersection of L Street and Bay Boulevard given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during both the AM and PM peak hours as a result of Phase I conditions.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-13 above also apply to Potential Significant Impact 4.2-15. In order to mitigate for the level of service impact (LOS F) at the intersection of L Street and Bay Boulevard, prior to the issuance of certificates of occupancy for development on H-3 or building permits on H-13 or H-14 for any development in Phase I, the Port, Port tenants, or applicants, as appropriate, shall construct a traffic signal at the intersection of L Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-6 will ensure an appropriate level of service at the intersection of L Street and Bay Boulevard during the Am and PM peak hours and reduce Potential Significant Impact 4.2-15 to below a level of significance.

**4.2.15 Potential Significant Impact (4.2-16)**

The development of the Project would result in a significant impact to the intersection of the I-5 southbound ramps and Bay Boulevard given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during the PM peak hour as a result of Phase I conditions with the closure of F Street, the extension of H Street, and the partial extension of E Street.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-13 also apply to Potential Significant Impact 4.2-16. In order to mitigate for the level of service impact (LOS F) at the intersection of the I-5 southbound ramps and Bay Boulevard, prior to the issuance of certificates of occupancy for development on H-3 or building permits on H-13 or H-14 for any development in Phase I, the Port, Port tenants, or applicants, as appropriate, shall construct a traffic signal at

the intersection of I-5 southbound ramps and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-7 will ensure an appropriate level of service at the intersection of the I-5 southbound ramps and Bay Boulevard during the PM peak hour and reduce Potential Significant Impact 4.2-16 to below a level of significance.

#### **4.2.16 Potential Significant Impact (4.2-20)**

Without adequate roadway access and frontage, the development of the Project during Phase II would result in a significant impact related to roadway design.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

In order to ensure there is adequate access and frontage related to roadway design during Phase II of the Proposed Project, the Project will implement Mitigation Measure 4.2-11. Prior to the issuance of certificates of occupancy for development on Parcel H-23, the Port, Port tenant, or applicant, as appropriate, shall construct Street A between H Street to Street C as a two-lane Class III Collector, and shall construct Street C between Marina Parkway and Street A as a two-lane Class II Collector. Implementation of this mitigation measure would reduce Potential Significant Impact 4.2-20 to below a level of significance and would ensure adequate access and frontage during Phase II of the Proposed Project.

Incorporation of Mitigation Measure 4.2-11 will reduce impacts regarding adequate access and frontage related to roadway design (Potential Significant Impact 4.2-20) to below a level of significance.

#### **4.2.17 Potential Significant Impact (4.2-21)**

The development of the Project would result in a significant impact to the roadway segment of H Street (from Street A to the I-5 ramps) given that, without sufficient mitigation, the roadway segment would experience congested LOS F conditions during Phase II.

## Finding

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

## Facts in Support of Finding

As discussed in the FEIR, *Figure 4.2-4a* shows the existing ADTs for street segments in the Project area. *Figure 4.2-10* shows the Phase II Roadway Segment Trip Assignment for street segments in the Project area. *Figure 4.2-11* shows the Phase II Baseline Conditions ADT Volumes for street segments in the Project area. *Figure 4.2-12* shows the Phase II Plus Project Conditions ADT Volumes. *Table 4.2-21* provides the Phase II Conditions Roadway Level of Service summary.

*Table 4.2-21* in the FEIR depicts the Phase II Baseline roadway segment conditions and the Phase II Baseline Plus Project conditions. As shown in *Table 4.2-21*, the following segments will experience congested LOS D or worse conditions for segments outside of the Urban Core and LOS E or worse conditions for segments inside of the Urban Core and will require mitigation:

- H Street (Street A to I-5 ramps) (LOS F)
- J Street (Street A to Bay Boulevard to I-5 ramps) (LOS D)
- Street A (Street C to J Street) (LOS F)

Therefore, in order to mitigate for the level of service impact (LOS F) at the roadway segment of H Street (from Street A to the I-5 ramps), prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall widen H Street between Street A and I-5 ramps to a 5-lane Major Street, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of Project traffic.

Incorporation of Mitigation Measure 4.2-12 will ensure an appropriate level of service at the roadway segment of H Street (from Street A to the I-5 ramps) and reduce Potential Significant Impact 4.2-21 to below a level of significance.

### 4.2.18 Potential Significant Impact (4.2-22)

The development of the Project would result in a significant impact to the roadway segment of J Street (from Street A to B Boulevard to the I-5 ramps) given that, without sufficient mitigation, the roadway segment would experience congested LOS D conditions during Phase II.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-21 above also apply to Potential Significant Impact 4.2-22. In order to mitigate for the level of service impact (LOS D) at the roadway segment of J Street (from Street A to Bay Boulevard to the I-5 ramps), prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall widen J Street between Street A to I-5 ramps to a 6-lane Major Street, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of Project traffic.

Incorporation of Mitigation Measure 4.2-13 will ensure an appropriate level of service at the roadway segment of J Street (from Street A to B Boulevard to the I-5 ramps) and reduce Potential Significant Impact 4.2-22 to below a level of significance.

**4.2.19 Potential Significant Impact (4.2-23)**

The development of the Project would result in a significant impact to the roadway segment of Street A (from Street C to J Street) given that, without sufficient mitigation, the roadway segment would experience congested LOS F conditions during Phase II.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-21 above also apply to Potential Significant Impact 4.2-23. In order to mitigate for the level of service impact (LOS F) at the roadway segment of Street A (from Street C to J Street), prior to the issuance of certificates of occupancy for any development in Phase II of the development, the Port, Port tenant, or applicant, as appropriate, shall widen Street A between Street C and J Street to a 4-lane Class I Collector or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of Project traffic.

Incorporation of Mitigation Measure 4.2-14 will ensure an appropriate level of service at the roadway segment of Street A (from Street C to J Street) and reduce Potential Significant Impact 4.2-23 to below a level of significance.

#### **4.2.20 Potential Significant Impact (4.2-24)**

The development of the Project would result in a significant impact to the intersection of H Street and RCC Drive given that, without sufficient mitigation, the intersection would be characterized by congested LOS E conditions during the PM peak hour under Phase II conditions.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Table 4.2-22 of the FEIR displays the LOS analysis results for the study area intersections under the Proposed Project-Phase II Conditions scenario. As shown in the table, the following intersections will be characterized by LOS E or F conditions under Baseline Plus Project conditions and will require mitigation:

- H Street/RCC Drive (LOS E, PM peak hour)
- J Street/Bay Boulevard (LOS E, PM peak hour)
- H Street/Street A (LOS F, PM peak hour)
- J Street/Marina Parkway (LOS F, PM peak hour)
- J Street/Street A (LOS F, both peak hours)

Therefore, in order to mitigate for the level of service impact (LOS E) at the intersection of H Street and RCC Drive, prior to the issuance of certificates of occupancy for any development in Phase II of the development, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal and add an exclusive left-turn lane at each approach at the intersection of H Street and RCC Driveway, or secure such construction to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-15 will ensure an appropriate level of service at the intersection of H Street and RCC Drive and reduce Potential Significant Impact 4.2-24 to below a level of significance.

**4.2.21 Potential Significant Impact (4.2-25)**

The development of the Project would result in a significant impact to the intersection of J Street and Bay Boulevard given that, without sufficient mitigation, the intersection would be characterized by congested LOS E conditions during the PM peak hour under Phase II conditions.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-24 above also apply to Potential Significant Impact 4.2-25. In order to mitigate for the level of service impact (LOS E) at the intersection of J Street and Bay Boulevard, prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall construct a westbound and eastbound through lane along J Street at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-16 will ensure an appropriate level of service at the intersection of J Street and Bay Boulevard and reduce Potential Significant Impact 4.2-25 to below a level of significance.

**4.2.22 Potential Significant Impact (4.2-26)**

The development of the Project would result in a significant impact to the intersection of H Street and Street A given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during the PM peak hour under Phase II conditions.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.



**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-24 above also apply to Potential Significant Impact 4.2-26. In order to mitigate for the level of service impact (LOS F) at the intersection of H Street and Street A, prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal at the intersection of H Street and Street A, or secure such construction to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-17 will ensure an appropriate level of service at the intersection of H Street and Street A and reduce Potential Significant Impact 4.2-26 to below a level of significance.

**4.2.23 Potential Significant Impact (4.2-27)**

The development of the Project would result in a significant impact to the intersection of J Street and Marina Parkway given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during the PM peak hour under Phase II conditions.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-24 above also apply to Potential Significant Impact 4.2-27. In order to mitigate for the level of service impact (LOS F) at the intersection of J Street and Marina Parkway, prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal at the intersection of J Street and Marina Parkway, or secure such construction to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-18 will ensure an appropriate level of service at the intersection of J Street and Marina Parkway and reduce Potential Significant Impact 4.2-27 to below a level of significance.

#### **4.2.24 Potential Significant Impact (4.2-28)**

The development of the Project would result in a significant impact to the intersection of J Street and Street A given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during both the AM and PM peak hours under Phase II conditions.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-24 above also apply to Potential Significant Impact 4.2-28. In order to mitigate for the level of service impact (LOS F) at the intersection of J Street and Street A, prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal at the intersection of J Street and Street A and add an exclusive westbound right-turn lane along J Street and an exclusive southbound right-turn lane along Street A, or secure such construction to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-19 will ensure an appropriate level of service at the intersection of J Street and Street A and reduce Potential Significant Impact 4.2-28 to below a level of significance.

#### **4.2.25 Potential Significant Impact (4.2-31)**

Without adequate site access and roadway frontage, the development of the Project during Phase III would result in a significant impact related to roadway design.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

In order to ensure there is adequate access and frontage related to roadway design during Phase III of the Proposed Project, the Project will incorporate Mitigation Measure 4.2-20. Prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, or

applicant, as appropriate shall construct the segment of Street A that would continue south from J Street, connecting to the proposed Street B in the Otay District, as a two-lane Class III Collector. In addition, prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, as appropriate shall construct the segment of Street B that would connect to the proposed Street A, bridge over the Telegraph Canyon Creek Channel, and continue south to Bay Boulevard, as a 2-lane Class III Collector.

Incorporation of Mitigation Measure 4.2-20 will reduce impacts regarding adequate access and frontage related to roadway design (Potential Significant Impact 4.2-31) to below a level of significance.

#### **4.2.26 Potential Significant Impact (4.2-32)**

The development of the Project would result in a significant impact to the roadway segment of Street A (from H Street to Street C) given that, without sufficient mitigation, the roadway segment would experience congested LOS D conditions during Phase III.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

*Table 4.2-12* of the FEIR summarizes the trip generation summary in Phase III for the Proposed Project. This phase is assumed to generate an additional 8,685 ADT, which will be distributed along roadway segments in the Project area. Development in Phase III would occur in the Harbor and Otay District. All of the development in the Otay District would occur in Phase III only. The Project traffic in Phase III would be distributed and assigned based on the actual location of the development. In situations where shared parking exists, Project traffic would be distributed and assigned based on the availability of parking. This distribution and assignment was done based on San Diego Association of Government's (SANDAG) Series 10 Select Zone model plots of zones within the Bayfront Redevelopment Area.

As shown in *Table 4.2-25* of the FEIR, Phase III Conditions Roadway Segment Level of Service Summary, the following roadway segments will experience congested LOS D or worse conditions for segments outside of the Urban Core and LOS E or worse conditions for segments inside the Urban Core and will require mitigation:

- Street A (H Street to Street C) (LOS D).

It should be noted that H Street between Street A to the I-5 ramps, would operate at LOS D under Phase III Plus Project Conditions. However, this impact would be considered a cumulative impact (cumulative impacts are discussed elsewhere in the Findings). Also, the segment of Street A between J Street and Street B and the segment of Street B between Street A and Bay Boulevard would be built (2-lane Class III Collector) with Phase III of the Project as required to provide site frontage.

In order to mitigate for the level of service impact (LOS D) at the roadway segment of Street A (from H Street to Street C), prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenant, or applicant, as appropriate, shall widen Street A between H Street and Street C to a 4-lane Class I Collector, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of Project traffic.

Incorporation of Mitigation Measure 4.2-21 will ensure an appropriate level of service at the roadway segment of Street A (from H Street to Street C) and reduce Potential Significant Impact 4.2-32 to below a level of significance.

#### **4.2.27 Potential Significant Impact (4.2-33)**

The development of the Project would result in a significant impact to the intersection of J Street and Bay Boulevard given that, without sufficient mitigation, the intersection would be characterized by congested LOS E conditions during the PM peak hour under Phase III conditions.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

*Figures 4.2-18a through 4.2-18d* of the FEIR depicts the Phase III Baseline Conditions Peak-Hour Traffic Volumes for intersections in the study area. *Figures 4.2-19a through 4.2-19d* of the FEIR depicts the Phase III Plus Project Conditions Peak-Hour Traffic Volumes. Finally, *Table 4.2-25* of the FEIR summarizes the Phase III Conditions Peak Hour Level of Service for intersections in the Project area.

As shown in *Table 4.2-25*, Phase III Conditions Peak-Hour Intersection Level of Service Summary, the following intersections will be characterized by LOS E or F conditions under Phase III Baseline Plus Project Conditions and will require mitigation:

- J Street/Bay Boulevard (LOS E, PM peak hour)
- J Street/I-5 Northbound Ramps (LOS E, PM peak hour)

The following intersections would operate at LOS E under Phase III Plus Project Conditions but would be considered cumulative impacts and as such, are discussed in a later section of the Findings.

- H Street/I-5 Southbound Ramps (LOS E, PM peak hour)
- J Street/I-5 Northbound Ramps (LOS E, AM peak hour)

In order to mitigate for the level of service impact (LOS E) at the intersection of J Street and Bay Boulevard, prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenant, or applicant, as appropriate, shall construct an exclusive eastbound right-turn lane along J Street at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-22 will ensure an appropriate level of service at the intersection of J Street and Bay Boulevard during the PM peak hour and reduce Potential Significant Impact 4.2-33 to below a level of significance.

#### **4.2.28 Potential Significant Impact (4.2-34)**

The development of the Project would result in a significant impact to the intersection of J Street and the I-5 northbound ramps given that, without sufficient mitigation, the intersection would be characterized by congested LOS E conditions during the PM peak hour under Phase III conditions.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant 4.2-32 above also apply to Potential Significant Impact 4.2-34. In order to mitigate for the level of service impact (LOS E) at the

intersection of J Street and the I-5 northbound ramps, prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenant, or applicant, as appropriate, shall construct an exclusive westbound right-turn lane along J Street at the intersection of J Street and I-5 northbound ramps, or secure such construction to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-23 will ensure an appropriate level of service at the intersection of intersection of J Street and the I-5 northbound ramps during the PM peak hour and reduce Potential Significant Impact 4.2-34 to below a level of significance.

**4.2.29 Potential Significant Impact (4.2-38)**

The development of the Project would result in a significant impact to the roadway segment of H Street (from Street A to the I-5 ramps) given that, without sufficient mitigation, the roadway segment would experience congested LOS F conditions during Phase III.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

In assessing the impacts of the Project on the Phase III network, it was determined that H Street between Street A and the I-5 ramps was already widened in Phase II to accommodate the growth in traffic and it would be difficult to widen more due to ROW constraints. Without additional improvements to H Street, conditions on H Street from Street A to I-5 would degrade to LOS F.

Therefore, in order to mitigate for the level of service impact (LOS F) on H Street between Street A and the I-5 ramps, prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenant, or applicant, as appropriate, shall construct E Street from the RCC Driveway to Bay Boulevard as a two-lane Class III Collector.

Incorporation of Mitigation Measure 4.2-24 will ensure an appropriate level of service at the roadway segment of H Street (from Street A to the I-5 ramps) and reduce Potential Significant Impact 4.2-38 to below a level of significance.

**4.2.30 Potential Significant Impact (4.2-39)**

Without adequate access and frontage, the development of the Project during Phase IV would result in a significant impact related to roadway design.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

In order to ensure there is adequate access and frontage related to roadway design during Phase IV of the Proposed Project, the Project will incorporate Mitigation Measure 4.2-25. Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct a new F Street segment between the proposed terminus of the existing F Street and the proposed E Street extension, ending at the SP-3 Chula Vista Nature Center parking lot, as a two-lane Class III collector street, which shall also contain a Class II bike lane on both sides of the street.

Incorporation of Mitigation Measure 4.2-25 will ensure the availability of adequate access and frontage during Phase IV of the Proposed Project and reduce Potential Significant Impact 4.2-39 to below a level of significance.

**4.2.31 Potential Significant Impact (4.2-40)**

The development of the Project would result in a significant impact to the roadway segment of E Street (from F Street to Bay Boulevard) given that, without sufficient mitigation, the roadway segment would experience congested LOS F conditions during Phase IV.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

Phase IV traffic volumes are calculated by increasing the existing traffic volumes by an annual growth over 25 years, which is the difference between year 2030 (Phase IV) and year 2005 (Existing), and adding the Phases I, II, and III project trips. This sum becomes the baseline condition for Phase IV. Phase IV Plus Project volumes are calculated by adding the Phase IV project trips to the Phase IV Baseline volumes. Phase IV is expected to be complete in the year 2030.

Table 4.2-13 of the FEIR summarizes the trip generation summary in Phase IV for the Proposed Project. This phase is assumed to generate an additional 14,600 ADT which will be distributed along roadway segments in the Project area. Development in Phase IV would occur in the Sweetwater and Harbor Districts.

The Project traffic in Phase IV would be distributed and assigned based on the actual location of the development. In situations where shared parking exists Project traffic would be distributed and assigned based on the availability of parking. This distribution and assignment was done based on SANDAG Series 10 Select Zone model plots of zones within the Bayfront Redevelopment Area.

As shown in Table 4.2-30 of the FEIR, the following roadway segments will experience congested LOS D or worse conditions for segments outside of the Urban Core and LOS E or worse conditions for segments inside of the Urban Core under Phase IV Plus Project conditions and will require mitigation:

- E Street (F Street to Bay Boulevard) (LOS F)
- Bay Boulevard (E Street to F Street) (LOS D)
- H Street (I-5 ramps to Broadway) (LOS F)

In order to mitigate for the level of service impact (LOS F) at the roadway segment of E Street (from F Street to Bay Boulevard), prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port, Port tenant, or applicant, as appropriate, shall widen E Street between F Street and Bay Boulevard to a 4-lane Class I Collector, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of Project traffic. Also, the widening of this segment of E Street would facilitate the flow of Project traffic on Bay Boulevard between E Street to F Street.

Incorporation of Mitigation Measure 4.2-26 will ensure an appropriate level of service at the roadway segment of E Street (from F Street to Bay Boulevard) and reduce Potential Significant Impact 4.2-40 to below a level of significance.

#### **4.2.32 Potential Significant Impact (4.2-41)**

The development of the Project would result in a significant impact to the roadway segment of Bay Boulevard (from E Street to F Street) given that, without sufficient mitigation, the roadway segment would experience congested LOS D conditions during Phase IV.



**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-40 above also apply to Potential Significant Impact 4.2-41. In order to mitigate for the level of service impact (LOS D) at the roadway segment of Bay Boulevard (from E Street to F Street), prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port, Port tenant, or applicant, as appropriate, shall widen E Street between F Street and Bay Boulevard to a 4-lane Class I Collector, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of Project traffic. Also, the widening of this segment of E Street would facilitate the flow of Project traffic on Bay Boulevard between E Street to F Street.

Incorporation of Mitigation Measure 4.2-26 will ensure an appropriate level of service at the roadway segment of Bay Boulevard (from E Street to F Street) and reduce Potential Significant Impact 4.2-41 to below a level of significance.

**4.2.33 Potential Significant Impact (4.2-42)**

The development of the Project would result in a significant impact to the roadway segment of H Street (from the I-5 ramps to Broadway) given that, without sufficient mitigation, the roadway segment would experience congested LOS F conditions during Phase IV.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-40 above also apply to Potential Significant Impact 4.2-42. In order to mitigate for the level of service impact (LOS F) at the roadway segment of H Street (from the I-5 ramps to Broadway), prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port, Port tenant, or applicant, as appropriate, shall widen H Street between I-5 ramps and Broadway to a 6-lane Gateway Street. The additional roadway capacity would facilitate the flow of Project

traffic. While this mitigation would reduce Potential Significant Impact 4.2-42 to below a level of significance, the off-site traffic improvements described in this mitigation measure for direct traffic impacts would create secondary traffic impacts. Improvements associated with these secondary impacts would be required as a result of cumulative and growth-related traffic overall, of which the Proposed Project would be a component. The Western Chula Vista TDIF identifies these improvements in a cumulative context and attributes fair share contributions according to the impact. Therefore, the Proposed Project would be responsible for a fair share contribution and would not be solely responsible for implementation of necessary secondary impact improvements.

Incorporation of Mitigation Measure 4.2-27 will ensure an appropriate level of service at the roadway segment of H Street (from the I-5 ramps to Broadway) and reduce Potential Significant Impact 4.2-42 to below a level of significance.

#### **4.2.34 Potential Significant Impact (4.2-43)**

The development of the Project would result in a significant impact to the intersection of E Street and Bay Boulevard given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during the PM peak hour under Phase IV conditions.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

*Figures 4.2-23a through 4.2-23d* in the FEIR depicts the Phase IV Baseline Conditions Peak-Hour Traffic Volumes for intersections in the study area. *Figures 4.2-24a through 4.2-24d* in the FEIR depicts the Phase IV Plus Project Conditions Peak-Hour Traffic Volumes. Finally, *Table 4.2-31* of the FEIR summarizes the Phase IV Conditions Peak Hour Level of Service for intersections in the Project area.

As shown in *Table 4.2-31*, the following intersections will be characterized by LOS E or F conditions under Phase IV Plus Project conditions and will require mitigation:

- E Street/Bay Boulevard (LOS F, PM peak hour)
- J Street/Bay Boulevard (LOS E, PM peak hour)
- J Street/Street A (LOS F, PM peak hour)

In order to mitigate for the level of service impact (LOS F) at the intersection of E Street and Bay Boulevard, prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct an eastbound through lane and an exclusive eastbound right-turn lane along E Street at the intersection of E Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-28 will ensure an appropriate level of service at the intersection of E Street and Bay Boulevard during the PM peak hour and reduce Potential Significant Impact 4.2-43 to below a level of significance.

#### **4.2.35 Potential Significant Impact (4.2-44)**

The development of the Project would result in a significant impact to the intersection of J Street and Bay Boulevard given that, without sufficient mitigation, the intersection would be characterized by congested LOS E conditions during the PM peak hour under Phase IV conditions.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-43 above also apply to Potential Significant Impact 4.2-44. In order to mitigate for the level of service impact (LOS E) at the intersection of J Street and Bay Boulevard, prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct an exclusive southbound right-turn lane along Bay Boulevard at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-29 will ensure an appropriate level of service at the intersection of J Street and Bay Boulevard during the PM peak hour and reduce Potential Significant Impact 4.2-44 to below a level of significance.

#### **4.2.36 Potential Significant Impact (4.2-45)**

The development of the Project would result in a significant impact to the intersection of J Street and Street A given that, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during the PM peak hour under Phase IV conditions.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the findings for Potential Significant Impact 4.2-43 above also apply to Potential Significant Impact 4.2-45. In order to mitigate for the level of service impact (LOS F) at the intersection of J Street and Street A, prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct a dual southbound left-turn lane along Street A, or secure such construction to the satisfaction of the City Engineer.

Incorporation of Mitigation Measure 4.2-30 will ensure an appropriate level of service at the intersection of J Street and Street A during the PM peak hour and reduce Potential Significant Impact 4.2-45 to below a level of significance.

**4.3 Aesthetics/Visual Quality**

**4.3.1 Potential Significant Impact (4.4-3)**

The development of the Project, including both the Pacifica Development and the RCC development, would result in a moderate cumulative significant impact to view quality.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The Proposed Project would affect two regionally important public viewing scenes: the view of the western tideland/water's edge from the Sweetwater Marsh NWR, and background views of the Bay from the Silver Strand. The Project also alters views of the San Diego Bay, a locally and regionally significant public resource, from within the Project boundary.

View corridors to the Bay from the Project site and its surroundings primarily occur across and over the local streets and the parcels of developed and undeveloped land. The primary viewing locations currently exist at E Street, near I-5, Bayside Park, Bayside Park Beach, the Chula Vista

Marina, Bayfront Park, Marina View Park, Portions of J Street, Marina Parkway, and Portions of I-5. View quality for public views from Chula Vista Marina are likely to increase along with public views from new parkland developed along the northwest shoreline of the Project site.

Although the Proposed Project will affect the viewing scene, it will not result in the actual removal of any visual resources currently contributing to the quality of the viewing scene. However, the overall Project, including both the Pacifica Development and the RCC development, would result in a moderate cumulative impact to view quality, which would be considered significant under State CEQA Guidelines. Therefore, in order to mitigate for the moderate cumulative impacts to view quality due to the Proposed Project, the Port and/or City, as appropriate, will implement Mitigation Measure 4.4-1, to include the following:

- A. **View Protection:** As a condition for issuance of Coastal Development Permits, buildings fronting H Street shall be designed to step away from the street. More specifically, design plans shall protect open views down the H Street corridor by ensuring that an approximate 100-foot ROW width (curb–curb, building setbacks, and pedestrian plaza/walkway zone) remains clear of buildings, structures, or major landscaping. Visual elements above 6 feet in height shall be prohibited in this zone if the feature would reduce visibility by more than 10%. Placement of trees should take into account potential view blockage. This mitigation should not be interpreted to not allow tree masses; however, trees should be spaced in order to ensure “windows” through the landscaping. Trees should also be considered to help frame the views and they should be pruned to increase the views from pedestrians and vehicles, underneath the tree canopy. In order to reduce the potential for buildings to encroach upon view corridors, and to address the scale and massing impact, buildings shall step back at appropriate intervals or be angled to widen the view corridor at the ground plane to the extent feasible. All plans shall be subject to review and approval by the Port. All future development proposals shall conform to Port design guidelines and standards to the satisfaction of the Port.
- B. **Height and Bulk:** Prior to issuance of Coastal Development Permits for projects within the Port’s jurisdiction, the Project developer shall ensure that design plans for any large-scale projects (greater than two stories in height) shall incorporate standard design techniques such as articulated facades, distributed building massing, horizontal banding, stepping back of buildings, and varied color schemes to separate the building base from its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for large project components to diminish imposing building edges, monotonous facades, and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the Port.
- C. **Height and Bulk:** Prior to design review approval for properties within the City’s jurisdiction, the Project developer shall ensure that design plans for any large scale

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

projects (greater than two stories in height) shall incorporate standard design techniques such as articulated facades, distributed building massing, horizontal banding, and varied color schemes to separate the building base from its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for the large project components to diminish imposing building edges, monotonous facades, and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the City of Chula Vista Planning Director.

- D. **Landscaping:** Prior to final approval of Phase I infrastructure design plans, the Port and City shall collectively develop a master landscaping plan for the Project's public components and improvements. The plan shall provide sufficient detail to ensure conformance to streetscape design guidelines and that future developers/tenants, as applicable, provide screening of parking areas.
- E. Streetscape landscaping shall be designed to enhance the visitor experience for both pedestrians and those in vehicles. Specifically, detailed landscaping plans shall be developed to enhance Marina Parkway, a designated scenic roadway and shall provide, where appropriate, screening of existing industrial uses and parking areas until such time as these facilities are redeveloped. Street landscaping design shall be coordinated with a qualified biologist or landscape architect to ensure that proposed trees and other landscaping are appropriate for the given location. For instance, vegetation planted adjacent to open water/shoreline areas must not provide raptor perches. Landscaping shall be drought tolerant or low-water use, and invasive plant species shall be prohibited.
- F. **Landscaping:** Prior to approval of a tentative map or site development plan for future residential development, the Project developer shall submit a landscaping design plan for on-site landscaping improvements that is in conformance to design guidelines and standards established by the City of Chula Vista. The plan shall be implemented as a condition of project approval.
- G. **Gateway Plan:** Concurrent with the preparation of Phase I infrastructure design plans for E and H Streets, a Gateway plan shall be prepared for E and H Streets. Prior to issuance of occupancy for any Projects within the Port's jurisdiction in Phase I, the E and H Street Gateway plan shall be approved by the Port and City's Directors of Planning and Building. The E and H Street Gateway plan shall be coordinated with the Gateway plan for J Street.
- H. **Gateway Plan:** Concurrent with development of Parcels H-13 and H-14, the applicant shall submit a Gateway plan for J Street for City Design Review consideration. Prior to issuance of any building permits, the J Street Gateway plan shall be approved by the Director of Planning and Building in coordination with the Port's Director of Planning.

The J Street Gateway plan shall be coordinated with the Gateway plan for E and H Streets.

- I. Incorporation of Mitigation Measure 4.4-1 as discussed above will reduce impacts related to moderate cumulative view quality impacts (Potential Significant Impact 4.4-3) to below a level of significance.

#### **4.3.2 Potential Significant Impact (4.4-4)**

The Project's overall increase in height and massing of the RCC over the existing structures would dominate the background and would adversely change the existing character of the viewing scene from the Sweetwater Marsh National Wildlife Refuge (NWR) and Chula Vista Nature Center and, with or without the incremental reduction to the overall bulk and mass of the RCC, would be a significant impact.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the findings for Potential Significant Impact 4.4-3 above also apply to Potential Significant Impact 4.4-4. Visitors to the Sweetwater Marsh NWR/Chula Vista Nature Center have the highest sensitivity because they expect the visual environment within the refuge to be "natural." When viewing the Project site from this area, the built environment currently forms the background of the viewing scene, or scenic vista. The focal point of development near the water's edge is the existing industrial South Bay Boatyard/storage lot, which is generally low in scale but clearly visible. Views of this existing use create a negative aesthetic for the transition between water and land (see Public View Photograph 3 in *Figure 4.4-2b* in the FEIR). The Proposed Project replaces this use with a smaller retail/service structure. However, the building envelope for the much larger RCC on Parcel H-3 would be located significantly closer to the water's edge than any existing building structures on site. In addition, the overall increase in height and massing of the RCC over the existing structures would dominate the background and would adversely change the existing character of the viewing scene. Therefore, implementation of the Proposed Project, with or without the incremental reduction to the overall bulk and mass of the RCC, would be significant.

To mitigate for adverse impacts to the public viewing scene from the Sweetwater Marsh NWR and Chula Vista Nature Center, the Port and City shall implement Mitigation Measure 4.4-1, which, as discussed above, addresses view protection and height and bulk of proposed structures.

Incorporation of Mitigation Measure 4.4-1 will reduce impacts to view quality associated with views from the Sweetwater Marsh National Wildlife Refuge (NWR) and Chula Vista Nature Center (Potential Significant Impact 4.4-4) to below a level of significance.

#### **4.3.3 Potential Significant Impact (4.4-5)**

Implementation of the Project, with or without the incremental reduction to the overall bulk and mass of the RCC would result in a significant impact to background views from the Silver Strand.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.4-3 above also apply to Potential Significant Impact 4.4-5. The current viewing scene from the Silver Strand (across the Bay), is dominated by the Bay itself. The background scene is composed of nondescript, relatively low-lying structures viewed against an expansive sky (see Public View Photograph 17 in *Figure 4.4-2d* in the FEIR). The Proposed Project would substantially change existing background views. The built environment would become the major background focal point. Structures that were 30 feet in height would be increased to a maximum height of 240 feet, creating an irregular skyline where one did not exist before. Furthermore, the bulk and mass of the RCC on Parcel H-3 would dominate the waterfront. The result would be a dramatic scale imbalance between the existing landform and structures and proposed features such as the RCC and high rise residential and other large-scale elements. The design would not provide smaller interceding structures or an effective stepping back of the building from the wildlife refuge. Implementation of the Proposed Project, with or without the incremental reduction to the overall bulk and mass of the RCC would result in a significant impact.

To mitigate for adverse impacts to the public viewing scene from the Silver Strand, the Port and City shall implement Mitigation Measure 4.4-1, which addresses view protection and height and bulk of proposed structures.



Incorporation of Mitigation Measure 4.4-1 will reduce impacts related to view quality associated with views of the San Diego Bay, a locally and regionally significant public resource (Potential Significant Impact 4.4-5) to below a level of significance.

#### **4.3.4 Potential Significant Impact (4.4-6)**

The development of the Project would result in a moderate significant impact to views from new sources of light and glare.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

Proposed Project elements would likely use significant amounts of artificial light during the evening and nighttime hours. Even though the existing site generates a noticeable amount of light, in the build-out scenario the amount of light produced by the Project would likely surpass existing levels. Given the future urban nature of most of the surrounding properties, adjacent development types will not likely be especially sensitive to light changes; however, the potential exists for spill over from artificial lighting sources. In addition, components of the Proposed Project are likely to include reflective materials such as glass and polished metal surfaces. These surfaces, when combined with daytime solar sources, could result in glare that might adversely affect adjacent uses. The potential for glare depends both on the reflective nature of the materials, solar angles, and the location of the sensitive receptor. Sensitive receptors would include those that are driving by the site, users of park and recreation facilities, and users in the area that are trying to enjoy a natural setting such as the Chula Vista Nature Center and the South Bay Wildlife Refuge. The Proposed Project may have a negative impact on sensitive light receptors or sensitive receptors potentially affected by high levels of glare. The light and glare that may be associated with the Project may affect the viewing scene as well as views of the site or of the area. A moderate significant impact to views associated with light and glare would be expected.

In order to mitigate for the introduction of new sources of light and glare associated with the Proposed Project, prior to design review approval, lighting design plans with specifications for outdoor lighting locations and other intensely lighted areas shall be submitted to the Port and City for review and approval. The specifications shall identify the lighting intensity needs and design light fixtures to direct light toward intended uses. Outdoor and parking lot lighting shall be shielded and directed away from adjacent properties, wherever feasible and consistent with

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

public safety. Consideration shall be given to the use of low-pressure sodium lighting or the equivalent. The lighting plan shall illustrate the location of the proposed lighting standards and type of shielding measures. The lighting plan shall incorporate specific design features including, but not limited to, the following:

- Where lighting must be used for safety reasons (FAA 2000 Advisory Circular), minimum intensity, maximum off-phased (3 seconds between flashes) white strobes shall be used.
- All event lighting shall be directed downward and shielded, unless directed downward or shielded to minimize light spill beyond the area for which illumination is required.
- Exterior lighting shall be limited to that which is necessary and appropriate to ensure general public safety and navigation, including signage for building identification and orientation.
- Exterior lighting shall be directed downward and shielded to prevent upward lighting and to minimize light spill beyond the area for which illumination is required.
- Office space, residential units, and hotel rooms shall be equipped with motion sensors, timers, or other lighting control systems to ensure that lighting is extinguished when the space is unoccupied.
- Office space, residential units, and hotel rooms shall be equipped with blinds, drapes, or other window coverings that may be closed to minimize the effects of interior night lighting.
- Reflective glass or the application of reflective coatings shall not be used on any glass surface.

Incorporation of Mitigation Measure 4.4-2 will reduce impacts to views from new sources of light and glare (Potential Significant Impact 4.4-6) to below a level of significance.

#### 4.3.5 Potential Significant Impact (4.4-7)

The development of the Pacifica Residential and Retail Project would result in a moderate significant impact to visual character.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.4-3 above also apply to Potential Significant Impact 4.4-7. The Pacifica Residential and Retail Project will contrast with the scale of the surrounding development and the existing patterns of development in the surrounding area. The northernmost buildings associated with the Pacifica development will increase the scale issue. Existing structures will most likely be overpowered by the scale of the new buildings, and will have limited ability to blend with the proposed development. A moderate impact to visual character associated with height and massing would be expected for this Project.

Therefore, to mitigate for adverse impacts to visual character associated with the height and bulk of the Pacifica Residential and Retail Project, the Port and City shall implement Mitigation Measure 4.4-1, which, as discussed above, addresses height and bulk of proposed structures.

Incorporation of Mitigation Measure 4.4-1 will reduce impacts related to the height and bulk of the Pacifica Residential and Retail Project (Potential Significant Impact 4.4-7) to below a level of significance.

### **4.3.6 Potential Significant Impact (4.4-8)**

The development of the RCC will contrast with the existing patterns of development in the surrounding area and would result in a moderate impact to visual character.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.4-3 above also apply to Potential Significant Impact 4.4-8. Due to the disparity in scale between the proposed RCC development and the existing structures on the Project site, the Project will contrast with the existing patterns of development in the surrounding area. A moderate impact to visual character associated with height and massing would be expected for this Project and would be considered significant.

To mitigate for adverse impacts to visual character associated with the height and bulk of the RCC buildings, the Port and City shall implement Mitigation Measure 4.4-1, which, as discussed above, addresses height and bulk of the proposed structures.

Incorporation of Mitigation Measure 4.4-1 will reduce impacts related to visual character associated with the height and bulk of the RCC buildings (Potential Significant Impact 4.4-8) to below a level of significance.

#### **4.4 Hydrology/Water Quality**

##### **4.4.1 Potential Significant Impact (4.5-1)**

Wind-blown litter from pedestrian activity and debris-generating businesses on the waterfront has the potential to result in a significant impact on Bay water quality.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

In order to mitigate for the increased potential for trash and wind-blown litter to impact Bay water quality, as a condition of approval of a Tenant Design Plan for projects within the Port's jurisdiction and a condition of the approval of a Final Map for projects within the City's jurisdiction, the Project applicant shall include trash control measures that include animal-proof, covered and self-closing trash containers and trash control enclosures, with frequent servicing, to prevent litter from being wind blown off-site to the satisfaction of the Port/City as appropriate pursuant to their water quality technical reports. With implementation of Mitigation Measure 4.5-1, Potential Significant Impact 4.5-1 will be less than significant.

##### **4.4.2 Potential Significant Impact (4.5-2)**

The Project's potential to disturb contaminated soils and groundwater during construction activities would be a significant impact.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### Facts in Support of Finding

Contaminated soils are present on future development project parcels within the plan area, particularly in many of the former industrial use locations such as the former Goodrich South Campus site (Parcel H-23). In addition, historic industrial uses in the area have contaminated surface water and groundwater. Drilling for the placement of building footings, clearing, brushing, and grading activities during site preparation and future operations could increase the potential for spills or the spread of contamination via surface water or groundwater. The majority of the Proposed Project would be constructed in the first five years (Phases I and II). Development would continue to occur during Phases III and IV based on demand, but the amount of development would be proportionately less than in Phases I and II.

Construction-related dewatering (as required during the construction of utilities, excavation of the wet wells, and excavation for emergency storage vaults for the sewer lift stations; (see *Section 4.14.2.3, Public Utilities* in the FEIR) would withdraw water from the aquifer, which may be contaminated, depending on the location in the plan area. The potential to contaminate runoff conflicts with the Basin Plan and the water quality objectives for the Bay.

Therefore, in order to mitigate for the Project's potential to disturb contaminated soils and groundwater during construction activities, the Port and City will implement Mitigation Measure 4.5-2 to include the following:

- A. Prior to the issuance of a grading permit, the applicant shall notify the RWQCB of dewatering of contaminated groundwater during construction. If contaminated groundwater is encountered, the Project developer shall treat and/or dispose of the contaminated groundwater (at the developer's expense) in accordance with National Pollutant Discharge Elimination System (NPDES) permitting requirements, which includes obtaining a permit from the Industrial Wastewater Control Program to the satisfaction of the RWQCB.
- B. Prior to the discharge of contaminated groundwater for all construction activities, should flammables, corrosives, hazardous wastes, poisonous substances, greases and oils, and other pollutants exist on site, a pretreatment system shall be installed to pre-treat the water to the satisfaction of the RWQCB before it can be discharged into the sewer system.

Incorporation of Mitigation Measure 4.5-2 will ensure that the Proposed Project's potential to disturb contaminated soils and groundwater during construction activities is reduced to below a level of significance. With incorporation of Mitigation Measure 4.5-2, Potential Significant Impact 4.5-2 will be less than significant.

#### 4.4.3 Potential Significant Impact (4.5-3)

Although not expected to occur, accidental spills or unintentional discharges of fuel, lubricants, or hydraulic fluid from construction equipment would result in significant impacts on water quality.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

Adverse temporary impacts to water quality could result during accidents and unintentional discharges resulting from spills of fuel, lubricants, or hydraulic fluid from the equipment used during construction, including dredge and fill activities and construction of the H Street Pier. Potential impacts would depend on the amount and type of material spilled as well as specific conditions (e.g., currents, wind, temperature, waves, and vessel activity) at the site of the spill. In most cases, such spills would be small and could be cleaned up immediately, causing less than significant impacts in the short term. In addition, implementation of BMPs would reduce water quality impacts from pollutants carried by runoff. Although not expected to occur, a spill in a worst-case scenario would result in significant impacts on water quality.

In order to mitigate for the Project's potential adverse impacts to water quality resulting from accidental spills and unintentional discharges of fuel, lubricants, or hydraulic fluid from the equipment used during land-side and water-side construction activities, prior to the issuance of a grading, excavation, dredge/fill, or building permit for any parcel, the applicant shall submit a Spill Prevention/Contingency Plan for approval by the Port or City as appropriate. The plan shall:

- Ensure that hazardous or potentially hazardous materials (e.g., cement, lubricants, solvents, fuels, other refined petroleum hydrocarbon products, wash water, raw sewage) that are used or generated during the construction and operation of any project as part of the Proposed Project shall be handled, stored, used, and disposed of in accordance with NPDES permitting requirements and applicable federal, state, and local policies.
- Include material safety data sheets.
- Require 40 hours of worker training and education as required by the Occupational Safety and Health Administration.

- Minimize the volume of hazardous or potentially hazardous materials stored at the site at any one time.
- Provide secured storage areas for compatible materials, with adequate spill containment.
- Maintain all required records, manifest and other tracking information in an up-to-date and accessible form or location for review by the Port or City.
- Demonstrate that all local, state, and federal regulations regarding hazardous materials and emergency response have been or will be complied with.

With incorporation of Mitigation Measure 4.5-3, Potential Significant Impact 4.5-3 will be less than significant.

#### **4.4.4 Potential Significant Impact (4.5-4)**

The potential impacts from contaminants to be released during dredge and fill operations and in-water construction associated with the Proposed Project would be significant.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The potential exists for contaminants contained in the bottom sediment of the Bay to be released into the water column during the dredge and fill operations and the construction of docks, the ferry terminal, the H Street Pier, the existing South Bay Boatyard Marina, Chula Vista Marina, and the realignment of the navigation channel. Significant impacts to water quality and biological communities could result if contaminated sediments are exposed or redistributed as a result of dredge and fill operations and construction activities within and outside the Chula Vista Harbor and at the existing South Bay Boatyard site. The process of driving in the piles during Phase I construction of the H Street Pier would itself cause temporary direct impacts to water quality and marine resources. Excavated sediments and water may be released unintentionally, increasing turbidity and stirring up potentially contaminated soils. Advanced treatment systems, such as Baker Tanks, and coagulation agents for the removal of sediment and suspended solids from runoff during the construction phase would be implemented to reduce the potential for contaminated sediment entering the Bay. The potential impacts from contaminants to be released during dredge and fill operations and in-water construction would remain significant.

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

In order to mitigate for the Project's potential adverse impacts to water quality resulting from disturbance of contaminated sediment during in-water construction activities, including dredge and fill, on Parcels HW-1, HW-4, and HW-7, the Port will implement Mitigation Measure 4.5-4 to include the following:

- A. Prior to issuance of a permit by USACE for dredge and/or fill operations in the Bay or Chula Vista Harbor, the applicant shall conduct a focused sediment investigation and submit it to USACE and RWQCB for review and approval. The applicant shall then determine the amount of Bay sediment that requires remediation and develop a specific work plan to remediate Bay sediments in accordance with permitting requirements of the RWQCB. The work plan shall include but not be limited to: dredging the sediment, analyzing the nature and extent of any contamination, and allowing it to drain. Pending the outcome of the analytical results, the RWQCB and the Port/City shall prescribe the appropriate method for disposition of any contaminated sediment.
- B. Prior to issuance of a grading permit for marina redevelopment on HW-1 and HW-4, the developer shall submit a work plan for approval by the RWQCB and Port/City that requires the implementation of BMPs, including the use of silt curtains during in-water construction to minimize sediment disturbances and confine potentially contaminated sediment if contaminated sediment exists. If a silt curtain should be necessary, the silt curtain shall be anchored along the ocean floor with weights (i.e., a chain) and anchored to the top with a floating chain of buoys. The curtain shall wrap around the area of disturbance to prevent turbidity from traveling outside the immediate Project area. Once the impacted region resettles, the curtains shall be removed. If the sediment would be suitable for ocean disposal, no silt curtain shall be required. However, if contaminants are actually present, the applicant would be required to provide to the RWQCB and Port/City an evaluation showing that the sediment would be suitable for ocean disposal.

Incorporation of Mitigation Measure 4.5-4 will reduce water quality impacts from contaminants during dredge and fill operations and in-water construction (Potential Significant Impact 4.5-4) to below a level of significance.

#### **4.4.5 Potential Significant Impact (4.5-5)**

In-water construction activities would result in temporary significant impacts to Bay water quality.



**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The dredge and fill activities and pile driving necessary for navigation channel realignment and harbor construction as well as removal/placement of riprap, bulkheads, sheet pile, and construction of the H Street Pier would temporarily suspend bottom sediments in the water column. Suspension of sediments reduces water clarity, increases nutrients, and decreases dissolved oxygen available to marine organisms. Water clarity and dissolved oxygen concentrations would return to pre-construction conditions upon completion of these construction activities. These temporary impacts would be significant.

In order to mitigate for the Project's potential adverse impacts to water quality resulting from the suspension of sediments into the water column during in-water construction activities, prior to the commencement of in-water construction for all phases of development, the Port or Port tenants shall adhere to regulatory requirements including the use of BMPs, which shall include use of silt curtains during all sediment suspension activities.

Incorporation of Mitigation Measure 4.5-5 will reduce water quality impacts related to in-water construction activities (Potential Significant Impact 4.5-5) to below a level of significance.

**4.5 Air Quality**

**4.5.1 Potential Significant Impact (4.6-7)**

Development of the Project would conflict with and/or obstruct goals or strategies of the California Global Warming Solutions Act of 2006 (AB 32) or related Executive Orders, which would result in a significant impact.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### Facts in Support of Finding

As stated above, the Pacifica Project includes a wide range of PDFs including energy efficiency, water conservation and efficiency, recycling, and development of mixed uses that are intended to be in line with sustainability and efficiency concepts that are also inherent in the goals and strategies of AB 32 and related Executive Orders. The Pacifica Project would result in approximately 14,675 metric tons of GHG emissions a year above existing conditions, compared to approximately 18,671 metric tons of GHG emissions a year above existing conditions that would result from implementation under business as usual. These PDFs result in a reduction in GHG emissions from business as usual of at least 20%. Therefore, the Pacifica Project would not be considered to contribute substantially to a cumulatively significant global climate change impact, because it would not contribute to a conflict with, or the obstruction of, the goals or strategies of AB 32 or related Executive Orders.

As a program-level component of the Proposed Project, the RCC has not reached the design stage that enables a project-specific calculation of GHG emissions; however, GHG emissions were estimated for the proposed RCC in order to evaluate potential global warming impacts. The proposed RCC project is expected to result in approximately 35,763 metric tons of GHG emissions a year above existing conditions, compared to approximately 47,528 metric tons of GHG emissions a year above existing conditions that would result from implementation under “business as usual”.

Although specific PDFs for the RCC project will be determined at a later date, a selection of potential PDFs that may be proposed by the RCC applicant are presented in *Table 4.6-27* in the FEIR, along with certain requirements for energy and water efficiency. Development of the RCC will be required to include a wide range of PDFs, including energy efficiency, water conservation and efficiency, recycling, and development of mixed uses that are intended to be consistent with the goals and strategies of AB 32 and related Executive Orders. The selection of PDFs discussed in the FEIR and provided in *Table 4.6-27* in the FEIR have been included in order to provide a menu of potential options that may be considered by the RCC applicant to reduce GHG emissions by 20% below business as usual. The potential PDFs identified in *Table 4.6-27* in the FEIR shall be considered by the Port when a project-specific development is proposed for the RCC on Parcel H-3. With implementation of GHG emission reduction measures included in *Table 4.6-27*, and outlined in Mitigation Measures 4.6-6, 4.16-1 and 4.16-2, the RCC is expected to achieve a 20% reduction in water use and exceed Title 24, Part 6 of the California Building Energy Efficiency Standards (Title 24) energy efficiency standards by 15%; therefore, the RCC development would not be considered to contribute substantially to a cumulatively significant global climate change impact or contribute to a conflict with or the obstruction of AB 32 or related Executive Orders.

Specific PDFs have not been assigned to Phase I through IV components of the Proposed Project (other than the Pacifica Residential and Retail Development). Program-level developments, including the RCC, will be required as conditions of approval to adopt GHG emission reduction measures similar to those adopted by the Pacifica Residential and Retail Development and to reduce anticipated consumption of energy pursuant to Mitigation Measures 4.16-1 and 4.16-2. New, more effective design features may become available prior to the initiation of these program-level components, however, and would be required of the projects and identified in subsequent environmental analyses.

In order to mitigate for the program-level components of the Proposed Project's potential to conflict with the goals or strategies of AB 32 or related Executive Orders, the development of program-level components of the Proposed Project (Phases I through IV) shall implement measures to reduce GHG emissions. As provided for in Mitigation Measure 4.6-6, specific measures may include, but are not limited to the following:

***Energy Efficiency***

- Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping, and sun screens to reduce energy use.
- Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.
- Install light colored "cool" roofs, cool pavements, and strategically placed shade trees.
- Provide information on energy management services for large energy users.
- Install energy-efficient heating and cooling systems, appliances and equipment, and control systems.
- Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting.
- Limit the hours of operation for outdoor lighting.
- Use solar heating, automatic covers, and efficient pumps and motors for pools and spas.
- Provide education on energy efficiency.

***Renewable Energy***

- Install solar and wind power systems, solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives.
- Install solar panels on carports and over parking areas.
- Use combined heat and power in appropriate applications.

*Water Conservation and Efficiency*

- Create water-efficient landscapes.
- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
- Use reclaimed water for landscape irrigation in new developments and on public property where appropriate. Install the infrastructure to deliver and use reclaimed water.
- Design buildings to be water efficient. Install water-efficient fixtures and appliances.
- Use gray water. (Gray water is untreated household wastewater from bathtubs, showers, bathroom wash basins, and water from clothes washing machines.) For example, install dual plumbing in all new development allowing gray water to be used for landscape irrigation.
- Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- Restrict the use of water for cleaning outdoor surfaces and vehicles.
- Implement low-impact development practices that maintain the existing hydrologic character of the site to manage stormwater and protect the environment. (Retaining stormwater runoff on site can drastically reduce the need for energy-intensive imported water at the site.)
- Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.
- Provide education about water conservation and available programs and incentives.

*Solid Waste Measures*

- Reuse and recycle construction and demolition waste (including but not limited to soil, vegetation, concrete, lumber, metal, and cardboard).
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.
- Recover byproduct methane to generate electricity.
- Provide education and publicity about reducing waste and available recycling services.

*Transportation and Motor Vehicles*

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

The increased efficiency demands associated with completion years beyond 2020 are not specified in terms of business as usual reductions, but would demand substantially greater reductions than 20% below business as usual. While the measures listed above would substantially reduce projects GHG emissions, the level to which they would achieve these reductions cannot be ascertained as they may be modified by any applicable standards that are adopted in the future. Furthermore, because of the increased demand for greater reductions for developments beyond the 2020 horizon year and the rapid development of better technology, the mechanism and technological applications that may be available and are necessary to avoid conflict with the goals or strategies of AB 32 or related Executive Orders identification of adequate and effective measures is not feasible at this time.

Incorporation of Mitigation Measure 4.6-6 will reduce impacts to climate change associated with potential conflicts of program-level components of the Proposed Project with the goals or strategies of AB 32 or related Executive Orders (Potential Significant Impact 4.6-7) to below a level of significance.

## **4.6 Noise**

### **4.6.1 Potential Significant Impact (4.7-1)**

Construction noise on the Pacifica Project site is expected to exceed the wildlife noise threshold of 60 dB(A) Leq during the breeding season for nesting birds at habitat in the J Street Marsh, which would be considered a significant impact.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The J Street Marsh is located to the south of the Pacifica Project site, on the other side of Marina Parkway. Noise from heavy construction equipment could adversely affect birds nesting in the J Street Marsh during breeding season, which is typically from January 15 to August 31. Loud noises may cause nesting birds to flush from their nests and draw attention to their nesting location, resulting in an increased potential for predation on eggs and young. Noise from project construction on the Pacifica Project site would be expected to exceed the wildlife noise threshold of 60 dB(A) Leq during the breeding season at habitat in the J Street Marsh, which could have an adverse affect on nesting birds within the marsh. This would be considered a significant impact.

In order to mitigate for the Project's construction noise impacts to nesting birds in the J Street Marsh, the City will limit construction-related noise adjacent to the J Street Marsh during the typical breeding season of January 15 to August 31. Construction activity adjacent to these sensitive areas must not exceed 60 dB(A) Leq at any active nest within the marsh. Prior to issuance of a building permit, the Project developer shall prepare and submit to the City for review and approval an acoustical analysis and nesting bird survey to demonstrate that the 60 dB(A) Leq noise level is maintained at the location of any active nest within the marsh. If the noise threshold is anticipated to be exceeded at the nest location, the Project developer shall construct noise barriers or implement other noise control measures to ensure that construction noise levels do not exceed the threshold.

Incorporation of Mitigation Measure 4.7-1 will reduce impacts associated with construction noise levels exposing nesting birds in the J Street Marsh to noise levels greater than 60 dB(A) Leq (Potential Significant Impact 4.7-1) to below a level of significance.

#### **4.6.2 Potential Significant Impact (4.7-2)**

Future noise levels associated with future exterior traffic noise at the outdoor usable areas at the Pacifica site could exceed 65 dB(A), resulting in a potentially significant impact.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Vehicular traffic noise would be the predominant external noise source affecting the Pacifica Project site. Future noise levels were predicted at outdoor usable areas and building façades. Outdoor usable areas on the site include roof-top usable areas, courtyards, and patios/balconies.

The Federal Highway Administration (FHWA) Traffic Noise Model (TNM) version 2.5 was used to calculate future on-site traffic noise levels. The model considered Project buildings, roadway alignments, estimated average vehicle speed, peak-hour traffic volume, and vehicle mix. The model assumed a default ground type of "hard soil." Modeled roadways included Marina Parkway, Street A, Street C, J Street, and I-5.

The analysis used future (Phase IV plus Proposed Project) ADT volumes obtained from the Traffic Impact Analysis (TIA) addendum prepared by KHA (see *Appendix 4.2-1* of the FEIR). The peak-hour traffic volume was assumed to be 10% of the ADT for the local roadways. The TIA also indicated peak-hour traffic volumes for I-5. The speed limits on the roadway segments were obtained from the SANDAG Transportation Forecast Information Center. The vehicle mix for surface streets was estimated, while the vehicle mix for I-5 was obtained from Caltrans' Traffic and Vehicle Data Systems Unit 2005 Truck Traffic. The ADT volumes, traffic mix, and speed for each modeled roadway segment are shown in *Table 4.7-8* of the FEIR.

Calculations show that future exterior traffic noise levels at outdoor usable areas on the Pacifica Project site would range from below 55 dB(A) CNEL to approximately 69 dB(A) CNEL for outdoor usable areas, as illustrated on *Figure 4.7-5* in the FEIR. Future noise levels at the outdoor usable areas could exceed 65 dB(A), resulting in a potentially significant impact.

In order to mitigate for the Project's future exterior traffic noise levels at outdoor usable areas on the Pacifica Project site, prior to the approval of Design Review for the Pacifica Project, the City shall require the applicant to submit a site plan for the Project demonstrating to the satisfaction of the Director of Planning and Building of the City that outdoor use areas are not exposed to noise levels in excess of 65 dB(A) CNEL. Applicants shall submit project plans demonstrating that outdoor usable residential areas conform to the standards set by the City of Chula Vista General Plan. Additionally, prior to the issuance of building permits, the developer shall install noise barriers that would reduce sound levels to 65 dB(A) CNEL or below at outdoor usable areas on the Pacifica site. To preserve a view, glass or Plexiglas with a minimum density of 3.5 pounds per square foot may be substituted for other construction materials. *Table 4.7-15* and illustrated on *Figure 4.7-10* of the FEIR summarizes barrier locations, heights, and lengths for the Pacifica development.

Incorporation of Mitigation Measure 4.7-2 will reduce impacts associated with exposing outdoor usable areas at the Pacifica site to exterior traffic noise levels greater than 65 dB(A) CNEL (Potential Significant Impact 4.7-2) to below a level of significance.

#### **4.6.3 Potential Significant Impact (4.7-3)**

Future traffic associated with the Pacifica Residential and Retail Project would result in significant impacts to future interior noise levels.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

Future exterior traffic noise levels at building façades would range from below 40 dB(A) CNEL to approximately 70 dB(A) CNEL, as illustrated on *Figure 4.7-6* in the FEIR. Future noise levels at the building façades could exceed 60 dB(A) CNEL; therefore, interior noise levels due to exterior sources could exceed 45 dB(A) CNEL even with standard construction practices. This would result in a potentially significant impact.

In order to mitigate for the Project's future exterior traffic noise levels impact on interior noise levels (in excess of 45 dB (A) CNEL), prior to the issuance of building permits for residential units adjacent to circulation element roadways in the Harbor District, the City shall require the Project applicant to perform and submit an acoustical analysis to the City, demonstrating that the proposed building plans ensure that interior noise levels due to exterior sources are 45 dB(A)



CNEL or less in any habitable room. The analysis must also identify Sound Transmission Loss (STL) rates of each window.

Incorporation of Mitigation Measure 4.7-3 will reduce impacts associated with interior noise levels exceeding 45 dB(A) CNEL due to exterior sources (Potential Significant Impact 4.7-3) to below a level of significance.

#### **4.6.4 Potential Significant Impact (4.7-4)**

Noise levels from operation of mechanical equipment could exceed the sound level limits for noise sensitive receptors along Marina Parkway, Street C, J Street and Street A, resulting in a significant impact.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The mechanical equipment for the Pacifica development would include rooftop heating, ventilation, and air conditioning (HVAC) systems, a central power plant (CPP), air handling units (AGUs), and a garage ventilation system. The locations and models of this equipment have not been determined at this time.

The property line sound limit for multiple dwelling residential is 50 dB(A) Leq for the weekdays from 10:00 p.m. to 7:00 a.m. and the weekends from 10:00 p.m. to 8:00 a.m., and 60 dB(A) Leq for the weekdays from 7:00 a.m. to 10:00 p.m. and the weekends from 8:00 a.m. to 10:00 p.m. In addition, noise levels at the location of any active nest within the adjacent J Street Marsh shall not exceed 60 dB(A) Leq. Noise levels from operation of mechanical equipment could exceed the sound level limits for noise sensitive receptors along Marina Parkway, Street C, J Street and Street A, resulting in a potentially significant impact.

In order to mitigate for the Project's noise impacts associated with the operation of mechanical equipment for the Pacifica Project that could exceed the acceptable sound levels adjacent to sensitive receptors off of Marina Parkway, Street C, J Street, and Street A, the City will implement Mitigation Measure 4.7-4 to include the following:

- Prior to the approval of Design Review for the Pacifica Project, the applicant shall submit a design plan for the project demonstrating to the satisfaction of the City's Director of Planning and Building that the noise level from operation of mechanical equipment will

not exceed 50 dB(A) Leq at any property line. Noise control measures may include, but are not limited to, the selection of quiet equipment, equipment setbacks, silencers, and/or acoustical louvers. Such measures must be designed and installed so as to achieve a cumulative sound level from mechanical equipment that does not exceed 40 dB(A) at 50 feet from the building façades adjacent to Marina Parkway, Street C, and J Street or 54 dB(A) at 50 feet from the building façades facing Street A.

- Prior to the approval of Design Review for the Pacifica Project, the applicant shall prepare and submit to the City for review and approval an acoustical analysis and nesting bird survey to demonstrate that operation of mechanical equipment will not exceed the 60 dB(A) Leq noise level at the location of any active nest within the J Street Marsh. If the noise threshold is anticipated to be exceeded at the nest location, the Project developer shall construct noise barriers and/or implement noise control measures to maintain operational noise levels below the threshold.

Incorporation of Mitigation Measure 4.7-4 will reduce impacts associated with the operation of mechanical equipment for the Pacifica project that could exceed acceptable sound levels adjacent to sensitive receptors (Potential Significant Impact 4.7-4) to below a level of significance.

#### **4.6.5 Potential Significant Impact (4.7-5)**

Noise from construction of the Residential and Retail Project could significantly impact suitable noise-sensitive wildlife habitat located in the Sweetwater Marsh north of the parcel H-3 project site and in the F & G Street Marsh northeast of the H-3 project site.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Noise from project construction would primarily be generated by site preparation. Grading would require the use of heavy equipment such as bulldozers, loaders, and scrapers. No blasting would occur. Site preparation typically produces an hourly average noise level of approximately 84 dB(A) Leq at 50 feet.

Exceeding City of Chula Vista General Plan (Chula Vista, City of 1995) and noise ordinance exterior noise level standards as a result of the construction of the RCC will be temporary and therefore would not be considered significant. However, in order to minimize unnecessary annoyance from construction noise, the contractor will be required to follow construction noise

control measures that are required to reduce the level of significance from these temporary noise impacts.

Suitable noise-sensitive wildlife habitat is located in the Sweetwater Marsh to the north of the parcel H-3 project site and in the F & G Street Marsh to the northeast of the H-3 project site. The noise level of 84 dB(A) Leq at 50 feet would attenuate to 60 dB(A) Leq at a distance of approximately 800 feet from the source; therefore, unmitigated construction activity occurring over 800 feet from the habitat would not result in a significant impact. Construction activity occurring within 800 feet of the habitat during the breeding season would result in a significant impact.

In order to mitigate for the Project's noise impacts associated with the construction of the Residential and Retail Project, the Port and City will implement Mitigation Measure 4.7-5, to include the following:

- To avoid significant impacts to the F & G Street Marsh and reduce the construction noise level to 60 dB(A) or below, the developer of Parcel H-3 shall install and place a 20-foot-high temporary noise barrier or wall along the northeast project property line and returns along the east and west property lines. This mitigation would be necessary for construction activity occurring within 800 feet of the habitat during the extended breeding season. As demonstrated on *Figure 4.7-11* in the FEIR, the barrier must be of solid construction, with no gaps or cracks through or below the wall, and must have a minimum density of 3.5 pounds per square foot. The barrier must block line-of-sight between the source and receiver and be long enough to prevent flanking around the ends.
- Prior to the start of construction, upon selection of a contractor and once specific equipment models and locations, phasing, operational duration, etc. are known, a detailed analysis shall be conducted by the Project developer and approved by the Port and/or City to determine proper placement of the temporary noise barrier.

Incorporation of Mitigation Measure 4.7-5 will reduce noise impacts resulting from construction activity occurring within 800 feet of noise sensitive wildlife habitat (Potential Significant Impact 4.7-5) to below a level of significance.

#### **4.6.6 Potential Significant Impact (4.7-6)**

Future traffic associated with development of the Proposed Project would result in significant impacts to ground-level noise sensitive areas.

### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

Future noise levels at land uses adjacent to project roadways were estimated using the FHWA TNM version 2.5. The Phase IV baseline plus Proposed Project traffic volumes were used in the traffic noise analysis (Chula Vista Bayfront Master Plan (CVBMP) Traffic Impact Analysis, KHA 2008). The model considered estimated average vehicle speed, peak-hour traffic volume, and vehicle mix. The model assumed a default ground type of "hard soil."

The peak-hour traffic volume was assumed to be 10% of the ADT for the local roadways. The TIA indicated peak-hour traffic volumes for I-5. The speed limits on the roadway segments were obtained from the SANDAG Transportation Forecast Information Center. The vehicle mix for the surface streets was estimated. The vehicle mix for I-5 was obtained from Caltrans' Traffic and Vehicle Data Systems Unit 2005 Truck Traffic.

Land uses along the roadway segments include manufacturing, office, retail, marina, and park. Marina land use is not considered noise sensitive. Existing land uses only were evaluated; any future projects in the influence area that would involve a land use designation change would be expected to evaluate compatibility and compliance with regard to noise as part of that project.

Noise levels were estimated at a distance of 50 feet from the centerline of each roadway segment, and the distances to the 60, 65, 70 and 75 dB(A) CNEL noise contours were estimated. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography. *Table 4.7-11* in the FEIR shows the Proposed Project traffic noise levels along Project roadway segments.

As shown in *Table 4.7-11* of the FEIR, traffic on area roadways would be expected to generate noise levels at ground-level sensitive receptors in excess of the City's residential exterior standard of 65 dB(A) CNEL. Specifically, the residential units adjacent to the roadways proposed in the Harbor District would be exposed to noise levels greater than 65 dB(A) CNEL. Future noise levels at noise sensitive areas in excess of 65 dB(A) would result in a potentially significant impact.

In order to mitigate for the exposure of ground-level sensitive receptors to noise levels greater than 65 dB(A) CNEL, the Port and City will implement Mitigation Measure 4.7-6, to include the following:

- Prior to the approval of Design Review, the applicant shall submit a site plan for the Project demonstrating to the satisfaction of the Director of Planning and Building of the City and the Port, that outdoor use areas are not exposed to noise levels in excess of 65 dB(A) CNEL. As part of CEQA review for subsequent execution of actions associated with Project construction phases, applicants shall submit Project plans demonstrating that outdoor usable residential areas conform to the standards set by the City of Chula Vista General Plan.
- Prior to issuance of building permits or certificates of occupancy, the developer shall install noise barriers that would reduce sound levels to 65 dB(A) CNEL or below at ground-level noise sensitive receptors on the Project site. To preserve a view, glass or Plexiglas with a minimum density of 3.5 pounds per square foot may be substituted for other construction materials.

Incorporation of Mitigation Measure 4.7-6 will reduce impacts associated with ground-level sensitive receptors being exposed to noise levels greater than 65 dB(A) CNEL (Potential Significant Impact 4.7-6) to below a level of significance.

#### **4.6.7 Potential Significant Impact (4.7-7)**

Due to exterior sources, interior noise levels in the Harbor District could exceed 45 dB(A) CNEL, which would be a significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.7-6 above also apply to Potential Significant Impact 4.7-7. As discussed, traffic on area roadways would be expected to generate noise levels at ground-level sensitive receptors in excess of the City's residential exterior standard of 65 dB(A) CNEL. Specifically, the residential units adjacent to the roadways proposed in the Harbor District would be exposed to noise levels greater than 65 dB(A) CNEL. As exterior noise levels at proposed residential sites would exceed 60 dB(A) CNEL, interior noise levels due to exterior sources could exceed 45 dB(A) CNEL even with standard construction practices. This would be a significant impact.

In order to mitigate for the exposure of the interior of buildings in the Harbor District to noise levels in excess of 45 dB(A) CNEL, prior to the issuance of building permits for residential units

adjacent to circulation element roadways in the Harbor District, the City shall require the Project applicant to perform and submit an acoustical analysis to the City, demonstrating that the proposed building plans ensure that interior noise levels due to exterior sources are 45 dB(A) CNEL or less in any habitable room. The analysis must also identify Sound Transmission Loss (STL) rates of each window.

Incorporation of Mitigation Measure 4.7-3 will reduce impacts associated with interior noise levels exceeding 45 dB(A) CNEL due to exterior sources (Potential Significant Impact 4.7-7) to below a level of significance.

#### **4.6.8 Potential Significant Impact (4.7-8)**

Future noise levels associated with the Project would exceed the wildlife noise threshold of 60 dB(A) Leq during breeding season at habitat in the F & G Street Marsh which would be significant.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The Proposed Project would contribute traffic to off-site roads as well as on-site roads. An increase of 3 dB is considered a perceptible increase in noise. For off-site roadways that currently generate noise levels in excess of applicable noise standards, a project-related increase of 3 dB would be significant. All off-site roadways affected by Project traffic currently generate noise levels in excess of 65 dB(A) (Chula Vista, City of 2004). *Table 4.7-12* in the FEIR shows the comparison of existing and future off-site traffic noise levels at 50 feet from the centerlines of Project roadway segments. In cases where existing roadways would be removed in the future, the closest future cross street was used for comparison; the existing roadway name is shown in parentheses in *Table 4.7-12* in the FEIR. In cases where the future roadway does not exist, quantification of a change in noise level is not applicable and was noted as such. Segments that would experience a delta of 3 dB(A) or more are shown in bold in *Table 4.7-12* in the FEIR.

As shown in *Table 4.7-12* in the FEIR, the segment of E Street between RCC Driveway and F Street would experience a future peak hour noise level of 64 dB(A) at 50 feet. The closest point of the F & G Street Marsh habitat to the roadway noise is approximately 90 feet from the centerline of E Street. The highest noise level at the habitat would be approximately 62 dB(A).

This noise level exceeds the wildlife noise threshold of 60 dB(A) Leq during breeding season at habitat in the F & G Street Marsh. This would be a significant impact.

In order to mitigate for the significant impacts to the F & G Street Marsh and reduce the noise level at habitat to 60 dB(A) or below, the Port and City shall require the developer to install a 3-foot-high noise barrier along the east ROW of E Street for the extent of the habitat, as shown on *Figure 4.7-12*. The barrier must be of solid construction, with no gaps or cracks through or below the wall, and must have a minimum density of 3.5 pounds per square foot. The barrier must block line-of-sight between the source and receiver and be long enough to prevent flanking around the ends.

Incorporation of Mitigation Measure 4.7-7 will reduce noise impacts to habitat in the F & G Street Marsh during breeding season (Potential Significant Impact 4.7-8) to below a level of significance.

#### **4.6.9 Potential Significant Impact (4.7-9)**

The construction of off-site improvements during Phase I of the Project could result in significant noise impacts that would affect residents.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Construction activities are exempt from the exterior noise standards specified in Section 19.68.060 of the City's Municipal Code. However, as discussed below, construction noise during all phases of the Proposed Project may create a nuisance for residential uses and for sensitive receptors using parks in the Project area.

Construction for each phase can be divided into two main categories: site preparation and building construction. Noise effects occur primarily during site preparation, with the grading of the site and construction of infrastructure. Actual building construction creates notably less noise. A variety of noise-generating equipment would be used during the construction phase of the Proposed Project. This construction equipment may include dump trucks, graders, loaders, and concrete mixers, along with others. Phase I site preparation would include the grading of the entire Project area, the construction of the major access roads, and sewer and water infrastructure. Grading in subsequent phases would be limited to modifying the rough grading

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

that occurred during the first phase. While it is anticipated that the development of all phases of the project could take 24 years, it is anticipated that site preparation in any given phase would last for 1 year or less. As with the air quality analysis, it was assumed that construction buildings within each phase would take between 1 and 4 years after site preparation.

*Table 4.7-13* in the FEIR indicates the types of construction equipment typically involved in construction projects and the approximate noise levels associated with each. This type of equipment can individually generate noise levels that range between 78 and 91 dB(A) at 50 feet from the source, as listed in *Table 4.7-13*. Ground-clearing activities typically generate the greatest average construction noise levels. These activities are estimated to generate average noise levels of 83 to 85 dB(A) Leq 50 feet from the site of construction (Bolt, Beranek, and Newman, Inc. 1971).

This value is based on empirical data on the number and types of equipment at a construction site and their average cycle of operation. As seen in *Table 4.7-13* above, a backhoe can produce 85 dB(A) during heavy working activity.

Construction activities such as grading would be distributed over the entire site and would not be situated at any one location. The closest existing sensitive land uses are the residential uses on the east side of I-5. These homes are minimally 900 feet from the edge of the Proposed Project site and about 1,500 feet from the center of the construction area within the Harbor District with the freeway in between. The average noise levels caused by traffic on the freeway at F Street and Interstate 8 (I-8), as reported in the General Plan Update EIR (Chula Vista, City of 2005a), was between 70 and 74 dB(A) over a 24-hour period. Noise levels with a source of 84 dB at 900 feet from a construction area would be 59 dB. At 1,500 feet from the center of the construction area the noise level would be 55 dB. The noise from the construction activities at the homes on the east side of the highway would be below the noise levels produced by the freeway.

The entire Project area needs to be graded in order to permit the construction identified in Phase I. Construction includes grading the site, paving the roads, and constructing the buildings along with the associated worker trips and equipment use.

The construction of off-site improvements, such as water mains, that could affect residences would also occur in Phase I. These improvements would occur within J Street between Bay Boulevard and Broadway, L Street between Bay Boulevard and Broadway, and Broadway between J Street and Main Street. Because the construction of off-site improvements could result in noise impacts that would affect residents in those areas, noise impacts would be considered significant



In order to mitigate for significant noise impacts on residents resulting from construction of off-site improvements, the Port and City will implement Mitigation Measure 4.7-8, to include the following:

- Construction activity shall be prohibited Monday through Friday from 10:00 p.m. to 7:00 a.m., and Saturday and Sunday from 10:00 p.m. to 8:00 a.m., pursuant to the Chula Vista Municipal Code Section 17.24.050 (Paragraph J).
- All stationary noise generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors. Where practicable, noise generating equipment shall be shielded from noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, 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 items 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.

Incorporation of Mitigation Measure 4.7-8 will reduce impacts on residents resulting from the construction of off-site improvements (Potential Significant Impact 4.7-9) to below a level of significance.

#### **4.6.10 Potential Significant Impact (4.7-10)**

Subsequent phases of development could result in significant noise impacts that would affect uses created during Phase I of development.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.7-9 above also apply to Potential Significant Impact 4.7-10. The construction activities in the Harbor District would occur between an area as far away from the refuge as 1,400 feet to a location adjacent to the marina. Using the geometric mean of the near and far construction distances, the projected noise levels at the marina could be as high as 74 dB(A). In the City of Chula Vista, construction noise is exempt from the noise ordinance although construction activities must comply with the hours set by the City's Municipal Code. Pursuant to the Municipal Code, construction would be prohibited Monday through Friday from 10:00 p.m. to 7:00 a.m., and from 10:00 p.m. to 8:00 a.m. on Saturdays and Sundays. The potential for a 74 dB(A) hourly Leq for construction noise at the marina would be a significant impact. In Phase I, the project would construct residential and park uses near the center of the project site and the RV park would remain open. During Phases II through IV, these uses could be exposed to construction noise levels of 85 dB(A) Leq, depending upon the location of the construction relative to the sensitive user. Therefore, construction noise during these subsequent phases of the project could affect the sensitive uses established through the development of Phase I. Subsequent analysis of construction noise impacts would be needed during the CEQA review process of Phases I through IV program-level components. Because subsequent phases of development could result in noise impacts that would affect uses created during Phase I of development, noise impacts are significant.

In order to mitigate for the impact on uses created during Phase I due to subsequent phases of development, the Port and City will implement Mitigation Measure 4.7-8. As discussed above, Mitigation Measure 4.7-8 prohibits construction activities between 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., specifies that stationary noise generating equipment be located away from nearby sensitive noise receptors, requires sound control devices on all gasoline and diesel powered construction equipment, and requires the use of shielded or shrouded noise generating equipment and equipment generating low sound levels.

*Incorporation of Mitigation Measure 4.7-8 will reduce impacts on uses created during Phase I development resulting from construction noise during subsequent phases of development (Potential Significant Impact 4.7-10) to below a level of significance.*

#### **4.6.11 Potential Significant Impact (4.7-11)**

Construction activities in the Sweetwater District would have the potential to significantly impact nesting birds in the Sweetwater Marsh National Wildlife Refuge.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

Construction and operational noise would have the potential to adversely affect birds nesting and foraging in the Sweetwater Marsh National Wildlife Refuge (NWR) located north of the Proposed Project site. Noise levels are not to exceed 60 dB(A) Leq during breeding season. With a noise source of 84 dB during construction, a noise level of 60 dB is achieved with a direct line of sight to the noise source, when the receiver is approximately 800 feet from the source.

There is the likelihood that pile driving would be required for the construction of the improvements associated with the RCC, Pacifica Residential and Retail Project, marina development, and the improvements at the existing South Bay Boatyard site. Pile driving can cause noise levels between 82 and 105 dB(A) (Easton 2000). As there are no existing sensitive receptors in the Project area, however, the impacts will be less than significant.

The construction activities in the Sweetwater District would occur between an area as far away from the refuge as 1,320 feet to a location adjacent to the refuge. Using the geometric mean of the near and far construction distances, the projected noise levels at the edge of the refuge could be as high as 77 dB. During the breeding season, this would be a significant impact.

In order to mitigate for the impact associated with construction activities and nesting birds at the Sweetwater Marsh National Wildlife Refuge, the Port and City will require that construction-related noise be limited during the typical breeding season of January 15 to August 31 adjacent to the Sweetwater Marsh NWR and F & G Street Marsh. The current accepted noise threshold is 60 dB(A) Leq; thus construction activity shall not exceed this level, or ambient noise levels if higher than 60 dB(A) during the breeding season. If construction does occur within the breeding season or adjacent to the marshes, the Project developer shall prepare and submit an acoustical analysis to the Port and/or City that shall determine whether noise barriers would be required to reduce the expected noise levels below the threshold. If noise barriers, construction activities, or other methods are unable to result in a level of noise below the threshold, construction in these areas shall be delayed until the end of the breeding season.

Incorporation of Mitigation Measure 4.7-9 will reduce impacts related to construction activities affecting nesting birds during the breeding season in the Sweetwater Marsh NWR (Potential Significant Impact 4.7-11) to below a level of significance.

## **4.7 Terrestrial Biological Resources**

### **4.7.1 Potential Significant Impact (4.8-1)**

Construction activities would have the potential to significantly impact on-site nesting raptors.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

There is the potential for raptors to nest on site during the nesting season of January 15 to July 31 within all districts, during all phases of construction. All active raptor nests, regardless of state or federal listing status, are protected under the California Fish and Game Code Section 3503.5. Direct impacts to nesting raptors due to the removal of an active nest would be significant.

In order to mitigate for the direct significant impact to nesting raptors, the Port and City will implement Mitigation Measure 4.8-1, to include the following:

Prior to construction in any areas with suitable nesting locations for raptors (such as trees, utility poles, or other suitable structures) and, if grading or construction occurs during the breeding season for nesting raptors (January 15 through July 31), the Project developer(s) within the Port's or City's jurisdiction shall retain a qualified, Port- or City-approved biologist, as appropriate, who shall conduct a pre-construction survey for active raptor nests. The pre-construction survey must be conducted no more than 10 calendar days prior to the start of construction, the results of which must be submitted to the Port or City, as appropriate, for review and approval. If an active nest is found, an appropriate setback distance will be determined in consultation with the applicant, Port or City, USFWS, and CDFG. The construction setback shall be implemented until the young are completely independent of the nest or the nest is relocated with the approval of the USFWS and CDFG. A bio-monitor shall be present on site during initial grubbing and 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.

Incorporation of Mitigation Measure 4.8-1 will reduce potential impacts to nesting raptors during construction activities (Potential Significant Impact 4.8-1) to below a level of significance.

#### **4.7.2 Potential Significant Impact (4.8-2)**

Grading and construction activities during development of the Otay District could significantly impact the western burrowing owl or any burrowing owl nests.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Impacts to the western burrowing owl or any burrowing owl nests may occur during implementation of program-level components in the Otay District on parcels in both the Port's and City's jurisdiction (see *Figure 4.8-18* in the FEIR). The impacts would consist of the loss of burrowing owls and/or their nests which may result from grading and construction activities during development of the Otay District. The potential loss of western burrowing owls and/or their nests would be a significant impact.

In order to mitigate for the impact to western burrowing owls and burrowing owl burrows, the Port and City will implement Mitigation Measure 4.8-2, to include the following:

Prior to construction in any areas with suitable nesting habitat for burrowing owl and, if grading or construction occurs during the breeding season for the burrowing owl (January 15 through July 31), the Project developer(s) within the Port's or City's jurisdiction, as appropriate, shall retain a qualified biologist, who shall be approved by the Port or City, respectively, to conduct a pre-construction survey within all suitable habitat prior to any grading activities. The pre-construction survey must be conducted no more than 10 calendar days prior to the start of construction, the results of which must be submitted to the Port or City, as appropriate, for review and approval. If an active burrow is detected during the breeding season of January 15 to July 31, construction setbacks of 300 feet from occupied burrows shall be implemented until the young are completely independent of the nest. If an active burrow is found outside of the

breeding season, or after an active nest is determined to no longer be active by a qualified biologist, the burrowing owl would be passively relocated according to the guidelines provided by CDFG (1995) and in coordination with CDFG. A bio-monitor shall be present on site during initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the City and/or Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the City and/or Port detailing observations made during field inspections. The bio-monitor shall also notify the City and/or Port immediately if clearing is done outside of the permitted project footprint.

Incorporation of Mitigation Measure 4.8-2 will reduce potential direct impacts to burrowing owls and their nests (Potential Significant Impact 4.8-2) to below a level of significance.

#### **4.7.3 Potential Significant Impact (4.8-3)**

Grading and construction activities during development of the Port and City jurisdictional areas could significantly impact birds protected by the Migratory Bird Treaty Act (MBTA).

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

There is the potential for a number of birds protected by the MBTA to nest within the open space and trees in the Port's and City's jurisdiction. Destruction or removal of active nests during the breeding season could occur during construction or grading activities. These impacts would be significant.

In order to mitigate for the potential impacts to birds protected by the MBTA due to the Proposed Project, the Port and City will implement Mitigation Measure 4.8-3, to include the following:

If grading or construction occurs during the breeding season for migratory birds (January 15 through August 31), the project developer(s) shall retain a qualified biologist, approved by the Port/City (depending on the jurisdiction), to conduct a pre-construction survey for nesting migratory birds. The pre-construction survey must be conducted no more than 10 calendar days

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

Incorporation of Mitigation Measure 4.8-3 will reduce potential direct impacts to nesting migratory birds (Potential Significant Impact 4.8-3) to below a level of significance.

#### **4.7.4 Potential Significant Impact (4.8-4)**

Construction activities near the F & G Street Marsh inlet would potentially impact light-footed clapper rails.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

During Phase I of the Project, impacts would occur to the inlet of the F & G Street Marsh as a result of the construction of the extension of E Street. In addition, development of the Sweetwater Park could directly affect the light-footed clapper rail through loss of foraging habitat. Direct impacts to the light-footed clapper rail and loss of foraging habitat for the species could occur (see *Figure 4.8-18* in the FEIR). The mouth of the marsh, located within the Sweetwater and Harbor Districts, falls within both the Port's and City's jurisdiction. Construction activity within the inlet would potentially impact clapper rails directly if circumstances prevented the birds from escaping back to the protected marsh habitat during construction. Therefore, impacts to the inlet would reduce the amount of available foraging habitat and could directly impact the light-footed clapper rail.

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

In order to mitigate for the potential significant impact to the light-footed clapper rail, the Port and City will implement Mitigation Measure 4.8-4, to include the following:

Prior to construction or grading in any areas of suitable nesting or foraging habitat for light-footed clapper rail and, regardless of the time of year, the Project developer(s) shall retain a qualified biologist who shall be approved by the Port or City, as appropriate, and shall be present during removal of southern coastal salt marsh vegetation within the inlet to the F & G Street Marsh to ensure that there are no direct impacts to foraging light-footed clapper rails. If a light-footed clapper rail is encountered, construction will be temporarily halted until the bird leaves the area of construction. A bio-monitor shall be present on site during initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the City and/or Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the City and/or Port detailing observations made during field inspections. The bio-monitor shall also notify the City and/or Port immediately if clearing is done outside of the permitted project footprint. The Project developer(s) shall consult with the U.S. Fish and Wildlife Service prior to impacting any areas of suitable nesting or foraging habitat for light-footed clapper rail so as not to prevent any unauthorized take of the light-footed clapper rail. Any take must be authorized by U.S. Fish and Wildlife Service.

Incorporation of Mitigation Measure 4.8-4 will reduce potential direct impacts to the light-footed clapper rail (Potential Significant Impact 4.8-4) to below a level of significance.

#### **4.7.5 Potential Significant Impact (4.8-5)**

Project construction within the City's jurisdiction would potentially impact the northern harrier, Cooper's hawk, and western burrowing owl.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Project construction would potentially impact the following MSCP-covered species within the City's jurisdiction during all phases of development: salt marsh skipper, orange-throated whiptail, northern harrier, Cooper's hawk, peregrine falcon, light-footed clapper rail, long-billed



curlew, western burrowing owl, and Belding's savannah sparrow. Of these species, only the northern harrier, Cooper's hawk, and western burrowing owl were observed on or directly adjacent to City jurisdiction during the current surveys. The remaining species are either known from the vicinity or have potential to occur, due to presence of suitable habitat. Impacts to northern harrier, Cooper's hawk, and western burrowing owl would be significant.

In order to mitigate for the potential significant impact to the northern harrier, Cooper's hawk, and western burrowing owl, the City will implement Mitigation Measure 4.8-5, to include the following:

- Prior to issuance of any clearing and grubbing or grading permits within the jurisdiction of the City, the Project applicant within the City's jurisdiction shall be required to obtain a HLIT permit pursuant to Section 17.35 of the Chula Vista Municipal Code for impacts to Covered Species and Vegetation Communities protected under the City's MSCP Subarea Plan. In addition, the MSCP requires additional protective measures for the western burrowing owl, as identified in Mitigation Measure 4.8-2 above (see analysis under Potential Significant Impact 4.8-2).
- Incorporation of Mitigation Measure 4.8-5 will reduce potential impacts to MSCP Covered Species in the City's jurisdiction (Potential Significant Impact 4.8-5) to below a level of significance.

#### **4.7.6 Potential Significant Impact (4.8-6)**

The Project could result in indirect impacts to all sensitive birds located within the project boundary, as well as the adjacent marshes and the City's designated Preserve lands.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The Proposed Project could result in indirect impacts to all sensitive birds located within the project boundary, as well as the adjacent marshes and the City's designated Preserve lands. Potential construction and operation impacts would occur during all phases of the project within the City's and the Port's jurisdictions. These include impacts to breeding birds from construction noise and lighting, impacts to sensitive birds through a potential increase in perches for raptors that prey on birds, impacts to the birds and their habitat from post-development lighting and

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

operational noise, intrusion into the habitat by pets and humans (public access), increased drainage, and exposure to additional toxins from runoff from streets and landscaping.

Tall perching structures are not common in the relatively treeless marshlands of the coastal region. Thus, power-line structures and buildings can give raptors a competitive advantage over grassland and marsh prey species. This is of greatest concern where special-status bird species are present and constitute prey for raptors. This artificially provided perch advantage can lead to higher than normal raptor numbers in the area, resulting in increased predation pressure (Oles 2007). Large structures also enable the encroachment of traditional tree-nesting and perch-hunting raptors, such as the red-tailed hawk (*Buteo jamaicensis*). Because of these effects, projects that provide such additional perch features can fragment the open habitat and possibly contribute to lower populations of special-status prey species (Oles 2007).

Raptor perch-deterrent devices have long been used by power companies to discourage raptors from using dangerous parts of power structures. However, they have not traditionally been used to prevent perching on entire structures to reduce secondary effects on prey species.

Because of the proximity of the Proposed Project to the F & G Street Marsh and the Sweetwater Marsh NWR, there is the potential for impact to special-status bird species, including California least tern, light-footed clapper rail, and western snowy plover. This impact could result from the man-made creation of potential perch sites for raptors that could prey on bird species native to the wetlands. Although predation on these species by raptors is a naturally occurring event, the artificial increase in perches for predators has the potential to alter the relationship between the species. Increased predation on special-status bird species as a result of the creation of perch sites in areas that do not naturally contain such vantage points is a significant impact. Areas of concern are light posts, palm trees, building parapets, decorative eaves, and other projecting architectural elements, especially on the north side of the buildings proposed within Parcel H-3, which faces the marsh habitat.

Indirect effects would be significant because they would potentially result in increased predation, abandonment of nests, or degradation of nesting and foraging habitat for the light-footed clapper rail, Belding's savannah sparrow, all raptor species, and migratory birds, which can ultimately cause a drop in population numbers of these species.

In order to mitigate for the indirect impacts to all sensitive birds located within the project boundary, as well as the adjacent marshes and the City's designated Preserve lands due to the Proposed Project, the Port and City will implement Mitigation Measure 4.8-6, to include the following:

- A. Construction-related noise.** Construction-related noise shall be limited adjacent to the Sweetwater Marsh and South San Diego Bay Units of the San Diego Bay National Wildlife Refuge, F & G Street Marsh, the mudflats west of the Sweetwater District, and the J Street Marsh during the general avian breeding season of January 15 to August 31. During the avian breeding season, noise levels from construction activities must not exceed 60 dB(A) Leq, or ambient noise levels if higher than 60 dB(A). The project developer(s) shall prepare and submit to the Port/City for review and approval an acoustical analysis and nesting bird survey to demonstrate that the 60 dB(A) Leq noise level is maintained at the location of any active nest within the marsh. If noise attenuation measures or modifications to construction activities are unable to reduce the noise level below 60 dB(A), either the developer(s) must immediately consult with the Service to develop a noise attenuation plan or construction in the affected areas must cease until the end of the breeding season. Because potential construction noise levels above 60 dB(A) Leq have been identified at the F & G Street Marsh, specific noise attenuation measures have been identified and are addressed in *Section 4.7* of the EIR.
- B. Perching of raptors.** To reduce the potential for raptors to perch within the landscaping and hunt sensitive bird species from those perches, the following design criteria shall be identified in the CVBMP master landscape plan and incorporated into all building and landscape plans with a line of site to the City's MSCP Preserve, buffer zones, and on-site open space:
- Light posts shall have anti-perching spike strips along any portions that would be accessible to raptors.
  - The top edge of buildings shall be rounded with sufficient radius to reduce the amount of suitable perching building edges.
  - If building tops are hard corners, spike strips shall be used to discourage raptors from perching and building nests.
  - Decorative eaves, ledges, or other protrusions shall be designed to discourage perching by raptors.
  - To the extent practicable, buildings on Parcels S-1 and S-4 will be oriented to reduce raptor perches within the line of sight to adjacent sensitive habitats.
- C. Raptor management and monitoring.** Prior to the issuance of a Coastal Development Permit, the Project developer shall prepare a raptor nest management plan to be implemented once the project is built. A biologist retained by the project developer and approved by the Port and/or City shall be responsible for monitoring the buildings and associated landscaping to determine whether raptor nests have been established on Port

or City lands within 500 feet of the Preserves. If a nest is discovered, the nest would be removed in consultation with USFWS, CDFG, and the Port/City, outside of the raptor breeding season of January 15 to July 31.

- D. Lighting.** The following mitigation measure is required during all phases of development to ensure that outdoor lighting throughout the project area is minimized upon any of the habitat buffers, Preserve areas, habitats, or open water.

Prior to issuance of a building permit, each applicant within the Port's or City's jurisdiction shall prepare a lighting design plan, including a photometric analysis, to be reviewed by the Port or City, as appropriate. Each plan shall include the following features, as appropriate to the specific locations:

- All exterior lighting shall be directed away from the habitat buffers, Preserve Areas, habitats, or open water, wherever feasible and consistent with public safety. Where necessary, lighting of all developed areas adjacent to the habitat buffers, Preserve Areas, habitats, or open water shall provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the habitat buffers, Preserve Areas, habitats, or open water and sensitive species from night lighting. The light structures themselves shall have shielding (and incorporate anti-raptor perching criteria); but the placement of the light structures shall also provide shielding from wildlife habitats and shall be placed in such a way as to minimize the amount of light reaching adjacent habitat buffers, Preserve Areas, habitats, or open water. This includes street lights, pedestrian and bicycle path lighting, and any recreational lighting.
- All exterior lighting immediately adjacent to habitat buffers, Preserve Areas, habitats, or open water shall be low-pressure sodium lighting or other approved equivalent.
- No sports field lights shall be planned on the recreation fields near the J Street Marsh or the Sweetwater Marsh.
- All roadways will be designed, and where necessary edges bermed, to ensure automobile light penetration in the Wildlife Habitat Areas, as defined in Mitigation Measure 4.8-7 in the FEIR, will be minimized, subject to applicable City and Port roadway design standards.
- Explicit lighting requirements to minimize impacts to Wildlife Habitat Areas will be devised and implemented for all Bayfront uses including commercial, residential, municipal, streets, recreational, and parking lots. Beacon and exterior flood lights are prohibited where they would impact a Wildlife Habitat Area and use of this lighting should be minimized throughout the project. All street and walkway lighting should be shielded to minimize sky glow.

- To the maximum extent feasible, all external lighting will be designed to minimize any impact to Wildlife Habitat Areas, and operations and maintenance conditions and procedures will be devised to ensure appropriate long-term education and control. To the maximum extent feasible, ambient light impacts to the Sweetwater or J Street Marshes will be minimized.
- In Sweetwater and Otay District parks, lighting will be limited to that which is necessary for security purposes. Security lighting will be strictly limited to that required by applicable law enforcement requirements. All lighting proposed for the Sweetwater and Otay District parks and the shoreline promenade will be placed only where needed for human safety. Lights will be placed on low-standing bollards, shielded, and flat bottomed, so the illumination is directed downward onto the walkway and does not scatter. Lighting that emits only a low-range yellow light will be used since yellow monochromatic light is not perceived as natural light by wildlife and minimized eco-disruptions. No night lighting for active sports facilities will be allowed.
- Sweetwater and Otay District parks will open and close in accordance with Port park regulations.
- Laser light shows will be prohibited.
- Construction lighting will be controlled to minimize Wildlife Habitat Area impacts.

**E. Noise.**

- **Construction Noise.** Mitigation Measure 4.8-6 and the measures outlined in *Section 4.7*, Noise in the FEIR, shall be implemented in order to reduce potential indirect construction-noise impacts to sensitive species within the F & G Street Marsh and the J Street Marsh. In order to further reduce construction noise, equipment staging areas shall be centered away from the edges of the project, and construction equipment shall be maintained regularly and muffled appropriately. In addition, construction noise must be controlled to minimize impacts to Wildlife Habitat Areas.
- **Operational Noise.** Noise levels from loading and unloading areas; rooftop heating, ventilation, and air conditioning facilities; and other noise-generating operational equipment shall not exceed 60 dB(A) Leq. at the boundaries of the F & G Street Marsh and the J Street Marsh during the typical breeding season of January 15 to August 31.
- **Fireworks.** A maximum of three (3) fireworks events can be held per year, all outside of Least Tern nesting season except 4<sup>th</sup> of July, which may be allowed if in full regulatory compliance and if the nesting colonies are monitored during the event and

any impacts reported to the Wildlife Advisory Committee so they can be addressed. All shows must comply with all applicable water quality and species protection regulations. All shows must be consistent with policies, goals, and objectives in the Natural Resource Management Plan (NRMP), described in Mitigation Measure 4.8-7.

- F. ***Invasives.*** All exterior landscaping plans shall be submitted to the Port or City, as appropriate, for review and approval to ensure that no plants listed on the California Invasive Plant Council (Cal-IPC) List of Exotic Pest Plants of Greatest Ecological Concern in California (*Appendix 4.8-7* of this Final EIR), the California Invasive Plant Database, Appendix N of the City's MSCP Subarea Plan, or any related updates shall be used in the Proposed Project area. Any such invasive plant species that establishes itself within the Proposed Project area will be removed immediately to the maximum extent feasible and in a manner adequate to protect further distribution into Wildlife Habitat Areas.

The following landscape guidelines will apply to the Proposed Project area:

- Only designated native plants will be used in No Touch Buffer Areas, habitat restoration areas, or in the limited and transitional zones of Parcel SP-1 adjacent to Wildlife Habitat Areas.
- Non-native plants will be prohibited adjacent to Wildlife Habitat Areas and will be strongly discouraged and minimized elsewhere where they will provide breeding of undesired scavengers.
- Landscaping plans for development projects adjacent to ecological buffers and/or the MSCP Preserve shall include native plants that are compatible with native vegetation located with the ecological buffers and/or MSCP Preserve.
- No trees will be planted in the No Touch Buffer Areas or directly adjacent to a National Wildlife Refuge, J Street Marsh, or SP-2 areas where there is no Buffer Area.

- G. ***Toxic Substances and Drainage.*** Implementation of general water quality measures outlined in Mitigation Measures 4.5-2 through 4.5-4, identified in *Section 4.5, Hydrology/Water Quality* of the FEIR, would reduce impacts associated with the release of toxins, chemicals, petroleum products, and other elements that might degrade or harm the natural environment to below a level that is significant, and would provide benefits to wetland habitats. As a reference, these mitigation measures are repeated below and apply to the Port and City:

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

If contaminated groundwater is encountered, the project developer shall treat and/or dispose of the contaminated groundwater (at the developer's expense) in accordance with NPDES permitting requirements, which include obtaining a permit from the Industrial Wastewater Control Program to the satisfaction of the RWQCB. The project developer(s) shall demonstrate satisfaction of all permit requirements prior to issuance of a grading permit.

Prior to the discharge of contaminated groundwater for all construction activities, should flammables, corrosives, hazardous wastes, poisonous substances, greases and oils, and other pollutants exist on site, a pre-treatment system shall be installed to pre-treat the water to the satisfaction of the RWQCB before it can be discharged into the sewer system.

Prior to the issuance of a grading, excavation, dredge/fill, or building permit for any parcel, the applicant shall submit a Spill Prevention/Contingency Plan for approval by the Port or City as appropriate. The plan shall:

- Ensure that hazardous or potentially hazardous materials (e.g., cement, lubricants, solvents, fuels, other refined petroleum hydrocarbon products, wash water, raw sewage) that are used or generated during the construction and operation of any project as part of the Proposed Project shall be handled, stored, used, and disposed of in accordance with NPDES permitting requirements and applicable federal, state, and local policies
- Include material safety data sheets
- Require 40 hours of worker training and education as required by the Occupational Safety and Health Administration
- Minimize the volume of hazardous or potentially hazardous materials stored at the site at any one time
- Provide secured storage areas for compatible materials, with adequate spill contaminant
- Maintain all required records, manifest and other tracking information in an up-to-date and accessible form or location for review by the Port or City
- Demonstrate compliance with all local, state, and federal regulations regarding hazardous materials and emergency response.

Prior to issuance of a permit by USACE for dredge and/or fill operations in the Bay or Chula Vista Harbor, the applicant shall conduct a focused sediment investigation and submit it to USACE, EPA, and RWQCB for review and approval. The applicant shall

then determine the amount of bay sediment that requires remediation and develop a specific work plan to remediate bay sediments in accordance with permitting requirements of the RWQCB. The work plan shall include but not be limited to dredging the sediment, analyzing the nature and extent of any contamination, and allowing it to drain. Pending the outcome of the analytical results, the RWQCB and the Port shall prescribe the appropriate method for disposal of any contaminated sediment.

Prior to issuance of a grading permit for marina redevelopment on Parcels HW-1 and HW-4, the developer shall submit a work plan for approval by the RWQCB and Port/City that requires the implementation of BMPs, including the use of silt curtains during in-water construction to minimize sediment disturbances and confine potentially contaminated sediment if contaminated sediment exists. If a silt curtain should be necessary, the silt curtain shall be anchored along the ocean floor with weights (i.e., a chain) and anchored to the top with a floating chain of buoys. The curtain shall wrap around the area of disturbance to prevent turbidity from traveling outside the immediate Project area. Once the impacted region resettles, the curtains shall be removed. If the sediment would be suitable for ocean disposal, no silt curtain shall be required. However, if contaminants are actually present, the applicant would be required to provide to the RWQCB and Port/City an evaluation showing that the sediment would be suitable for ocean disposal.

In addition, the following measures will apply:

- Vegetation-based storm water treatment facilities, such as natural berms, swales, and detention areas are appropriate uses for Buffer Areas so long as they are designed using native plant species and serve dual functions as habitat areas. Provisions for access for non-destructive maintenance and removal of litter and excess sediment will be integrated into these facilities. In areas that provide for the natural treatment of runoff, cattails, bulrush, mulefat, willow, and the like are permissible.
- Storm water and non-point source urban runoff into Wildlife Habitat Areas must be monitored and managed so as to prevent unwanted ecotype conversion or weed invasion. A plan to address the occurrence of any erosion or type conversion will be developed and implemented, if necessary. Monitoring will include an assessment of stream bed scouring and habitat degradation, sediment accumulation, shoreline erosion and stream bed widening, loss of aquatic species, and decreased base flow.
- The use of persistent pesticides or fertilizers in landscaping that drains into Wildlife Habitat Areas is prohibited. Integrated Pest Management must be used in all outdoor, public, buffer, habitat, and park areas.



- Fine trash filters (as approved by the agency having jurisdiction over the storm drain) are required for all storm drain pipes that discharge toward Wildlife Habitat Areas.

**H. Public Access.** In addition to site-specific measures designed to prevent or minimize the impact to adjacent open space preserve areas from humans and domestic animals, the following would prevent or minimize the impact to adjacent open space preserve areas from humans and domestic animals.

**Buffers.** All buffers shall be established and maintained by the Port/City. Appropriate signage will be provided at the boundary and within the buffer area to restrict public access. Within the western 200-foot width of Parcel SP-1, a portion of the buffer areas would be re-contoured and restored to provide habitat consistent with the native vegetation communities in the adjacent open space preserve areas and to provide mitigation opportunities for project impacts. *Appendix 4.8-8* in the FEIR provides more specific detail of the mitigation opportunities available within the buffer area included within the Proposed Project. *Table 4.8-5* provides a breakdown of the available maximum mitigation acreage that is available within the buffer. *Figure 4.8-23* depicts the conceptual mitigation opportunities within the Sweetwater District. *Figures 4.8-24* and *4.8-25* display the cross section of the buffer zones in the Sweetwater District indicated on the conceptual illustration. *Figure 4.8-26* depicts the conceptual mitigation opportunities within the Otay District. The proposed restoration includes creating and restoring coastal salt marsh and creating riparian scrub vegetation communities. In addition, the coastal brackish marsh, disturbed riparian habitat, and wetland would be enhanced.

The first 200 feet of buffer areas adjacent to sensitive habitats, or full width in the case of reduced buffer areas, will be maintained as a “no touch” buffer and will not contain any trails or overlooks. Contiguous fencing, consisting of a 6-foot-high vinyl-coated chain link fence will be installed within the buffer area to prevent unauthorized access. Fencing in Parcel SP-1 will be installed prior to occupancy of the first buildings constructed in Phase I. District enforcement personnel will patrol these areas and be trained in the importance of preventing human and domestic animal encroachment in these areas. In addition, signs will be installed adjacent to these sensitive areas that provide contact information for the Harbor Police to report trespassing within the sensitive areas.

Impacts to disturbed coastal sage scrub would be mitigated by the restoration of a coastal sage scrub/native grassland habitat also within this buffer. There is the potential to provide a maximum of 20.71 acres of mitigation credit for impacts to wetland habitats and 22.21 acres for impacts to upland habitats. This would exceed the required mitigation needed for impacts within the Port’s and City’s jurisdiction.

A detailed coastal sage scrub (CSS) and maritime succulent scrub (MSS) restoration plan that describes the vegetation to be planted shall be prepared by a Port- or City-approved biologist and approved by the Port or City, as appropriate. The City or Port shall develop guidelines for restoration in consultation with USFWS and CDFG.

The restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish success criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions are expected. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months from the date the report is submitted.

The project developer(s) shall be responsible for implementing the proposed mitigation measures and ensuring that the success criteria are met and approved by the City or Port, as appropriate, and other regulatory agencies, as may be required.

#### ***Strategic Fencing***

- *Temporary Fencing.* Prior to issuance of any clearing and grubbing or grading permits, temporary orange fencing shall be installed around sensitive biological resources on the project site that will not be impacted by the Proposed Project. Silt fencing shall also be installed along the edge of the SDBNWR during grading within the western portion of the ecological buffer. In addition, the applicant must retain a qualified biologist to monitor the installation and ongoing maintenance of this temporary fencing adjacent to all sensitive habitats. This fencing shall be shown on both grading and landscape plans, and installation and maintenance of the fencing shall be verified by the Port's or City's Mitigation Monitor, as appropriate.
- *Permanent Fencing.* Prior to approval of landscape plans, a conceptual site plan or fencing plan shall be submitted to the Port or City, as appropriate, for review and approval to ensure areas designated as sensitive habitat are not impacted. Fencing shall be provided within the buffer area only, and not in sensitive habitat areas.

***Domestic Animals.*** In all areas of the Chula Vista Bayfront, especially on the foot path adjacent to the marsh on the Sweetwater District property, mandatory leash laws shall be

enforced. Appropriate signage shall be posted indicating human and domestic animal access is prohibited within the designated Preserve areas.

**Trash.** Illegal dumping and littering shall be prohibited within the Preserve areas. Throughout the Proposed Project site, easily accessible trash cans and recycling bins shall be placed along all walking and bike paths, and shop walkways. These trash cans shall be “animal-proof” and have self-closing lids to discourage scavenger animals from foraging in the cans. The trash cans shall be emptied daily or more often if required during high use periods. Buildings and stores shall have large dumpsters in a courtyard or carport that is bermed and enclosed. This ensures that, if stray trash falls to the ground during collection, it does not blow into the Bay or marshes.

**Training.** Pursuant to permitting requirements of the Resource Agencies, pre-construction meetings will take place with all personnel involved with the project, to include training about the sensitive resources in the area.

**I. Boating Impacts.** All boating, human, and pet intrusion must be kept away from F & G Street channel mouth and marsh.

- Water areas must be managed with enforceable boating restrictions. The Port will exercise diligent and good faith efforts to enter into a cooperative agreement with the Resource Agencies and Coast Guard to ensure monitoring and enforcement of no-boating zones and speed limit restrictions to prevent wildlife disturbances.
- No boating will be allowed in the vicinity of the J Street Marsh or east of the navigation channel in the Sweetwater District during the fall and spring migration and during the winter season when flocks of birds are present.
- All rentals of jet-skis and other motorized personal watercraft (PWCs), as defined in Harbors and Navigations Code Section 651(s), will be prohibited in the Proposed Project area.
- Use of PWCs will be prohibited in Wildlife Habitat Areas, subject to applicable laws.
- A five (5) mile per hour speed limit will be enforced in areas other than the navigation channels.
- Nothing in this mitigation measure shall preclude bona fide research, law enforcement, or emergency activities.

Furthermore, Mitigation Measure 4.8-7 is intended to provide additional measures to reduce the indirect impacts to biological resources addressed in and reduce to below a level of significance by Mitigation Measure 4.8-6. These additional measures provide for the

creation, implementation, funding, and enforcement of a Natural Resources Management Plan (NRMP), good faith efforts to enter into a cooperative management agreement with the USFWS or other appropriate agency or organization, restoration priorities, the creation of a South Bay Wildlife Advisory Group, and education, as follows:

**A. Natural Resources Management Plan:** In recognition of the sensitivity of the natural resources and the importance of protection, restoration, management and enforcement in protecting those resources, the Port, City and RDA will cause an NRMP to be prepared in accordance with this mitigation measure. The NRMP will be designed to achieve the Management Objectives (defined below) for the Wildlife Habitat Areas (defined below). The NRMP will be an adaptive management plan, reviewed and amended as necessary by the Port and City in compliance with the process described in Section 4.8-7D of this measure.

a. *“Wildlife Habitat Areas”* are defined as:

- i. All National Wildlife refuge lands, currently designated and designated in the future, in the South San Diego Bay and Sweetwater Marsh National Wildlife Refuge Units. National Wildlife Refuge lands are included in the definition of Wildlife Habitat Areas for the sole purpose of addressing adjacency impacts and not for the purpose of imposing affirmative resource management obligations with respect to the areas within the National Wildlife Refuge lands.
- ii. All Port designated lands and open water areas in the Conservation Land Use Designations of Wetlands, Estuary, and Habitat Replacement as depicted in the Draft Precise Plan for Planning District 7.
- iii. Parcels 1g and 2a from the City’s Bayfront Specific Plan.
- iv. The Wildlife Habitat Areas are depicted on Exhibit 1 to the MMRP.
- v. No Touch Buffer areas as depicted on Exhibit 2 to the MMRP.

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

- i. Long-term protection, conservation, monitoring, and enhancement of:
  1. Wetland habitat, with regard to gross acreage as well as ecosystem structure, function, and value.
  2. Coastal sage and coastal strand vegetation.

3. Upland natural resources for their inherent ecological values, as well as their roles as buffers to more sensitive adjacent wetlands. Upland areas in the Sweetwater and Otay Districts will be adaptively managed to provide additional habitat or protection to create appropriate transitional habitat during periods of high tide, taking into account future sea level rise.
  - ii. Preservation of the biological function of all Bayfront habitats serving as avifauna for breeding, wintering, and migratory rest stop uses.
  - iii. Protection of nesting, foraging, and rafting wildlife from disturbance.
  - iv. Avoidance of actions within the Proposed Project area that would adversely impact or degrade water quality in San Diego Bay or watershed areas or impair efforts of other entities for protection of the watershed.
  - v. Maintenance and improvement of water quality where possible and coordination with other entities charged with watershed protection activities.
- c. *Implementation of NRMP Management Objectives:* NRMP will include a plan for achieving Management Objectives as they related to the Buffer Areas and Wildlife Habitat Areas and the Proposed Project area, which will:
- i. Ensure the Port, City, and RDA are not required to expend funds for NRMP implementation until project-related revenues are identified and impacts initiated.
  - ii. Require coordination with the Resource Agencies of the Port's City's and Resource Agencies' respective obligations with respect to the Buffer Areas and Wildlife Habitat Areas.
  - iii. Designate "No Touch" Buffer Areas as that term is defined and described in the FEIR. Such areas will contain contiguous fencing designed specifically to limit the movement of domesticated, feral, and nuisance predators (e.g., dogs, cats, skunks, opossums and other small terrestrial animals [collectively, "Predators"]) and humans between developed park and No Touch Buffer Areas and Wildlife Habitat Areas. The fence will be at a minimum 6-foot-high, black vinyl chain link fence or other suitable barrier (built to the specifications described in the FEIR). Fence design may include appropriate locked access points for maintenance and other necessary functions. Installation of the fence will include land contouring to minimize visual impacts of the fence. The installation of such fencing in the Sweetwater and Harbor Districts must be completed prior to the issuance of Certificates of Occupancy for development projects on either Parcel H-3 or H-23 and in conjunction with the development or road improvements in the Sweetwater District, with the exception of Parcel S-4 which will retain the

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

- existing fencing until that parcel is redeveloped and the fencing of the No-Touch buffer installed.
- iv. Prohibit active recreation, construction of any road (whether paved or not), within No Touch Buffer Areas, Limited Use Buffer Areas, and Transition Buffer Areas as that term is defined and described in the FEIR, with the exception of existing or necessary access points for required maintenance.
  - v. Result in the fencing of No Touch Buffer Areas including, without limitation, fencing necessary to protect the Sweetwater Marsh and the Sweetwater parcel tidal flats, the J Street Marsh next to the San Diego Bay Refuge and the north side of Parcel H-3.
  - vi. Include additional controls and strategies restricting movement of humans and Predators into sensitive areas beyond the boundaries of the designated Buffer Areas.
  - vii. Require the Recreational Vehicle Park to install fencing or other barriers sufficient to prevent passage of Predators and humans into sensitive adjacent habitat.
  - viii. Require all dogs to be leashed in all areas of the Proposed Project at all times except in any designated and controlled off-leash areas.
  - ix. Impose and enforce restrictions on all residential development to keep cats and dogs indoors or on leashes at all times. Residential developments will be required to provide education to owners and/or renters regarding the rules and restrictions regarding the keeping of pets.
- d. *Walkway and Path Design:* Detail conditions and controls applicable to the walkways, paths, and overlooks near Wildlife Habitat Areas and outside of the No Touch Buffer Areas in accordance with the following:
- i. Alignment, design, and general construction plans of walkways and overlooks will be developed to minimize potential impacts to Wildlife Habitat Areas.
  - ii. Path routes will be sited with appropriate setbacks from Wildlife Habitat Areas.
  - iii. Paths running parallel to shore or marsh areas that will cause or contribute to bird flushing will be minimized throughout the Proposed Project.
  - iv. Walkways and overlooks will be designed to minimize and eliminate, where possible, perching opportunities for raptors and shelter for skunks, opossums, or other Predators.
  - v. Walkways and overlooks that approach sensitive areas must be blinded, raised, or otherwise screened so that birds are not flushed or frightened. In general,

walkway and overlook designs will minimize visual impacts on the Wildlife Habitat Areas of people on the walkways.

- e. *Predator Management:* The NRMP will include provisions designed to manage Predator impacts on Wildlife Habitat Areas, which will include and comply with the following:
- i. Year-round Predator management will be implemented for the life of the Proposed Project with clearly delineated roles and responsibilities for the Port, City and Resources Agencies. The primary objective of such provisions will be to adequately protect terns, rails, plovers, shorebirds, over-wintering species, and other species of high management priority as determined by the Resource Agencies.
  - ii. Predator management will include regular foot patrols and utilize tracking techniques to find and remove domestic or feral animals.
  - iii. Address Predator attraction and trash management for all areas of the Proposed Project by identifying clear management measures and restrictions. Examples of the foregoing include design of trash containers, including those in park areas and commercial dumpsters, to be covered and self-closing at all times, design of containment systems to prevent access by sea gulls, rats, crows, pigeons, skunks, opossums, raccoons, and similar animals and adequate and frequent servicing of trash receptacles.
  - iv. All buildings, signage, walkways, overlooks, light standards, roofs, balconies, ledges, and other structures that could provide line of sight views of Wildlife Habitat Areas will be designed in a manner to discourage their use as raptor perches or nests.
- f. *Miscellaneous Additional Requirements of the NRMP:* In addition to the standards described above, the NRMP will include:
- i. All elements which address natural resource protection in the MMRP including but not limited to those which assign responsibility and timing for implementing mitigation measures consistent with the City's MSCP Subarea Plan;
  - ii. Pertinent sections of the MSCP Subarea Plan;
  - iii. References to existing Port policies and practices, such as Predator management programs and daily trash collections with public areas and increase service during special events.
  - iv. Establishment of design guidelines to address adjacency impacts, such as storm water, landscape design, light and noise and objectives, as discussed below;

- v. Establishment of baseline conditions and management objectives; and
  - vi. Habitat enhancement objectives and priorities.
- g. *Creation, Periodic Review, and Amendment of the NRMP*: The NRMP will be a natural resource adaptive management and monitoring plan initially prepared in consultation with the Wildlife Advisory Group, and reviewed and amended in further consultation with the Wildlife Advisory Group one year following adoption of the NRMP and annually thereafter for the first five (5) years after adoption, after which it will be reviewed and amended as necessary every other year for the first 6 years, then once every 5 years thereafter. If the RCC is not pursued in the first five (5) years after certification of the FEIR, this schedule will be amended to ensure that NRMP is evaluated every year for five years after the development of the RCC. The periodic review of the NRMP described in the preceding sentences is hereinafter called "Periodic Review." A material revision of the NRMP is hereinafter called an "NRMP Amendment". However, nothing in this schedule will be interpreted to preclude a speedy response or revision to the NRMP if necessary to abate an emergency condition or to accommodate relevant new information or necessary management practices consistent with the NRMP management objectives. Preparation of the NRMP will begin within six months of the filing of the Notice of Determination for the Final EIR by the Port and will be completed prior to the earlier of: (a) Development Commencement; (b) issuance of a Certificate of Occupancy for the residential development; or (c) three years. The adaptive management components of the NRMP Periodic Review will address, among other things, monitoring of impacts of development as it occurs and monitoring the efficacy of water quality improvement projects (if applicable) and management and restoration actions needed for resource protection, resource threats, management (i.e., sea-level rise, trash, window bird strikes, lighting impacts, bird flushing, water quality, fireworks, human-wildlife interface, education and interpretation programs, public access, involvement, and use plan, management of the human-wildlife interface, wildlife issues related to facilities, trails, roads, overlooks planning, and watershed coordination), and other issues affecting achievement of NRMP Management Objectives.
- i. The Port and City will cause the preparation, consideration negotiation and approval of the NRMP including, staff and administrative oversight and engagement of such consultants as are reasonable and necessary for their completion, approval and amendment in accordance with this mitigation measure.
  - ii. The Port and City will each provide a written notice of adoption to the Wildlife Advisory Group upon their respective approval of the NRMP.



- h. *Dispute Resolution For Plan Creation And Amendment.* The NRMP and any material amendments to the NRMP will require submission, review, and approval by the CCC after final adoption by the Port and City. Nonetheless, the participants would benefit if the NRMP is developed through a meaningful stakeholder process providing for the resolution of as many disagreements as possible prior to NRMP submission to the CCC. This section provides a process by which the Coalition can participate in the creation and amendment of the NRMP.
- i. Plan Creation and Amendment. Where this mitigation measure contemplates the creation of the NRMP following the Effective Date or an NRMP Amendment, this section will provide a non-exclusive mechanism for resolution of disputes concerning the content of the NRMP and such NRMP Amendments. The standard of review and burden of proof for any disputes arising hereunder shall be the same as those under the California Environmental Quality Act.
1. Plan Creation and Amendment Informal Negotiations. Any dispute that arises with respect to the creation or amendment of the NRMP will in the first instance be the subject of informal negotiations between the parties to the dispute. A dispute will be considered to have arisen when one (1) party (the "Disputing Party") sends the other party a written Notice of Dispute. During the informal negotiations, the Disputing Party will identify in writing and with specificity the issue, standard, or proposed requirement which is the subject of the dispute (the "Notice of Dispute"). The period for informal negotiations will not exceed thirty (30) days from the date the Notice of Dispute is received.
  2. Plan Creation and Amendment Formal Dispute Resolution, Phase I. In the event the Parties cannot resolve a dispute by informal negotiations, the Disputing Party may invoke formal dispute resolution procedures by providing the other parties a written statement of position on the matter in dispute, including, but not limited to, any facts, data, analysis or opinion supporting that position and any supporting documentation relied upon by the Disputing Party (the "Position Statement"). The Position Statement must be transmitted (via electronic mail or verifiable post) within thirty (30) days of the end of informal negotiations, and will be provided to the other parties and to each member of the Wildlife Advisory Group. If informal negotiations are unsuccessful, and the Disputing Party does not invoke formal dispute resolution within thirty (30) days, the position held by the Port, City or Agency (the respective public agency involved in such dispute is hereinafter called "Managing Agency") will be binding on the Disputing Party, subject to submission, review, and approval by the CCC.

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

- a. The other parties will submit their position statements (“Opposition Statements”), including facts, data, analysis or opinion in support thereof, to the Disputing Party and the Wildlife Advisory Group members within thirty (30) days of transmission of the Position Statement.
  - b. Within twenty-one (21) days after transmission of the Opposition Statement(s), the Wildlife Advisory Group will convene, consider and, within a reasonable period of time thereafter, render its proposed resolution of the dispute. The Wildlife Advisory Group’s decision will not be binding upon the Disputing Party, but rather, will be considered purely advisory in nature. The proposed resolution of the Wildlife Advisory Group will be that comprehensive recommendation supported by a majority of Wildlife Advisory Group members after vote, with each member entitled to one vote. The Wildlife Advisory Group’s proposal will be transmitted to all parties by an appointed Wildlife Advisory Group member via electronic mail.
3. Plan Creation and Amendment Formal Dispute Resolution, Phase I: If any party does not accept the advisory decision of the Wildlife Advisory Group, it must invoke the second phase of formal dispute resolution by presenting the dispute to the governing board (“Governing Board”) of the Managing Agency (i.e., Board of Port Commissioners or City Council). This phase of the dispute resolution process is initiated by such party providing written notice to the other parties within thirty (30) days of receipt of the Wildlife Advisory Group proposal (“MA Notice”). The MA Notice will include the Position Statement, Opposition Statement, the Wildlife Advisory Group proposal, and any other information such party desires to include. Any supplement to the Opposition Statement will be filed with the Managing Agency within fourteen (14) days. The Governing Board of the Managing Agency will review the transmitted information and within sixty (60) days from receipt of the MA Notice will schedule a public hearing to consider the dispute and within ten (10) days of such public hearing, render a decision. The decision of the Governing Board of the Managing Agency will be final and binding on the Managing Agency but will not bind the members of the Coalition. If the members of the Coalition accept the decision of the Governing Board of the Managing Agency, the decision will dictate the manner in which the dispute is resolved in the NRMP or amendment to the NRMP. Nothing herein will preclude such party from publicly opposing or supporting the Governing Board’s decision before the CCC.

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

Governing Board within thirty (30) days of transmission of the Position Statement.

2. Within forty-five (45) days after transmission of the Opposition Statement(s), the Disputing Party will provide a written notice (“MA II Notice”) to the other parties, the Wildlife Advisory Group and the Governing Board. The MA II Notice will include the Position Statement, Opposition Statement, the Wildlife Advisory Group proposal, and any other information the Disputing Party desires to include. Any supplement to the Opposition Statement will be filed with the Managing Agency within fourteen (14) days following receipt of the MA II Notice. The Governing Board will review the transmitted information and within sixty (60) days from receipt of the MA II Notice will schedule a public hearing to consider the dispute and within ten (10) days of such public hearing, render a decision. The decision of the Governing Board will be final and binding on the Managing Agency but will not bind the members of Coalition. If the members of the Coalition accept the decision of the Governing Board of the Managing Agency, the decision will dictate the manner in which the dispute is resolved in the NRMP. If any member of the Coalition disagrees with the decision of the Governing Board, it shall have the right to seek a petition for writ of mandate from the Superior Court of California, San Diego Division.

- iii. Waiver of Defense. To the extent permitted by law, the Port, City and RDA agree that lack of funds shall not be a defense to any claim of failure to adequately fund implementation and enforcement of the adopted NRMP.

**B. Additional Habitat Management and Protection**

- a. The Port will exercise diligent and good faith efforts to enter into the following cooperative agreements with the USFWS or other appropriate agency or organization:
  - i. An agreement providing for the long-term protection and management of the sensitive biological habitat running north from the South Bay Boatyard to the Sweetwater River Channel (known as the Sweetwater Tidal Flats) and addressing educational signage, long-term maintenance, and additional protection measures such as increased monitoring and enforcement, shared jurisdiction and enforcement by District personnel with legal authority to enforce applicable rules and regulations (“District Enforcement Personnel”), shared jurisdiction and enforcement by District Enforcement Personnel and other appropriate Resource Agencies, of resource regulations by Harbor Police and other appropriate Resources Agencies, and placement of enforcement signage. Subject to the cooperation of the applicable Resource Agency, such cooperative agreement will

be executed prior to the Development Commencement of any projects subject to Port's jurisdiction within the Sweetwater or Harbor Districts.

- ii. An agreement for the long-term protection and management of the J Street Marsh and addressing additional protective measures such as educational signage, long-term maintenance, and monitoring and enforcement by District Enforcement Personnel, shared jurisdiction and enforcement of resource regulations by District Enforcement Personnel and other Resource Agencies, and placement of enforcement signage. Subject to the cooperation of the applicable Resource Agency, such cooperative agreement will be executed prior to the Development Commencement within the Otay District.
  - iii. If either of the cooperative agreements contemplated above are not achievable within three (3) years after Final EIR certification, the Port will develop and pursue another mechanism that provides long-term additional protection and natural resource management for these areas.
- b. The Port will include an analysis of the appropriate level and method for wetland and marine life habitat restoration of the intake/discharge channels associated with the South Bay Power Plant in the environmental review document for the demolition of the South Bay Power Plant.
  - c. As a future and separate project, the Port will investigate, in consultation with the USFWS, the feasibility of restoring an ecologically meaningful tidal connection between the F & G Street Marsh and the upland marsh on parcel SP-2 consistent with USFWS restoration concepts for the area. At a minimum, the investigation will assess the biological value of tidal influence, the presence of hazardous materials, necessary physical improvements to achieve desired results, permitting requirements, and funding opportunities for establishing the tidal connection. This investigation will be completed prior to the initiation of any physical alteration of SP-2, F Street, and/or the F & G Street Marsh. In addition, once emergency access to the Proposed Project area has been adequately established such that F Street is no longer needed for public right-of-way for vehicular use, but may reserve it for pedestrian and bicycle use if ecologically appropriate.

**C. Restoration Priorities:** The following will supplement the description of the conceptual mitigation opportunities in the Final EIR (including Appendix 4.8-8 Mitigation Opportunities). The following restoration priorities will not be included in the NRMP but rather will be applicable (i) if and only to the extent that Port or City are required to restore degraded habitat in accordance with the terms of the MMRP or (ii) to establish priorities for Port's pursuit of grant funding.

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

- a. Restoration priorities for the Proposed Project are those mitigation opportunities in the Final EIR as depicted in the conceptual mitigation opportunities (Figures 4.8-23 and 4.8-26) and the projects located in the South Bay in the Port's Adopted Restoration and Enhancement Plan.
  - b. With the exception of the restoration described in Section (d) below, shoreline/marsh interface restorations in the Sweetwater and Otay Districts should be natural and gradually sloped and planted with salt marsh and upland transition plants in a manner that will stabilize the bank without the need for additional riprap areas. Upland slopes should be contoured to provide a very gentle grade so as to maximize tidal elevation of mudflats, salt marsh habitat and upland transition areas. This area should be wide enough to encourage or allow wildlife to move between the Sweetwater Marsh and the F & G Marsh and between the J Street and the South San Diego Bay Unit of the NWR. The shoreline should be improved and restored to facilitate a more effective upland refuge area for species during high tides and to accommodate the impacts from global sea rise.
  - c. The Telegraph Creek should be improved to be a more natural channel as part of the redevelopment of the Otay District. Efforts to naturalize and revegetate the creek will be maximized as is consistent with its function as a storm water conveyance.
  - d. The Port will perform an analysis of the appropriate level and method for environmental restoration of the intake/discharge channels associated with the South Bay Power Plan in the environmental review document for the demolition of the power plant.
- D. South Bay Wildlife Advisory Group:** A South Bay Wildlife Advisory Group ("Wildlife Advisory Group") will be formed to advise the Port and City in the creation of the NRMP, cooperative management agreements, Adaptive Management Review (defined below) and any related wildlife management and restoration plans or prioritizations. The Wildlife Advisory Group will also address management issues and options for resolution. The Wildlife Advisory Group will initiate and support funding requests to the Port and City, identify priorities for use of these funds and engage in partnering, education, and volunteerism to support the development of the Proposed Project in a manner that effectively protects and enhances the fish, wildlife, and habitats of the area and educates and engages the public.
- a. Port and City will provide such administrative and staff support to the Wildlife Advisory Group as is necessary to perform the functions and achieve the goals described herein.
  - b. The Wildlife Advisory Group will be comprised of the following: one (1) representative from each the Environmental Health Coalition, San Diego Audubon

Society, San Diego Coastkeeper, Coastal Environmental Rights Foundation, Southwest Wetlands Interpretative Association, Surfrider Foundation (San Diego Chapter), and Empower San Diego; two (2) representatives from the Chula Vista Natural Center (one from educational programs and one from programs/operations); up to three (3) representatives from major developers or tenants with projects in the CVBMP (including one from Pacifica Companies, which on completion, may be succeeded by a representative of its homeowner association); one (1) representative from the City's Resource Conservation Commission; one (1) from either Harborside or Mueller elementary school or the School District; Western and Eastern Chula Vista residents selected by the City (one from Northwest one from the Southwest and one from east of I-805); one (1) representative from eco-tourism based business; two (2) individuals appointed by Port; and 6 representatives from Resources Agencies (two from the USFWS, one from Refuges and one from Endangered Species and one (1) each from California Department of Fish and Game, National Marine Fisheries Service, Regional Water Quality Control Board and CCC).

- c. The Wildlife Advisory Group will meet as needed, but at a minimum of every six months for the first ten (10) years and annually thereafter. The Wildlife Advisory Group will be formed within six months of the filing of the Notice of Determination for the FEIR by the Port.
- d. The Wildlife Advisory Group will meet at the intervals described above to review the NRMP to: (i) determine the effectiveness of the NRMP in achieving the Management Objectives; (ii) identify any changes or adjustments to the NRMP required to better achieve the Management Objectives; (iii) identify any changes or adjustments to the NRMP required to respond to changes in the man-made and natural environments that are affecting or, with the passage of time may affect, the effectiveness of the NRMP in achieving the Management Objectives; and (iv) review priorities relative to available funding. At its periodic meetings, the Wildlife Advisory Group may also consider and make recommendations regarding (x) implementation of the NRMP as needed, (y) Adaptive Management Review and (z) NRMP Amendments.
- e. The Wildlife Advisory Group will advise the joint powers authority (JPA) on the expenditure of the Community Benefits Fund, subject to the applicable law.

**E. Education:** An environmental education program will be developed and implemented and will include the following:

- a. The program will continue for the duration of the Proposed Project and will target both residential and commercial uses as well as park visitors.
- b. The program's primary objective will be to educate Bayfront residents, visitors, tenants and workers about the natural condition of the Bay, the ecological importance

of the Proposed Project area and the public's role in the restoration and protection of wildlife resources of the Bay.

- c. The program will include educational signage, regular seminars and interpretive walks on the natural history and resources of the area, regular stewardship events for volunteers (shoreline and beach cleanups, exotic plant removal, etc.).
- d. Adequate annual funding for personnel or contractor/consultant and overhead to ensure implementation of the following functions and activities in collaboration with the Chula Vista Nature Center or USFWS:
  - i. Coordination of Volunteer programs and events;
  - ii. Coordination of Interpretive and educational programs;
  - iii. Coordination of Tenant, resident and visitor educational programs;
  - iv. Docent educational; and
  - v. Enhancements and restoration.

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

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



- e. Water quality protections; and,
- f. Coordination of injured animal rehabilitation activities.

Incorporation of Mitigation Measure 4.8-6 will reduce indirect impact to biological resources (Potential Significant Impact 4.8-6) to below a level of significance. Incorporation of Mitigation Measure 4.8-7 provides additional measures to reduce further the indirect impacts to biological resources already addressed in and reduced to below a level of significance by Mitigation Measure 4.8-6.

#### **4.7.7 Potential Significant Impact (4.8-7)**

The Project would result in potential impacts associated with lighting, noise, invasives, toxic substances, and public access where development is adjacent to MSCP preserve areas.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant 4.8-6 also apply to Potential Significant Impact 4.8-7. The City MSCP Subarea Plan addresses Adjacency Management Issues in order to reduce indirect impacts associated with development adjacent to the Preserve areas. As described in *Chapter 3.0, Project Description* of the FEIR, a 400-foot-wide ecological buffer would be established within the Sweetwater District, and a 170- to 200-foot-wide ecological buffer would be established in the Otay District as part of the Proposed Project design. In the eastern Portion of the buffers, a foot path would be provided for pedestrian use. A series of staggered berms within the Sweetwater District would serve as a barrier between the human users of recreation facilities and the sensitive wildlife in the nearby marsh habitat. The berms within the ecological buffers would also serve to reduce the amount of noise that may be disruptive to the sensitive species within the marshes.

The first 200 feet of buffer areas adjacent to sensitive habitats, or full width in the case of reduced buffer areas, will be maintained as a “no touch” buffer and will not contain any trails or overlooks. This No Use Zone would be off limits to pedestrians, with signs posted stating that access into the sensitive habitat areas is prohibited and trespassing laws will be strictly enforced.

Fencing, consisting of a 6-foot-high vinyl-coated chain link fence will be installed within the buffer area to prevent unauthorized access. Fencing in Parcel SP-1 will be installed prior to

occupancy of the first buildings constructed in Phase I. To protect the wetlands and resources within the Refuge, the SP-1 buffer would be established in Phase I.

District enforcement personnel will patrol these areas and be trained in the importance of preventing human and domestic animal encroachment in these areas. In addition, signs will be installed adjacent to these sensitive areas that provide contact information for the Harbor Police to report trespassing within the sensitive areas.

In order to discourage human and domestic animals from crossing over the berms into the native habitat and preserve areas, permanent fencing would be strategically placed in areas at Parcels SP-1 and OP-2A where human activity may encroach on the preserves. In addition, appropriate signage would prohibit access into the sensitive habitat and would direct public access to appropriate locations and ensure that native habitat and restoration areas are not disturbed.

All new development must adhere to the guidelines provided in the MSCP Subarea Plan, which address six issues associated with potential indirect impacts on the Preserve from lighting, noise, drainage, use of invasives, toxic substances, and public access. The Proposed Project includes design features and regulatory compliance that reduce potential impacts on the adjacent preserve from drainage. However, impacts from lighting, noise, invasives, toxic substances, and public access would be significant and are discussed in detail below.

### *Lighting*

Lighting associated with construction and operation of the Proposed Project may result in indirect impacts to the wildlife located adjacent to Sweetwater, F & G Street, and J Street marshes. Artificial lighting at night could illuminate nearby roost sites and nests, thus increasing the potential for disruption to breeding patterns and detection by nocturnal predators. In addition, artificial lighting and reflective glare may contribute to bird strikes against buildings. These impacts would be significant.

### *Noise*

Construction Noise. Noise from heavy construction equipment would adversely affect birds nesting and foraging in the Preserve areas. As discussed in Section 4.7 of the FEIR, construction noise adjacent to the F & G Street Marsh would exceed 60 dB(A) and therefore could have adverse effects on nesting birds within the marsh. Loud noises may cause nesting birds to flush from their nests and draw attention to their nesting location, thereby increasing the potential of predation on eggs and young. Construction noise may also decrease the use of the area by foraging bird species. These impacts would be significant.

*Operational Noise.* As discussed in Section 4.7, traffic noise along E Street, adjacent to the Sweetwater Marsh and the F & G Street Marsh, would exceed 60 dB(A) and therefore could have adverse effects on nesting birds within the marsh. These impacts would be significant.

***Drainage***

Urban runoff and drainage can be harmful to the Preserve if not appropriately treated and managed. Potential problems include increased erosion and transfer of toxic substances and exotic plant material into the Preserve from the adjacent development. The Proposed Project would be required to comply with and implement the NPDES permit, City grading ordinances, and other relevant BMPs and codes during the planning, construction, and maintenance phases of the project and would reduce water quality impacts associated with runoff. These various ordinances and regulations assure that water quality impacts associated with runoff, erosion, and sedimentation would be minimized by the preparation and implementation of an SWPPP, an urban runoff management plan, and a monitoring program. Therefore, impacts would be less than significant.

***Invasives***

Planting non-native, invasive species adjacent to the Preserve (F & G Street Marsh) and the Sweetwater Marsh NWR may impact the native habitats in the Preserve if the invasive species begin to encroach upon the Preserve. This impact would be significant.

***Toxic Substances***

The release of toxins, chemicals, petroleum products, and other elements that might degrade can be harmful to the natural environment and can degrade the natural ecosystem processes within the preserve. This impact would be significant.

***Public Access***

Public access into the open space and Preserve areas would potentially result in indirect impacts to sensitive biological resources. People and pet intrusion could disrupt nesting behaviors of sensitive wildlife. A higher incidence of trash or trampling of vegetation along the edges of the sensitive habitats could also result in degradation of the habitat, which would be a significant impact.

In order to mitigate for impacts related to lighting, noise, invasives, toxic substances, and public access in areas where development is adjacent to MSCP preserve areas, the Port and City will implement Mitigation Measures 4.8-6 and 4.8-7 (see above). As discussed in the analysis under Potential Significant Impact 4.8-6, measures including (but not limited to) limiting construction-

related noise, requiring buildings located within 500 feet of a preserve conform to a specific design criteria, establishing raptor management and monitoring, preparing lighting design plans to ensure lighting is directed away from preserve areas, preparing a landscaping plan to ensure invasive plants are not used, implementing general water quality measures, and establishing buffers adjacent to preserves area will reduce impacts related to lighting, noise, invasives, toxic substances, and public access to below a level of significance.

Incorporation of Mitigation Measure 4.8-6 will reduce impacts to MSCP Preserve areas from lighting, noise, use of invasives, toxic substances, and public access,(Potential Significant Impact 4.8-7) to below a level of significance. Mitigation Measure 4.8-7 provides additional measures to reduce further the indirect impacts to biological resources already addressed in and reduced to below a level of significance by Mitigation Measure 4.8-6.

**4.7.8 Potential Significant Impact (4.8-8)**

The construction of the H Street Pier could reduce surface water foraging habitat for birds in the Bay and would be a significant impact.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

Foraging birds use their vision to locate and capture prey. Surface water habitats are used for foraging by terns, pelicans, and skimmers. Any loss of surface water habitat would be a significant impact, based on the USFWS policy of no-net-loss of habitat. Within the Port's jurisdiction, the construction of the H Street Pier could reduce surface water foraging habitat in the Bay by approximately 36,000 square feet, or 0.8 acre, which would result in the reduction of foraging area for birds. This impact would be significant based on the USFWS policy of no-net-loss of habitat.

In order to mitigate for the loss of surface water foraging habitat in the Bay during construction of the H Street Pier, the Port will implement Mitigation Measure 4.8-8, as follows:

Prior to construction of the H Street Pier, the Port shall create 0.96 acre of eelgrass habitat to mitigate for the loss of surface water foraging habitat in accordance with the Southern California Eelgrass Mitigation Policy. The creation of eelgrass habitat shall be conducted in accordance

with Mitigation Measures 4.9-1 and 4.9-2 in *Section 4.9, Marine Biological Resources* of the FEIR.

Incorporation of Mitigation Measure 4.8-8 will reduce potential impacts resulting from the loss of surface water foraging habitat during program phases (Potential Significant Impact 4.8-8) to below a level of significance.

#### **4.7.9 Potential Significant Impact (4.8-9)**

The modification of the Marina and several additional Project components would result in the loss of surface water foraging habitat and intertidal mudflat at the South Bay Boatyard Marina. This would be a significant impact.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Modification of the Marina at the existing South Bay Boatyard (Parcel HW-6) to include 200 new boat slips to the existing 50 boat slips would result in the loss of approximately 1.61 acres of surface water foraging habitat and intertidal mudflat, which would be a significant impact.

Several related program-level components on Parcels HW-1, HW-3, HW-4, and H-12—the removal of 14,400 square feet of riprap, installation of 540 square feet of bulkhead, and development of a 35,284 square foot ferry terminal—would result in a net loss of approximately 19,424 square feet, or 0.45 acre, of surface water foraging habitat in the Marina.

In addition, the project proposes to increase the dock area in the Marina, which would result in a net loss of approximately 6,740 square feet (or 0.2 acre) of surface water foraging habitat.

Detailed plans are not available for program-level components, such as reconfiguration of the marinas, or for dredging and filling of the navigation channels. Removal of some existing facilities and construction of new facilities would result in changes to existing surface water habitat. Proposed new development would be expected to result in impacts to surface water foraging habitat. Once design plans are available and prior to any development of proposed program-level uses, additional project-level environmental review pursuant to State CEQA Guidelines, section 15168, would be required to identify specific impacts and mitigation. The impacts to surface water foraging habitat for sight foraging birds would be similar to those identified for Phase I. Prior to commencement of work for program-level in-water components,

appropriate location and acreage for mitigation would be identified for short-term construction and long-term direct and indirect impacts of these later phases.

The above impacts from program-level components would result in a total net loss of approximately 1.61 acres of surface water foraging habitat and would be significant based on the USFWS policy of no-net-loss.

In order to mitigate for the impact associated with program-level components at the South Bay Boatyard Marina and with the harbor reconfiguration which would result in the loss of surface water foraging habitat, the Port will implement Mitigation Measure 4.8-9 to include the following:

- A. Prior to completion of in-harbor work in Phase IV, the Port shall create 1.93 acres of eelgrass habitat. The creation of eelgrass habitat shall be conducted in accordance with Mitigation Measure 4.9-2 in *Section 4.9, Marine Biological Resources* in the FEIR.
- B. When project-specific designs are proposed for the remaining project components affecting 1.61 acres of surface water foraging habitat and intertidal mudflats, the mitigation of impacts shall be re-evaluated by the Port during subsequent environmental review pursuant to State CEQA Guidelines Section 15168 to determine accurate net loss and mitigation for the loss of foraging habitat.

Incorporation of Mitigation Measure 4.8-9 will reduce potential impact to surface water foraging habitat (Potential Significant Impact 4.8-9) to below a level of significance.

#### **4.7.10 Potential Significant Impact (4.8-10)**

Within the jurisdiction of the Port, grading for Phase I development would result in project-level significant impacts to riparian habitat and several vegetation communities.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Project impacts to vegetation communities and land cover types are depicted in *Figure 4.8-19* of the FEIR. *Table 4.8-3A* of the FEIR summarizes the proposed vegetation communities for project-level and program-level development in the Port and the City areas of jurisdiction. *Table*

4.8-3B contains a parcel-by-parcel summary of these impacts on the project level, and Tables 4.8-3C and 4.8-3D contain a parcel-by-parcel summary of these impacts on the program level.

The grading for project-level Phase I elements within the Port jurisdiction would impact 0.79 acre of disturbed coastal sage, 2.14 acres of non-native grassland, 0.07 acre of mulefat scrub/riparian scrub, and 0.03 acre of southern coastal salt marsh associated with road impacts. These impacts are significant.

In order to mitigate for impacts related to grading activities during Phase I project-level development within the jurisdiction of the Port, the Port will implement Mitigation Measure 4.8-10, to include the following:

- A. Prior to the commencement of grading for development in each phase that impacts riparian habitat or sensitive vegetation communities, the Port or Port tenants, as appropriate, shall prepare and initiate implementation of a restoration plan for impacts to riparian habitat and sensitive vegetation communities in accordance with the mitigation requirements presented in Table 4.8-6 of the FEIR.

Prior to the commencement of Phase I grading that impacts riparian habitat or sensitive vegetation communities, the Port shall coordinate with the wildlife agencies for the preparation and approval of a detailed restoration plan within the Port's jurisdiction. The restoration plan shall be prepared by a qualified biologist, and the plan shall be approved by the Port. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies.

- B. Prior to initiating any construction activities in each phase that would affect riparian habitat or sensitive vegetation communities, including clearing and grubbing associated with program-level phases, an updated project-level assessment of potential impacts shall be made based on a specific project design. The Port or project developer(s), as appropriate, shall retain a qualified, Port-approved biologist to update appropriate surveys, identify the existing conditions, quantify impacts, and provide adequate mitigation measures to reduce impacts to below a level of significance. This updated assessment shall be submitted to the Port for review and approval.

Incorporation of Mitigation Measure 4.8-10 will reduce potential impacts to riparian habitat and sensitive vegetation communities resulting from Phase I project-level development (Potential Significant Impact 4.8-10) to below a level of significance.

#### **4.7.11 Potential Significant Impact (4.8-11)**

Within the jurisdiction of the Port, the Project would result in program-level significant impacts to several vegetation communities.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-10 above also apply to Potential Significant Impact 4.8-11. The grading for Phase I program-level components within the Port jurisdiction would impact 3.44 acres of disturbed coastal sage and 8.02 acres of non-native grassland. Phases II through IV program-level impacts include approximately 3.42 acres of disturbed coastal sage scrub, 34.44 acres of non-native grassland, and 3.08 acres of disturbed riparian. Approximately 9.12 acres of disturbed seasonal pond would be impacted by the grading within the Otay District on the program level. These impacts are significant.

As discussed above under the analysis for Potential Significant Impact 4.8-10, in order to mitigate for the resulting loss of sensitive vegetation communities due to the Proposed Project in the jurisdiction of the Port, the Port shall prepare and initiate implementation of a restoration plan for impacts to riparian habitat and sensitive vegetation communities in accordance with the mitigation requirements presented in *Table 4.8-6* of the FEIR. Additionally, prior to initiating any construction activities in each phase that would affect riparian habitat or sensitive vegetation



communities, the Port shall require the preparation of an updated project-level assessment of potential impacts based on specific project designs.

Incorporation of Mitigation Measure 4.8-10 will reduce potential impacts to sensitive vegetation communities resulting from program-level development (Potential Significant Impact 4.8-11) to below a level of significance.

#### **4.7.12 Potential Significant Impact (4.8-12)**

The Project would result in significant impacts to southern coastal salt marsh.

##### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

The facts in support of the finding Potential Significant Impact 4.8-10 above also apply to Potential Significant Impact 4.8-12. As shown in *Tables 4.8-3C* and *4.8-3D* of the FEIR, approximately 1.52 acres of southern coastal salt marsh would be impacted during program-level activities. These impacts are significant.

In order to mitigate for the impact to southern coastal salt marsh during program-level activities, the Port shall implement Mitigation Measure 4.8-10 to include implementation of a restoration plan for impacts to riparian habitat and sensitive vegetation communities and the preparation of an updated project-level assessment of potential impacts based on specific project designs prior to initiating any construction activities in any phase of development that would affect riparian habitat or sensitive vegetation communities.

Incorporation of Mitigation Measure 4.8-10 will reduce potential impacts to southern coastal salt marsh from program-level development (Potential Significant Impact 4.8-12) to below a level of significance.

#### **4.7.13 Potential Significant Impact (4.8-13)**

During Phase I of project-level development in the Harbor District, the Project would significantly impact non-native grassland vegetation.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-10 above also apply to Potential Significant Impact 4.8-13. As shown in *Table 4.8-3B* of the FEIR, approximately 19.13 acres of non-native grassland would be impacted in the Harbor District during Phase I project-level activities. These impacts are significant.

In order to mitigate for the impact to non-native grasslands during Phase I project-level development within the Harbor District, the City will implement Mitigation Measure 4.8-11, to include the following:

- A. Prior to issuance of any clearing and grubbing or grading permits within the City's jurisdiction that would affect riparian habitat or sensitive vegetation communities, the project developer(s) shall acquire mitigation credits or prepare and initiate implementation of a restoration plan for impacts to riparian habitats and sensitive vegetation communities in accordance with the acreages identified in *Table 4.8-7* of the FEIR.

Mitigation credits shall be secured in a City-approved mitigation bank or land acquisition shall be provided at an approved location. Verification of mitigation credits or a restoration plan shall be provided to the City for review and approval prior to issuance of any clearing and grubbing or grading permits.

The project developer(s) shall prepare and implement a detailed restoration plan to the satisfaction of the City and the regulatory agencies. As previously addressed in *Section 4.8.6, Mitigation Measures* of the FEIR, the guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is

successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season.

- B. Prior to issuance of any clearing and grubbing or grading permits within the City's jurisdiction that affect riparian habitat or sensitive vegetation communities associated with the program-level development phases, an updated assessment of potential impacts shall be made based on a specific project design. The project developer(s) shall retain a City-approved biologist to update appropriate surveys, identify the existing conditions, quantify impacts, and provide adequate mitigation consistent with the City's MSCP Subarea Plan. This updated assessment shall be submitted to the City for review and approval.
- C. Prior to issuance of any clearing and grubbing or grading permits within the City's jurisdiction that affect riparian habitat or sensitive vegetation communities, the Project applicant shall be required to obtain an HLIT permit pursuant to Section 17.35 of the Chula Vista Municipal Code for impacts to Covered Species and Vegetation Communities protected under the City's MSCP Subarea Plan.

Incorporation of Mitigation Measure 4.8-11 will reduce direct impacts to non-native grassland resulting from Phase I project-level development in the Harbor District within the City's jurisdiction (Potential Significant Impact 4.8-13) to below a level of significance.

#### **4.7.14 Potential Significant Impact (4.8-14)**

During Phase I of development in the Harbor District, the Project would significantly impact southern coastal salt marsh vegetation.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding Potential Significant Impact 4.8-10 above also apply to Significant Impact 4.8-14. As shown in *Table 4.8-3B* of the FEIR, approximately 1.07 acres of southern coastal salt marsh would be permanently impacted within the Harbor District during project-level activities. These impacts are significant.

In order to mitigation for the impact to southern coastal salt marsh vegetation during Phase I of development within the Sweetwater District, the City will implement Mitigation Measure 4.8-11 which requires the project developer(s) to acquire mitigation credits or prepare and initiate implementation of a restoration plan for impacts to riparian habitats and sensitive vegetation communities. Mitigation credits shall be secured in a City-approved mitigation bank or land acquisition shall be provided at an approved location and verification of mitigation credits or a restoration plan shall be provided to the City for review and approval prior to issuance of any clearing and grubbing or grading permits. Restoration plans shall be prepared to the satisfaction of the City and the regulatory agencies.

Additionally, prior to the issuance of any clearing and grubbing or grading permits within the City's jurisdiction that affect riparian habitat or sensitive vegetation communities, the project applicant shall be required to obtain an HLIT permit pursuant to Section 17.35 of the Chula Vista Municipal Code for impacts to Covered Species and Vegetation Communities protected under the City's MSCP Subarea Plan.

Incorporation of Mitigation Measure 4.8-11 will reduce direct impacts to southern coastal salt marsh resulting from Phase I project-level development in the Harbor District within the City's jurisdiction (Potential Significant Impact 4.8-14) to below a level of significance.

**4.7.15 Potential Significant Impact (4.8-15)**

Grading and construction activities during development of the Proposed Project within the Sweetwater District will significantly impact scrub vegetation communities.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

As shown in *Tables 4.8-3C and 4.8-3D* of the FEIR, approximately 0.03 acre of mulefat scrub/riparian scrub would be permanently impacted within the Sweetwater District during program-level activities. The Proposed Project would permanently impact a total of 0.25 acre of disturbed coastal sage scrub (Tier II – uncommon uplands) in program-level activities of the Sweetwater District.

Impacts to mulefat scrub/riparian scrub and disturbed coastal sage scrub would be significant. Grading and construction activities during development of the Proposed Project will directly remove these sensitive vegetation communities.

In order to mitigate for impacts to mulefat scrub/riparian scrub and disturbed coastal sage scrub within the Sweetwater District during program-level activities, the City will implement Mitigation Measure 4.8-11 which, in addition to requiring the project developer to prepare a restoration plan or acquire mitigation credits for impacts to riparian habitats and sensitive vegetation communities, requires that prior to issuance of any clearing and grubbing or grading permits within the City's jurisdiction that affect riparian habitat or sensitive vegetation communities associated with the program-level development phases, an updated assessment of potential impacts shall be made based on a specific project design. The project developer(s) shall retain a City-approved biologist to update appropriate surveys, identify the existing conditions, quantify impacts, and provide adequate mitigation consistent with the City's MSCP Subarea Plan. This updated assessment shall be submitted to the City for review and approval.

Incorporation of Mitigation Measure 4.8-11 will reduce program-level impacts to mulefat scrub/riparian scrub and disturbed coastal sage scrub within the Sweetwater District to below a level of significance.

#### **4.7.16 Potential Significant Impact (4.8-16)**

Project-level construction within the jurisdiction of the Port would significantly impact USACE jurisdictional resources.

#### **Finding**

To State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The Proposed Project would impact a total of 64.34 acres of USACE jurisdictional waters within all three districts and both the Port and City of Chula Vista's jurisdiction. The majority of that impact would occur during program-level activities when wetlands and non-wetland waters of the U.S. would be permanently impacted by the proposed redesign of the marina within the Harbor District.

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

The circulation roads and bridges proposed in the Sweetwater and Harbor Districts would permanently impact 0.55 acre of USACE wetlands and non-wetland waters of the U.S. These impacts would be significant.

In order to mitigate for impacts to USACE jurisdictional resources within the jurisdiction of the Port, the Port and City will implement Mitigation Measure 4.8-12, to include the following:

- A. The Port or Port tenants, as appropriate, shall mitigate for permanent and temporary impacts to USACE jurisdictional waters at the following ratios: 1:1 for permanent impacts to non-wetland waters of the U.S.; 4:1 for impacts to wetlands; and 1:1 for all temporary impacts. A minimum of 1:1 mitigation must be created in order to achieve the no-net-loss requirement of the Clean Water Act (CWA). *Table 4.8-8* of the FEIR provides a breakdown of the required mitigation acreages for all USACE impacts within the Port's jurisdiction. Mitigation for impacts from the Bay and Marina components of the Proposed Project will be established through USACE regulations once final designs for this work in Phases II through IV are finalized.

Prior to the commencement of grading activities for any projects that impact USACE jurisdictional waters, the Port or Port tenants, as appropriate, shall prepare and initiate implementation of a restoration plan detailing the measures needed to achieve the necessary mitigation. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies.

- B. Prior to the issuance of the first clearing and grubbing or grading permit for activities that impact USACE jurisdictional waters, the project developer(s) within the City's jurisdiction shall prepare a restoration plan detailing the measures needed to

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

- C. Prior to issuance of the first clearing and grubbing or grading permit, for activities that impact USACE jurisdictional waters, the Port or Port tenants, as appropriate, and project developer(s) within the City's jurisdiction shall obtain a Section 404 permit from USACE. The permit application process would also entail approval of the restoration plan from the USACE as described above, with regard to areas that fall under the jurisdiction of USACE.

Incorporation of Mitigation Measure 4.8-12 will reduce project-level impacts to USACE jurisdictional resources within the jurisdiction of the Port (Potential Significant Impact 4.8-16) to below a level of significance.

#### **4.7.17 Potential Significant Impact (4.8-17)**

Program-level construction within the jurisdiction of the Port would significantly impact USACE jurisdictional resources.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-16 above also apply to Potential Significant Impact 4.8-17. Program-level development would disturb a total of 1.17 acres of non-wetland waters of the U.S. and would impact 0.42 acre of USACE wetlands. These impacts would be significant.

In order to mitigate for the program-level impacts to USACE jurisdictional resources within the jurisdiction of the Port, the Port and City will implement Mitigation Measure 4.8-12. As discussed above, Mitigation Measure 4.8-12 includes the appropriate mitigation ratios for temporary and permanent impacts to USACE jurisdictional resources, requires the preparation of a restoration plan prior to the commencement of grading activities for any projects that impact USACE jurisdictional waters, and requires that any projects that impact USACE jurisdictional waters obtain a Section 404 permit from USACE.

Incorporation of Mitigation Measure 4.8-12 will reduce program-level impacts to USACE jurisdictional resources within the jurisdiction of the Port (Potential Significant Impact 4.8-17) to below a level of significance.

**4.7.18 Potential Significant Impact (4.8-18)**

Program-level restoration activities within the jurisdiction of the Port would temporarily impact USACE jurisdictional resources.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-16 above also apply to Potential Significant Impact 4.8-18. The establishment of an ecological buffer on Parcel OP-2A would result in temporary impacts to 0.03 acre of non-wetland waters of the U.S. through restoration activities.

In order to mitigate for temporary impacts to non-wetland waters of the U.S. as a result of restoration efforts within the jurisdiction of the Port, the Port and City will implement Mitigation Measure 4.8-12. As discussed above, Mitigation Measure 4.8-12 includes the appropriate mitigation ratios for temporary impacts to USACE jurisdictional resources, requires the preparation of a restoration plan prior to the commencement of grading activities for any projects



that impact USACE jurisdictional waters, and requires that any projects that impact USACE jurisdictional waters obtain a Section 404 permit from USACE.

Incorporation of Mitigation Measure 4.8-12 will reduce temporary impacts to non-wetland waters of the U.S. as a result of restoration efforts within the jurisdiction of the Port (Potential Significant Impact 4.8-18) to below a level of significance

#### **4.7.19 Potential Significant Impact (4.8-19)**

Program-level activities within the Harbor District could significantly impact USACE jurisdictional waters.

##### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-16 above also apply to Potential Significant Impact 4.8-19. The reconfiguration of the harbor and marina could impact an additional 61.96 acres of USACE jurisdictional waters within the Harbor District during program-level activities. This impact would be significant.

In order to mitigate for impacts to USACE jurisdictional waters within the Harbor District resulting from the reconfiguration of the harbor and marina, the Port and City will implement Mitigation Measure 4.8-12. As discussed above, Mitigation Measure 4.8-12 includes the appropriate mitigation ratios for permanent impacts to USACE jurisdictional resources, requires the preparation of a restoration plan prior to the commencement of grading activities for any projects that impact USACE jurisdictional waters, and requires that any projects that impact USACE jurisdictional waters obtain a Section 404 permit from USACE.

Incorporation of Mitigation Measure 4.8-12 will reduce impacts to USACE jurisdictional waters within the Harbor District during program-level activities resulting from the reconfiguration of the harbor and marina (Potential Significant Impact 4.8-19) to below a level of significance.

#### **4.7-20 Potential Significant Impact (4.8-21)**

Program-level activities within the jurisdiction of the Port would significantly impact CDFG jurisdictional resources.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-16 above also apply to Potential Significant Impact 4.8-21. The Proposed Project would disturb a total of 1.1 acres of CDFG streambed and associated riparian habitat during program-level activities in the Harbor and Otay Districts within the Port's jurisdiction. This includes permanent impacts to 0.14 acre within the Harbor District and permanent (0.72 acre) and temporary (0.23 acre) impacts in the Otay District. Permanent and temporary removal of riparian habitat is a significant impact.

In order to mitigate for impacts to CDFG jurisdictional resources due to program-level activities within jurisdiction of the Port, the Port will implement Mitigation Measure 4.8-13, to include the following:

The Port or Port tenants, as appropriate, shall mitigate for permanent and temporary impacts to CDFG jurisdictional areas at a 2:1 ratio. *Table 4.8-8* of the FEIR provides a breakdown of the required mitigation acreages for all CDFG impacts within the Port's jurisdiction.

Prior to the issuance of the first grading permit that may impact CDFG jurisdictional areas, the Port or Port tenants, as appropriate, shall prepare and initiate implementation of a restoration plan detailing the measures needed to achieve the necessary mitigation. The plan shall outline the timeline and procedures for restoring/enhancing the potential enhancement/mitigation sites, which include the native buffer areas and the F & G Street Marsh. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The

Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including CDFG.

Prior to issuance of the first grading permit that may impact CDFG jurisdictional areas, the Port or Port tenants, as appropriate, shall obtain permits from CDFG. The permit application process would also entail approval of the restoration plan as described above, with regard to areas that fall under the jurisdiction of CDFG. Pursuant to Fish and Game Code 1602, the Port and other applicants are required to obtain a Streambed Alteration Agreement for impacts to streambeds and associated riparian habitat that fall within CDFG's jurisdiction.

Incorporation of Mitigation Measure 4.8-13 will reduce impacts to CDFG jurisdictional resources due to program-level activities within the jurisdiction of the Port (Potential Significant Impact 4.8-21) to below a level of significance.

#### **4.7.21 Potential Significant Impact (4.8-22)**

Project-level activities within the jurisdiction of the Port would significantly impact CCC jurisdictional resources.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Impacts to CCC wetlands have been avoided to the maximum extent practicable. The project would extend and realign E Street, resulting in removal of mulefat scrub at the existing terminus of E Street, and would also indirectly impact the inlet channel to the F & G Street Marsh through shading caused by a proposed bridge crossing. These impacts are not feasibly avoided, due to the location and configuration of the tie-in location to the existing E Street and due to the fact that a crossing of the inlet channel is necessary to connect E Street to the Marina area. As noted in *Section 4.8.1* of the FEIR, Coastal Act policies provide for the balancing of potentially conflicting policy provisions. In this case, although the E Street Extension results in impacts on CCC jurisdictional wetlands, the extension of the road provides for improved public access and pedestrian facilities to the shoreline. Currently, access to the Marina and its associated parks and shoreline access, from F Street is constrained by an existing 2-lane road with no curb, gutter, sidewalk or bike lane. The proposed E Street Extension would provide pedestrian and bicycle access from F Street and Bay Boulevard to the Marina, and public coastal access points. In addition, the proposed bridge over the F & G Street Marsh inlet would remove an existing

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

culvert crossing and would widen and restore the inlet such that improved tidal flushing would be provided to the F & G Street Marsh. Therefore, while significant impacts are identified, mitigation measures are provided and additional public and environmental benefits are proposed that provide support for balancing of Coastal Act policies.

Some of the mapped waterways have been identified as potential CCC wetlands that may be under the jurisdiction of the Coastal Commission. Identification of these areas as CCC wetlands require documentation of ponding for a minimum of 7 consecutive days, and there is currently no indication that ponding of that duration occurs; therefore, identification of CCC jurisdiction has not been made. In addition, the Otay District contains areas formerly occupied by an industrial facility that may be exempt from CCC jurisdiction. These areas are discussed in more detail below. The CCC has jurisdiction to make determination of these areas regarding project impacts.

The E Street road improvements proposed in the Sweetwater District would directly and permanently impact 0.07 acre of CCC wetland located within the road easement and Parcel S-1 adjacent to the roadway at Bay Boulevard and E Street (near Soil Test Pits 22 and 23). This wetland is composed of mulefat scrub. Development at this location would result in a significant impact.

In order to mitigate for the indirect and direct impacts to CCC wetlands from circulation road/bridge construction and improvement during Phase I within both the Port's and City's jurisdiction, the Port and City, as appropriate, will implement Mitigation Measure 4.8-14, to include the following:

- A. Mitigation for permanent direct and indirect (from bridge shading) impacts would be at a 2:1 ratio as detailed in *Table 4.8-8* of the FEIR.

Prior to the commencement of grading activities for projects that impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative

assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.

- B. Mitigation for permanent direct and indirect (from bridge shading) impacts would be at a 2:1 ratio as detailed in Table 4.8-9 of the FEIR.

Prior to the issuance of the first grading permit for projects that impact CCC jurisdictional areas, the project applicants within the City's jurisdiction shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The City shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the City in consultation with the regulatory agencies, including the CCC.

Incorporation of Mitigation Measure 4.8-14 will reduce impacts to CCC jurisdictional resources due to project-level activities within the jurisdiction of the Port (Potential Significant Impact 4.8-22) to below a level of significance.

#### **4.7.22 Potential Significant Impact (4.8-23)**

Project-level construction of a bridge on E Street over the F & G Street Marsh within jurisdiction of the Port would indirectly impact CCC wetlands.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-2 above also apply to Potential Significant Impact 4.8-23. The Port would construct a bridge on E Street over the inlet to the F & G Street Marsh as part of the circulation element. The bridge would span the wetland and would indirectly impact approximately 0.01 acre of CCC wetland through shading. This impact would be significant.

In order to mitigate for the indirect impact to CCC wetlands due to bridge shading, the Port and City shall implement Mitigation Measure 4.8-14, as described above, which includes a mitigation ratio of 2:1 for indirect impacts resulting from bridge shading. Additionally, Mitigation Measure 4.8-14 requires that prior to the issuance of the first grading permit for projects that impact CCC jurisdictional areas, Project applicants within the City's jurisdiction shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands.

Incorporation of Mitigation Measure 4.8-14 will reduce indirect impacts to CCC wetlands as a result of bridge shading (Potential Significant Impact 4.8-23) to below a level of significance.

**4.7.23 Potential Significant Impact (4.8-24)**

Program-level construction of bridges in the Otay District within jurisdiction of the Port would indirectly impact CCC wetlands.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-22 above also apply to Potential Significant Impact 4.8-24. During implementation of program-level components, the Port/City would construct two additional bridges in the Otay District. This includes the Street A Bridge over the J Street Channel and the Street B Bridge over the Telegraph Canyon Channel.

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

These bridges would result in indirect permanent impacts from shading to 0.05 acre of CCC wetland. These impacts would be significant.

In order to mitigate for the indirect impact to CCC wetland due to Program-level construction of bridges in the Otay District, the Port will implement Mitigation Measure 4.8-15, to include the following:

Mitigation for permanent direct and indirect (from bridge shading) impacts from circulation road construction/improvements and the riprap removal and bulkhead replacement totaling 0.51 acre would be at a 2:1 ratio as detailed in *Table 4.8-8* of the FEIR. This would require a total mitigation of 1.02 acres. Mitigation for temporary impacts within Parcel OP-2B from the re-channelization of the Telegraph Canyon Channel would require mitigation at a ratio of 1:1 as detailed on *Table 4.8-8* for a total of 0.16 acre.

Additionally, prior to the commencement of grading activities, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.

Lastly, prior to approval of grading permits for projects impacting CCC wetlands, the Port or Port tenants, as appropriate, shall obtain permits and/or approvals from CCC.

Incorporation of Mitigation Measure 4.8-15 will reduce indirect impacts to CCC wetlands resulting from program-level bridge construction in the Otay District within the jurisdiction of the Port (Potential Significant Impact 4.8-24) to below a level of significance.

#### **4.7.24 Potential Significant Impact (4.8-25)**

Program-level Chula Vista Marina improvements within the Harbor District and within jurisdiction of the Port would significantly impact CCC wetlands.

##### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-22 above also apply to Potential Significant Impact 4.8-25. The riprap removal and bulkhead placement proposed as a component to the Chula Vista Marina improvements would permanently impact approximately 0.46 acre of CCC wetlands on Parcels HW-1, HW-3, and H-12 within the Harbor District. Impacting CCC wetlands for the purpose of improving navigation and harbor access would be consistent with the Coastal Act; however, the biological impacts would be significant.

In order to mitigate for the impact to CCC wetlands due to Chula Vista Marina improvements, the Port will implement Mitigation Measure 4.8-15. As described above, Mitigation Measure 4.8-15 specifies that impacted CCC wetlands resulting from riprap removal and bulkhead replacement shall be mitigated at a ratio of 2:1. Additionally, Mitigation Measure 4.8-15 states that prior to the commencement of grading activities, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands and that prior to approval of grading permits for projects impacting CCC wetlands, the Port or Port tenants, as appropriate, shall obtain permits and/or approvals from CCC.

Incorporation of Mitigation Measure 4.8-15 will reduce impacts to CCC wetlands resulting from improvements to the Chula Vista Marina (Potential Significant Impact 4.8-25) to below a level of significance.

#### **4.7.25 Potential Significant Impact (4.8-26)**

Re-channelization of the Telegraph Canyon Channel during Program-level activities would significantly temporarily impact CCC wetlands.



### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-22 above also apply to Potential Significant Impact 4.8-26. The Telegraph Canyon Channel in the Otay District would be re-channelized within the program-level phases of development. This would temporarily impact 0.16 acre of CCC wetland. This would be significant. This temporary impact to re-contour a pre-existing channelized drainage would be allowed under the Coastal Act.

In order to mitigate for temporary impacts to CCC wetlands resulting from the re-channelization of the Telegraph Canyon Channel, the Port will implement Mitigation Measure 4.8-15. As described above, Mitigation Measure 4.8-15 states that mitigation for temporary impacts within Parcel OP-2B from the re-channelization of the Telegraph Canyon Channel would require mitigation at a ratio of 1:1 as detailed on *Table 4.8-8* of the FEIR for a total of 0.16 acre. Additionally, Mitigation Measure 4.8-15 requires that prior to the commencement of grading activities, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands and that prior to approval of grading permits for projects impacting CCC wetlands, the Port or Port tenants, as appropriate, shall obtain permits and/or approvals from CCC.

Incorporation of Mitigation Measure 4.8-15 will reduce temporary impacts to CCC wetlands as a result of the re-channelization of the Telegraph Canyon Channel within the program-level phases of development (Potential Significant Impact 4.8-26) to below a level of significance.

### **4.7.26 Potential Significant Impact (4.8-27)**

Habitat restoration activities on Parcel OP-2A in the Otay District would temporarily impact CCC wetlands.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### Facts in Support of Finding

The facts in support of the finding for Potential Significant Impact 4.8-22 above also apply to Potential Significant Impact 4.8-27. The establishment of an ecological buffer on Parcel OP-2A would result in temporary impacts to 0.05 acre of CCC wetland, 0.04 acre of potential CCC wetlands, and 1.50 acres of former industrial areas in the process of remediation. Impacts to the 0.05 acre of CCC wetlands would be significant. The impacts to the 1.54 acres of areas of former industrial areas in the process of remediation would only be significant if the CCC asserts jurisdiction. Impacts for restoration purposes are allowed under the Coastal Act.

In order to mitigate for the temporary impacts to CCC wetlands resulting from habitat restoration activities on Parcel OP-2A, the Port shall implement Mitigation Measure 4.8-16, to include the following:

Mitigation for temporary impacts from the restoration of the ecological buffer would require that mitigation at a ratio of 1:1 as detailed on *Table 4.8-8* in the FEIR. The ecological buffer area supports 0.05 acre that has been mapped as a CCC wetland and will require 0.05 acre of mitigation. There is an additional 0.04 acre that is mapped as a potential CCC wetland and 1.50 acres that are former industrial areas in the process of remediation. The Port or Port tenants, as appropriate, will need to confer with CCC in order to determine whether the areas of potential jurisdiction, totaling 1.54 acres, actually fall under CCC jurisdiction. If these areas are not subject to CCC jurisdiction, no additional mitigation would be required. If CCC does assert jurisdiction over these areas, the restoration will need to include the creation/enhancement of an additional 1.54 acres of CCC wetlands.

Prior to the issuance of the first grading permit for activities that impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the

annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.

Incorporation of Mitigation Measure 4.8-16 will reduce temporary impacts to CCC wetlands resulting from the creation of an ecological buffer on Parcel OP-2A in the Otay District (Potential Significant Impact 4.8-27) to below a level of significance.

#### **4.7.27 Potential Significant Impact (4.8-28)**

Program-level road improvements within the Otay District could significantly impact CCC wetlands.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-22 above also apply to Potential Significant Impact 4.8-28. Additional road extensions are proposed in the Otay District. This includes Street A improvements, which would permanently impact 0.55 acre of the former industrial site in the process of remediation, and Street B improvements, which would impact 0.03 acre of potential CCC wetland. If CCC claims jurisdiction over these two areas, impacts would be significant. If CCC does not assert jurisdiction over these areas, these impacts would not be significant.

In order to mitigate for impacts to CCC wetlands resulting from road improvements within the Otay District, the Port will implement Mitigation Measure 4.8-17, to include the following:

The Port or Port tenants, as appropriate, shall confer with CCC in order to determine whether the 0.58 acre of areas fall under CCC jurisdiction. If these areas are not subject to CCC jurisdiction, no additional mitigation would be required. If CCC does assert jurisdiction over these areas, the Port will need to mitigate the impacts at a ratio of 2:1 as detailed in *Table 4.8-8* of the FEIR for a total mitigation of 1.16 acres.

Prior to the issuance of the first grading permit for projects that impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid

and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.

Mitigation Measure 4.8-17 requires the Port of Port tenants to confer with the CCC to determine whether the area affected by road improvements in the Otay District falls under CCC jurisdiction. The measure states that if these areas are not subject to CCC jurisdiction, no additional mitigation would be required but if these areas are subject to CCC jurisdiction they shall be mitigated at a ratio of 2:1 by the Port or the Port tenants. If mitigation is found to be necessary, mitigation will be successful through adherence to the mitigation standards utilized by the Port.

Incorporation of Mitigation Measure 4.8-17 will reduce permanent impacts to potential CCC wetlands from roadway improvements in the Otay District during program-level activities within the Port's jurisdiction (Potential Significant Impact 4.8-28) to below a level of significance.

#### **4.7.28 Potential Significant Impact (4.8-29)**

Program-level construction within the Coronado Railroad ROW on Parcels HP-7 and HP-13B would significantly impact CCC wetlands.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-22 above also apply to Potential Significant Impact 4.8-29. The Port could impact 0.14 acre of CCC wetland on Parcel HP-13B, through construction within the Coronado Railroad ROW, and 0.02 acre of CCC wetland on HP-7. These impacts would be significant.

In order to mitigate for impacts to CCC wetlands resulting from program-level construction within the Coronado Railroad ROW, the Port will implement Mitigation Measure 4.8-18, to include the following:

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

Mitigation Measure 4.8-18 requires that the 0.16 acre impact to CCC wetlands be mitigated at a ratio of 2:1 and that a 5-year maintenance and monitoring period be implemented to ensure that each mitigated area is successful. To be deemed successful, mitigation efforts shall meet the mitigation standards of the Port. Incorporation of Mitigation Measure 4.8-18 will reduce impacts to CCC wetlands resulting from program-level construction within the Coronado Railroad ROW on Parcels HP-13B and HP-7 (Potential Significant Impact 4.8-29) to below a level of significance.

4.7.29 Potential Significant Impact (4.8-30)

Program-level development of a park on Parcel OP-1B could significantly impact CCC wetlands.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-22 above also apply to Potential Significant Impact 4.8-30. The development of a park on Parcel OP-1B would impact 0.16 acre of a drainage that has been mapped as a CCC potential wetland site. If the Coastal Commission asserts jurisdiction, the development proposed on Parcel OP-1B in the Otay District would be significant.

In order to mitigate for impacts to CCC wetlands resulting from development of a park on Parcel OP-1B, the Port will implement Mitigation Measure 4.8-19, to include the following:

The Port or Port tenants, as appropriate, shall confer with CCC in order to determine whether the 0.16 acre of areas identified as potentially CCC jurisdictional actually fall under CCC jurisdiction. If these areas are not subject to CCC jurisdiction, no additional mitigation would be required. If CCC does assert jurisdiction over these areas, the Port will need to mitigate the impacts at a ratio of 2:1 as detailed in *Table 4.8-8* of the FEIR for a total mitigation of 0.32 acre.

Prior to the issuance of the first grading permit for projects that impact CCC jurisdictional areas, the Port or Port tenants, as appropriate, shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation

standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The Port shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the Port in consultation with the regulatory agencies, including the CCC.

Mitigation Measure 4.8-19 requires that the impacted wetlands are mitigated for at a ratio of 2:1 and that a 5-year maintenance and monitoring period be implemented to ensure that each mitigated area is successful. To be deemed successful, mitigation efforts shall meet the mitigation standards of the Port. If the 0.16 acre of land on Parcel OP-1B mapped as a CCC potential wetland is found to be under the jurisdiction of the CCC, incorporation of Mitigation Measure 4.8-19 will reduce the impact to CCC wetlands during program-level development of a park on Parcel OP-1B within the Port's jurisdiction (Potential Significant Impact 4.8-30) to below a level of significance.

#### **4.7.30 Potential Significant Impact (4.8-31)**

Program-level component development in the Otay District could significantly impact CCC wetlands.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-22 above also apply to Potential Significant Impact 4.8-31. There is a small (0.14 acre) seasonal pond that is considered a CCC wetland, and there is a drainage (0.13 acre) that is a potential CCC wetland located on Parcels OP-3 and O-1 in the Otay District near Soil Test Pits 9 and 10 (see *Figure 4.8-14* of the FEIR). These features are located within an SDG&E ROW. Program component development could result in significant impacts to the 0.14-acre pond. Impacts to the 0.13-acre potential wetland would only be significant if CCC asserts jurisdiction over the drainage. There is also a previously developed area located on Parcel O-4, the proposed Industrial Business Park site near Soil Test Pits 29, 2, and 1 identified on *Figure 4.8-14* of the FEIR. There is a small 0.10-acre pond that is mapped as a CCC wetland. There is also a 1.95-acre depressed area that exists where the Liquefied Natural Gas (LNG) plant was formerly located. This area experiences the ponding of water during periods of heavy rainfall. Like the former tank sites and detention basin located in the northern area of the Otay District, the site is not connected hydrologically to the adjacent waters and it is a previously developed site. For these same reasons, this area may also not be

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

subject to CCC jurisdiction. In addition there is 0.42 acre of small potential CCC wetlands in the southeast corner of this parcel. Program component development on Parcel O-4 could result in significant impacts to the 0.10-acre pond. Impacts to the 2.37-acre potential wetland (where the previous LNG plant was located) would only be significant if CCC asserts jurisdiction.

In order to mitigate the impact to CCC wetlands on Parcel O-4 during program-level phase development within the Port's jurisdiction, the Port will implement Mitigation Measure 4.8-20, to include the following:

The Port or Port tenants, as appropriate, will need to mitigate impacts to the 0.10-acre seasonal pond, mapped as a CCC wetland, at a 2:1 ratio.

Additionally, the Port or Port tenants, as appropriate, shall confer with CCC in order to determine whether the 2.37-acre depressed area that exists where the LNG plant was formerly located, mapped as a potential CCC wetland, falls under CCC jurisdiction. If this area is not subject to CCC jurisdiction, no additional mitigation would be required. If CCC does assert jurisdiction over these areas, the final Phase II design of this parcel must mitigate impacts the 2.37-acre depressed area at a 2:1 ratio.

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

Mitigation Measure 4.8-20 requires that the impacted .10-acre seasonal pond be mitigated at a ratio of 2:1. Additionally, if the CCC asserts jurisdiction of 2.37-acre depressed area that exists



where the LNG plant was formerly located (mapped as potential CCC wetland), the area must be mitigated at a ratio of 2:1. Lastly, for any impacts to wetlands, a restoration plan shall be prepared and a 5-year maintenance and monitoring period be implemented to ensure that each mitigated area is successful. To be deemed successful, mitigation efforts shall meet the mitigation standards of the Port. Incorporation of Mitigation Measure 4.8-20 will reduce impacts to CCC wetlands resulting from program-level component development in the Otay District (Potential Significant Impact 4.8-31) to below a level of significance.

#### **4.7.31 Potential Significant Impact (4.8-32)**

Project-level improvements to the existing E Street along the road easement and Parcel SP-4 in the Sweetwater District within the City's jurisdiction would significantly impact CCC wetlands.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impacts 4.8-22 and 4.8-23 above also apply to Potential Significant Impact 4.8-32. There would be 0.03 acre of permanent impacts in the Sweetwater District during Phase I from improvements to the existing E Street along the road easement and Parcel SP-4. These impacts would be significant.

In order to mitigate for impacts to CCC wetlands resulting from project-level component development in the Sweetwater District, the Port and City will implement Mitigation Measure 4.8-14. As described above, Mitigation Measure 4.8-14 requires that permanent direct and indirect impacts from circulation road improvements be mitigated at a 2:1 ratio as detailed in *Table 4.8-9* of the FEIR. Additionally, prior to the issuance of the first grading permit for projects that impact CCC jurisdictional areas, the Project applicants within the City's jurisdiction shall prepare a restoration plan detailing the measures needed to create/restore CCC wetlands. The guidelines for this plan will be developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would

be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The City shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the City in consultation with the regulatory agencies, including the CCC.

Mitigation Measure 4.8-14 requires that as a result of project-level circulation road improvements, impacted wetlands shall be mitigated for at a ratio of 2:1 and that a restoration plan requiring a 5-year maintenance and monitoring plan to ensure mitigation success be prepared. Also, mitigation must meet the mitigation standards utilized by the City and regulatory agencies such as the CCC. Incorporation of Mitigation Measure 4.8-14 will reduce impacts to CCC wetlands resulting from improvements to the existing E Street along the road easement and Parcel SP-4 (Potential Significant Impact 4.8-32) to below a level of significance.

#### **4.7.32 Potential Significant Impact (4.8-34)**

Within Port and City jurisdiction, the Proposed Project would significantly impact RWQCB jurisdictional wetlands.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

RWQCB has jurisdiction over all waters of the U.S and isolated waters of the state as mandated by both the federal CWA and the California Porter-Cologne Water Quality Control Act. RWQCB will verify the extent of area under their jurisdiction as part of the permitting process. Impacts to waters under the jurisdiction of RWQCB are significant.

In order to mitigate for the impact to RWQCB jurisdictional waters due to the Proposed Project, the Port and/or City, as appropriate, will implement Mitigation Measure 4.8-21, to include the following:

- A. Prior to the commencement of grading activities for project components impacting RWQCB jurisdictional waters, the Port or Port tenants, as appropriate, shall prepare and

implement a restoration plan detailing the measures needed to create/restore RWQCB jurisdictional waters in accordance with the acreage identified in *Table 4.8-8*.

- B. Prior to the issuance of the first grading permit for project components impacting RWQCB jurisdictional waters, the Project developer(s) within the City's jurisdiction shall prepare and implement a restoration plan detailing the measures needed to create/restore RWQCB jurisdictional waters in accordance with the acreage identified in *Table 4.8-8* to the satisfaction of the City. The guidelines for this plan will be developed in consultation with the regulatory agencies
- C. Prior to the commencement of grading activities for project components impacting RWQCB jurisdictional waters, the Port or Port tenants, as appropriate, and applicants within the City's jurisdiction shall obtain permits from RWQCB. The permit application process would also entail approval of the restoration plan as described above. Pursuant to the CWA, the Port and other applicants are required to obtain a Section 401 Water Quality Certification permit from RWQCB.
- D. Prior to the commencement of grading activities for project components impacting RWQCB jurisdictional waters, including clearing and grubbing, the Port or Port tenants, as appropriate, and the project developer(s) within the City's jurisdiction shall consult with the RWQCB to determine whether Waste Discharge Requirements from the RWQCB shall be required for impacts to isolated waters of the State of California.

Mitigation Measure 4.8-21 requires that impacted RWQCB jurisdictional waters are mitigated through the restoration or creation of RWQCB jurisdictional waters. A restoration plan will be prepared and will detail the measures needed to create/restore RWQCB jurisdictional waters to the satisfaction of the City (in consultation with regulatory agencies including RWQCB). Additionally, prior to activities that may impact RWQCB jurisdictional waters, the Project developers must obtain permits from the RWQCB (Section 401 Water Quality Certification) and must consult with the RWQCB to determine whether Waste Discharge Requirements from the RWQCB will be required for impacts to isolated waters of the State of California.

Incorporation of Mitigation Measure 4.8-21 will reduce impacts to RWQCB jurisdictional waters (Potential Significant Impact 4.8-34) to below a level of significance.

#### **4.7.33 Potential Significant Impact (4.8-35)**

Within City jurisdiction, Phase I roadway improvements in the Sweetwater District would significantly impact wetland resources protected under the City's MSCP Subarea Plan.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

Impacts to wetland communities within the City of Chula Vista's jurisdiction are subject to the City's Wetlands Protection Program, which (1) evaluates the project's wetlands avoidance and minimization measures, and (2) ensures compensatory mitigation for unavoidable impacts consistent with a "no-net-loss to wetlands" policy. This process provides for an evaluation of wetlands avoidance and minimization and ensures compensatory mitigation for unavoidable impacts to wetlands in order to achieve a no-net-loss of wetland functions or values. Impacts to wetlands will be avoided or minimized to the maximum extent practicable pursuant to the Wetlands Protection Program, Section 5.2.4 of the Subarea Plan, as discussed previously. Implementation of the Wetlands Protection Program would be achieved through the HLIT process.

There would be 0.11 acre of permanent impacts in the Sweetwater District during Phase I from improvements to the existing E Street. This consists of impacts to 0.06 acre of mulefat/riparian scrub and 0.02 acre of southern coastal salt marsh from development within the road easement and 0.02 acre of mulefat/riparian scrub on Parcel SP-4. These impacts would be significant.

In order to mitigate for impacts to wetland communities within the City of Chula Vista (subject to the City's Wetlands Protection Program), the City will implement Mitigation Measure 4.8-22, to include the following:

- A. Prior to issuance of any clearing and grubbing or grading permits for projects that impact City of Chula Vista designated wetlands, the project developer(s) shall acquire mitigation credits or prepare and initiate implementation of a restoration plan for Phase I impacts to mulefat scrub/riparian scrub at a ratio of 2:1 and southern coastal salt marsh at a ratio of 4:1. Mitigation credits shall be secured in a City-approved mitigation bank or other approved location. Verification of mitigation credits or an approved restoration plan shall be provided to the City prior to issuance of any clearing and grubbing or grading permits. Alternatively, completion of Mitigation Measure 4.8-11 will satisfy this mitigation measure as well.

The project developer(s) shall prepare and implement a detailed restoration and enhancement plan to the satisfaction of the City for impacts to wetland resources protected under the City's MSCP Subarea Plan. The guidelines for this plan will be

developed in consultation with the regulatory agencies. The plan shall summarize the approach taken to avoid and minimize impacts to sensitive habitats, detail the target functions and values, and address the approach to restoring those functions and values. Typically, the restoration plan shall detail the site selection process; shall propose site preparation techniques, planting palettes, implementation procedures, and monitoring and maintenance practices; and shall establish performance criteria for each mitigation site. Typical success criteria may include percent canopy cover, percent of plant survival, and percent of native/non-native canopy cover. A minimum 5-year maintenance and monitoring period would be implemented following installation to ensure each area is successful. The restoration plan shall address monitoring requirements and specify when annual reports are to be prepared and what they shall entail. Qualitative and quantitative assessments of the site conditions shall be included. If the mitigation standards have not been met in a particular year, contingency measures shall be identified in the annual report and remediation will occur within 3 months or the start of the growing season. The City shall be responsible for ensuring that all of the success criteria are met to the satisfaction of the City in consultation with the regulatory agencies.

- B. Prior to issuance of clearing and grubbing or grading permits for areas that impact jurisdictional waters, the project developer(s) shall provide evidence to the City that all required regulatory permits, such as those required under Section 1602 of the California Fish and Game Code and Section 13260 of the California Water Code, have been obtained.

Mitigation Measure 4.8-22 requires that impacts to wetland resources protected under the City's MSCP Subarea Plan be mitigated at the following ratios: 2:1 for mulefat scrub/riparian scrub and 4:1 for southern coastal salt marsh. Mitigation may be provided through the purchase of mitigation credits or through habitat restoration. If mitigation is provided through habitat restoration then a restoration plan detailing the site selection process, site preparation techniques, planting palettes, implementation procedures, monitoring and maintenance practices, and the performance criteria for each mitigation site will be prepared. The City, in consultation with regulatory agencies, will ensure that mitigation has met success criteria.

Incorporation of Mitigation Measure 4.8-22 will reduce impacts to wetland resources protected under the City's MSCP Subarea Plan (Potential Significant Impact 4.8-35) to below a level of significance.

#### **4.7.34 Potential Significant Impact (4.8-36)**

Project-level construction within the jurisdiction of the Port and the City may result in a potentially significant increase in bird strikes within the Project area.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

Numerous studies have documented extensive avian collision mortality associated with buildings and similar structures, including smokestacks and monuments, and typically these fatalities are a result of collisions with tall buildings or with windows located in the structure (Erickson et al. 2005). These studies provide information that can be used as a basis for evaluating potential effects of bird collisions from new development. However, little research is available for the particular conditions of the Project site; specifically, no studies were identified from west coast cities in North America. However, information from available published literature is presented in this discussion. The number of bird collisions with buildings per year is estimated to comprise over 50% of the total annual bird mortality (Erickson et al. 2005). Tall structures (greater than 400 feet in height) appear to be especially susceptible to resulting in bird strikes.

The City of Toronto's Fatal Lights Awareness Program indicates that nighttime collisions seem to stem from night migrants that become confused by buildings or towers that are lit at night, especially with red light. Red light has been suspected of interfering with the night-migrating birds' ability to track geomagnetic cues (City of Toronto 2007; O'Connell 2001). Other evidence from tall night-lit towers indicates that birds are attracted to the lit areas on cloudy nights regardless of the light color (Avery et al. 1976). The collisions with tall buildings appear to be predominantly migratory birds, and the mortalities show peaks during both spring and fall. Although many species of migrants have been documented to migrate at high altitudes, from 500 to 2000 feet (Williams 1950), most migrants flying over or near the ocean migrate at lower altitude, below 300 feet (Huppopp et al. 2006). Birds migrating over terrestrial locations appear to migrate at higher altitudes, but do not frequently exceed 1,500 feet (Cooper and Ritchie 1995). Buildings close to waterfront areas on important migration pathways can be especially problematic to nocturnal migrant birds.

Daytime collisions or "strikes" occur with both tall buildings and low structures, including residential homes. In general, lower buildings are less likely to cause fatal bird strikes than taller buildings, but there is little specific research that establishes specific bird collision incidents at varied building heights to validate this assumption (Erickson et al. 2005). The daytime strikes at tall buildings can occur from daytime migrants or local residents striking reflective glass, because birds cannot interpret that the images observed in glass are reflections and thus fly into windows that they think are trees or sky. Collisions with lower height buildings or homes appear

to be associated with birds using feeders or with resident and migrant birds colliding with windows that reflect the surrounding landscape (Klem 1990). These collisions are greatest at ground level and at heights above 10 feet (Klem 1989). Reflection of vegetation within windows provides a cue to birds that they can pass through the area. As the distance of the vegetation or other bird attractant exceeds 30 feet from the windows, birds are able to obtain enough speed in flight to result in a fatal strike if they hit the window (Klem 1990). For glass on a structure positioned above the height of or remote from vegetation, there is no evidence of significant bird collision issues (Klem 1989). The presence of permanent water also may serve as an attractant for birds during migration and, in combination with mirrored glass exteriors and a forested corridor, shows increases in fatal collisions (O'Connell 2001). The primary condition of concern with daytime collisions is caused by exterior landscaping or other bird attractants that are located 30 feet or more from reflective glass surfaces (Klem et al. 2004).

Thus the factors involved in potentially fatal bird strikes with buildings include: migrants striking a lit building at night at the elevation at which they are migrating; daytime migrants striking windows of a tall structure, most likely due to the reflection of the sky or nearby reflected vegetation in the windows; and migrants or residents striking windows at lower elevations that reflect the surrounding vegetation, which they interpret to be vegetation in front of them.

The location of the Proposed Project is adjacent to the Sweetwater Marsh NWR, an area that provides habitat for a number of special-status bird species. The Proposed Project is also located along the coastline and includes a Portion of a bird migration corridor and likely includes important migratory stopover habitat. The Proposed Project also includes construction of buildings up to 300 feet tall. Due to the proximity to open water as a bird attractant, the location within a migration corridor, adjacency to native vegetation, and building heights that may extend into the altitude of migrating birds, the Proposed Project may result in significant impacts to migrating or special-status bird species due to an increase in bird strikes. The areas of concern with respect to bird strikes include night lighting, glass, vegetation, and building configuration as discussed below.

Night lighting has the greatest potential impact to night-migrating birds, especially during periods of cloudy, foggy, or inclement weather when lighting may cause confusion and result in bird strikes to buildings. Although many terrestrial migrants may fly at an altitude greater than the maximum 300 feet proposed for some buildings within the Proposed Project, there are migrants that may be at the altitude of the buildings, especially if they are coming to the Refuge as part of a migratory stopover or as their final destination (Harmata et al. 2000). Impacts of bird strikes from the proposed buildings due to night lighting are potentially significant due to the numbers of birds that may be involved and the special-status species that may be included as migrants.

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

Birds strikes to windows on buildings increase with increasing amounts of vegetation and glass, especially reflective glass, opposite the vegetation (Gelb and Delacratz 2006). Where reflective glass faces forested patches, there is a significant increase in bird strikes that can lead to several hundred collisions per year even for buildings that are not within an especially well-documented migration corridor (O'Connell 2001). Such bird strikes include migrants as well as resident bird species and occur during both daytime and nighttime periods. The impacts of bird strikes to the proposed buildings due to reflections in glass windows are potentially significant, due to the numbers of birds and the species composition, which may include special-status species that migrate through or are residents at the Refuge.

Localized movement between habitats by birds might be of concern because the movement happens at lower elevations. The Proposed Project is located adjacent to an area that is well documented to receive heavy use by bird species. These species may periodically move from one area to another and will likely be at lower elevations when in flight. Most of the buildings within the project are less than 100 feet tall; however, a number of them are proposed to be up to 300 feet in height. The Proposed Project includes provision of an ecological buffer 400 feet wide that will avoid impacts of local movements of birds striking buildings. Some impacts may occur especially with the taller buildings and with respect to the migration of bird species. These impacts are potentially significant due to the numbers that may be involved and the composition which may include special-status species migrating at the altitude of the taller buildings.

As discussed above in the section regarding bird strikes, the following Phase I project components in both Port and City jurisdiction would potentially impact avian flight patterns and habitat use along the project frontage: construction of the RCC up to 240 feet in height on Parcel H-3, construction of residential development on H-13 and H-14, construction of a hotel up to 300 feet in height on H-23, and construction of buildings between 90 and 130 feet high on Parcel H-15.

Although there is no research that has been identified specific to the West Coast with regard to bird strike impacts, studies conducted in other areas indicate that construction of buildings over 100 feet in height on a project of this size may result in a potentially significant increase in bird strikes within the Project area. This impact to both Port and City jurisdiction is significant.

In order to mitigate for impacts related to a potentially significant increase in bird strikes within the project area, the Port and City will implement Mitigation Measure 4.8-23 for any buildings that have an unobstructed line of sight to nearby open water or large areas of open space, to include the following:

Prior to issuance of any building permits, building plans shall be reviewed by a qualified biologist retained by the developer and approved by the Port or the City, to verify that the



proposed building has incorporated specific design features to avoid or to reduce the potential for bird strikes, including but not limited to the following:

***Lighting***

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

***Glass and Reflection***

- Use of reflective coatings on any glass surface is prohibited.
- Buildings shall incorporate measures to the satisfaction of the Port or the City to indicate to birds that the glass surface is solid by creating visual markers and muting reflection.
- Project design standards will encourage window stenciling and angling.

These measures may include but are not limited to the following:

- Glass surfaces which are non-reflective
- Glass surfaces which are tilted at a downward angle
- Glass surfaces which use fritted or patterned glass

- Glass surfaces which use vertical or horizontal mullions or other fenestration patterns
- Glass surfaces which are fitted with screening, decorative grills, or louvers
- Glass surfaces which use awnings, overhangs, bris sole, or other exterior sun-shading devices
- Glass surfaces which use external films or coatings perceivable by birds
- Artwork, drapery, banners, and wall coverings that counter the reflection of glass surfaces or block “see through” pathways.

### *Building Articulation*

- Structure design features that reduce or avoid the potential for bird strikes, such as secondary and tertiary setbacks, stepped back building design, protruding balconies, recessed windows, and mullioned glazing systems, shall be incorporated to the extent feasible. Balconies and other elements will step back from the water’s edge.
- Design features that increase the potential for bird strikes, such as walkways constructed of clear glass and “see through” pathways through lobbies, rooms and corridors, shall be avoided to the extent feasible.
- Buildings will be sited and designed to minimize glass and windows facing Wildlife Habitat Areas to the maximum extent possible. Design for towers on Parcel H-3 should avoid east-west monolith massing and should include architectural articulation.
- The tallest buildings on Parcel H-3 will be located generally on the southern portion of the parcel with building heights decreasing towards the north and west. The foregoing will not be interpreted to preclude incorporating secondary and tertiary setbacks along public streets.
- Parcels containing surface parking, such as those depicted for the Sweetwater District, will be designed with parking lots nearer Wildlife Habitat Areas. Site plans on parcels adjacent to Wildlife Habitat Areas will maximum distance between structures and such areas.

### *Landscaping*

- Exterior trees and landscaping shall be located and glass surfaces shall incorporate measures so that exterior trees and landscaping are not reflected on building surfaces.
- In small exterior courtyards and recessed areas, the building’s edge shall be clearly defined with opaque materials and non-reflective glass.

- Interior plants shall be located a minimum of 10 feet away from glass surfaces to avoid or reduce the potential for attracting birds.

#### *Public Education*

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

#### *Monitoring*

- For Phase I projects, the Project applicant shall retain a qualified biologist to design a protocol and schedule, in consultation with USFWS and subject to the approval of the Port or City, as appropriate depending on jurisdiction, to monitor bird strikes which may occur during the first 12 months after the completion of construction. Within 60 days after completion of the monitoring period, the qualified biologist shall submit a written report to the Port or the City, which shall state the biologist's findings and recommendations regarding any bird strikes that occurred. Based on the findings of those reports, the Port or the City, as appropriate depending on jurisdiction, in coordination with USFWS, will evaluate whether further action is required, which may include further monitoring.
- Bird strikes must be monitored in accordance with the NRMP and measures developed to address persistent problem areas. Nighttime lighting in tower buildings must be addressed and evaluated through adaptive management. Minimization of impacts of buildings on birds and the Wildlife Habitat Areas will be a priority in the selection of window coverings, glass color, other exterior materials, and design of exterior lighting and lighting of signs.

To minimize the potential for bird strikes, Mitigation Measure 4.8-23 requires that prior to the issuance of building permits, building plans will be reviewed by a qualified biologist retained by the developer and approved by the Port or the City to verify that the proposed building has

incorporated specific design features related to lighting, glass and reflection, building articulation, landscaping, public education and monitoring.

Incorporation of Mitigation Measure 4.8-23 will reduce impacts related to a potentially significant increase in bird strikes within the Project area due to Phase I development of the Proposed Project (Potential Significant Impact 4.8-36) to below a level of significance.

#### **4.7.35 Potential Significant Impact (4.8-37)**

Program-level construction of buildings between 100 and 200 feet high within the jurisdiction of the City may result in a potentially significant increase in bird strikes within the Project area.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.8-36 above also apply to Potential Significant Impact 4.8-37. Construction of buildings between 100 and 200 feet high within the program-level phases of development would potentially impact avian flight patterns and habitat use along the project frontage, as well as result in a potential significant increase in the number of bird strikes within the Project area. These impacts would be significant.

In order to mitigate for the potential significant increase in bird strikes within the Project area (which would be a significant impact), as discussed above, the City shall require that building plans be reviewed by a qualified biologist retained by the developer and approved by City to verify that the proposed building has incorporated specific design features related to lighting, glass and reflection, building articulation, landscaping, public education and monitoring that would effectively minimize the potential for bird strikes within the Project area.

Incorporation of Mitigation Measure 4.8-23 will reduce impacts related to a potentially significant increase in bird strikes within the Project area due to Phase II through IV development of the Proposed Project (Potential Significant Impact 4.8-37) to below a level of significance.

## **4.8 Marine Biological Resources**

### **4.8.1 Potential Significant Impact (4.9-1)**

Program-level construction of the H Street Pier during Phase II would significantly impact eelgrass.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The project proposes construction of a recreational pier north of the Chula Vista Marina at H Street during Phases II and IV. During the first phase of the H Street Pier project (in Phase II), the Proposed Project would create impacts from the driving of piles for pier support into shallow subtidal benthic habitat where eelgrass is known to occur. Additionally, development of the pier deck would increase shading, possibly resulting in a loss of eelgrass habitat in the area. Shading affects an area greater than the footprint of the structure. As the height of the structure increases, shading impacts generally increase as well. At a minimum, shading from docks and piers are assumed to affect an area the size of the aerial footprint. Plans anticipate that the first phase portion (Phase II) of the H Street Pier would extend approximately 300 feet west of the base of H Street into the Bay and would be approximately 60 feet wide. In addition, the pier will be designed to be the maximum feasible height and have the maximum feasible space between pilings in order to minimize shading impacts. Construction and operation of the pier would result in a total impact to 0.4 acre of eelgrass habitat in South Bay. Impacts to eelgrass are significant.

In order to mitigate for impacts to eelgrass due to construction and operation of the H Street Pier, the Port will implement Mitigation Measure 4.9-1, to include the following:

- A. Prior to construction of the H Street Pier during Phases II and IV or work within Parcel HW-4, a pre-construction eelgrass survey shall be conducted by a qualified marine biologist to confirm the exact amount of eelgrass to be affected at the time of pile driving operations. The pre-construction survey must be conducted during the period of March through October and would be valid for a period of no more than 60 days, with the exception that surveys conducted in August through October would be valid until the following March 1.

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

- B. Prior to construction of the H Street Pier during Phases II and IV or work within Parcel HW-4, the Port shall establish and implement a plan to create new eelgrass habitat. The loss of eelgrass habitat must be mitigated at a 1.2:1 ratio as described in the SCEMP (NMFS 1991, Revision 11). Impacts to approximately 0.4 acre of eelgrass shall require the creation of approximately 0.48 acre of eelgrass to mitigate losses caused by construction of the H Street Pier.
- C. Prior to or concurrent with the completion of the H Street Pier or work within Parcel HW-4, the Port shall create new eelgrass habitat at a ratio of 1.2:1 for the actual amount of impacts. This shall be done by removing the existing eelgrass currently located at the proposed H Street Pier site and transplanting it at an appropriate location within the filled area of the existing navigation channel, to the satisfaction of a qualified marine biologist.
- D. Subsequent to construction of the H Street Pier during Phases II and IV or work within Parcel HW-4, a post-construction eelgrass survey shall be conducted by a qualified biologist. The post-construction survey shall be conducted within 30 days of the cessation of construction activities to confirm the exact amount of eelgrass affected. The difference between the pre-construction and post-construction eelgrass surveys shall determine the amount of required mitigation. In addition, the Port shall:
- Conduct transplant reports following construction (Initial Report).
  - Conduct monitoring reports at 6, 12, 24, 36, 48, and 60 months post-transplant. Specific milestones and criteria for success are directed in the SCEMP along with guidelines for remedial actions if the success criteria are not met (including presence of green sea turtles based on soundings from the existing tagging program), which would require (based on the absence of other mitigating environmental considerations) a Supplementary Transplant Area to be constructed and monitored for an additional 5 years.
  - Initiate mitigation within 135 days of project inception; projects requiring more than 135 days to complete would result in additional mitigation.
  - Coordinate with Sweetwater Authority to share monitoring reports, as necessary.

Mitigation Measure 4.9-1 requires that the loss of eelgrass habitat be mitigated at a ratio of 1.2:1. Further, the measure states that 83 acres of an existing navigational channel will be filled, creating shallow water habitat in which eelgrass habitat can be created. Additionally, pre- and post-construction eelgrass survey will be required in order to determine the exact location of eelgrass impact prior to in-water work on the channel realignment and to confirm the exact area of eelgrass affected after completion of construction. Monitoring of mitigation will be required.

Incorporation of Mitigation Measure 4.9-1 will reduce impacts to eelgrass habitat due to program-level construction of the H Street Pier during Phase II (Potential Significant Impact 4.9-1) to below a level of significance.

#### **4.8.2 Potential Significant Impact (4.9-2)**

Program-level construction of the H Street Pier during Phase IV would significantly impact eelgrass habitat.

##### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.9-1 above also apply to Potential Significant Impact 4.9-2. Pier completion is planned in Phase IV and would include lengthening the pier an additional 300 feet. Although design plans have not been completed, the additional work would result in an increase of 18,000 square feet, or an additional 0.4 acre, of eelgrass impacts if constructed as currently planned. Combined total impacts from completion of Phases II and IV construction would result in a total loss of 0.8 acre of eelgrass habitat. The increased impact to 0.4 acre of eelgrass during Phase IV would be significant.

As discussed in the analysis under Potential Significant Impact 4.9-1 above, Mitigation Measure 4.9-1 requires that the loss of eelgrass habitat be mitigated at a ratio of 1.2:1 and a suitable location for eelgrass habitat creation will be within the existing Marina Access Navigation Channel that will be filled. Similar to impacts to eelgrass habitat during Phase II, impacts during Phase IV will require pre- and post-construction eelgrass surveys in order to determine the exact location of eelgrass impact prior to in-water work on the channel realignment and to confirm the exact area of eelgrass affected after completion of construction. Monitoring of mitigation will be required.

Incorporation of Mitigation Measure 4.9-1 will reduce impacts to eelgrass habitat due to program-level construction of the H Street Pier during Phase IV (Potential Significant Impact 4.9-2) to below a level of significance.

#### **4.8.3 Potential Significant Impact (4.9-3)**

Dredging and filling of the existing *Marina Access Navigation Channel* would significantly impact eelgrass and shallow-water habitat.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

During Phase IV of the Proposed Project, the existing access channel to the north bay would be realigned. Much of the access channel is too shallow for navigation; therefore, this area would be dredged to a deeper level. The material dredged from both the proposed navigation channel and the existing South Bay Boatyard would be used to fill approximately 83 acres of the existing channel from an approximate depth of -15 Mean Low Low Water (MLLW) to between -3 and -5.5 feet MLLW.

Channel dredging would temporarily affect approximately 62 acres of soft subtidal habitat. Although more than one-half of this area is unvegetated, as much as 24.3 acres of eelgrass and shallow-water habitat would be lost to dredging and approximately 21.6 acres of temporary impact would result from filling of the existing navigation channel, based on the cumulative maximum extent of eelgrass found in the Proposed Project area in surveys conducted in 1993, 1999, 2003, and 2004 (Merkel and Associates (Merkel) 2000; Tenera and Merkel 2004). This loss of eelgrass and shallow-water habitat would be significant.

In order to mitigate the impact to eelgrass and shallow-water habitat due to dredge and fill activities associated realigning the existing Marina Access Navigation Channel during Phase IV of the Proposed Project, the Port will implement Mitigation Measure 4.9-2, to include the following:

- A. An estimated 83 acres of the existing navigation channel shall be filled to -3 to -5.5 feet MLLW. The fill would modify deep and moderately deep open-water habitat to create approximately 83 acres of shallow-water habitat. This area would provide enough transplantable habitat at a depth ideal for eelgrass in this section of the Bay to mitigate for the loss of eelgrass from the channel realignment and completion of the H Street Pier.
- B. A mitigation plan with an implementation schedule shall be prepared 30 days prior to any construction or dredge activities. The loss of eelgrass habitat shall be mitigated at a 1.2:1 ratio as described in the SCEMP (NMFS 1991, Revision 11). Based on this formula, impacts to 45.9 acres of eelgrass would require approximately 55.1 acres of eelgrass restoration.
- C. Prior to the commencement of in-water work on the channel realignment, a pre-construction eelgrass survey shall be conducted to confirm the exact area of impact at the



time of dredging and fill operations. The pre-construction survey shall be conducted during the period of March through October and would be valid for a period of no more than 60 days, with the exception that surveys conducted in August through October would be valid until the following March 1.

- D. Subsequent to dredge and fill operations, a post-construction eelgrass survey shall be conducted by a qualified biologist. The post-construction survey shall be conducted within 30 days of the cessation of construction activities to confirm the exact area of eelgrass affected. The difference between the pre-construction and post-construction eelgrass surveys shall determine the amount of required mitigation. In addition, the Port shall:

***Conduct transplant reports following construction (Initial Report).***

Conduct monitoring reports at 6, 12, 24, 36, 48, and 60 months post-transplant. Specific milestones and criteria for success are directed in the SCEMP along with guidelines for remedial actions if the success criteria are not met (including presence of green sea turtles based on surroundings from the existing tagging program), which would require (based on the absence of other mitigating environmental considerations) a Supplementary Transplant Area to be constructed and monitored for an additional 5 years.

Initiate mitigation within 135 days of project inception; projects requiring more than 135 days to complete would result in additional mitigation.

Coordinate with Sweetwater Authority to share monitoring reports, as necessary.

Mitigation Measure 4.9-2 requires that the loss of eelgrass habitat be mitigated at a ratio of 1.2:1 and a suitable location for eelgrass habitat creation will be within the existing Marina Access Navigation Channel that will be filled. Similar to impacts to eelgrass habitat during Phase II, impacts during Phase IV will require pre- and post-construction eelgrass surveys in order to determine the exact location of eelgrass impact prior to in-water work on the channel realignment and to confirm the exact area of eelgrass affected after completion of construction. Monitoring of mitigation will be required.

Incorporation of Mitigation Measure 4.9-2 will reduce impacts to eelgrass and shallow-water habitat due to dredging and filling of the existing Marina Access Navigation Channel (Potential Significant Impact 4.9-3) to below a level of significance.

**4.8.4 Potential Significant Impact (4.9-4)**

Program-level harbor modifications on Parcel HW-4 would significantly impact eelgrass habitat.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

Currently, approximately 162,600 square feet of riprap and bulkhead provide hard substrate intertidal and subtidal communities within the harbor. Approximately 14,400 square feet of the existing riprap and bulkhead would be removed and replaced with approximately 540 square feet of bulkhead. This modification would result in the permanent loss of approximately 13,863 square feet of hard substrate intertidal and subtidal habitat and communities. The hard substrate intertidal and subtidal communities provided by the riprap within the harbor are neither pristine nor degraded. The permanent loss of 13,863 square feet of hard substrate intertidal and subtidal habitat and communities would occur as a result. Although this would be a loss of 8.5% of the existing amount of hard intertidal substrate, this habitat does not support special-status species. Therefore, the incremental loss of this habitat would not be significant.

A small permanent loss of benthic habitat would occur in the footprint of the piles. Despite this loss, however, the piles would create hard substrate subtidal and intertidal habitat in excess of the area of benthic impacts. Sufficient habitat to mitigate for the loss of benthic habitat would be available in the channel realignment fill area.

Eelgrass would be significantly impacted by the harbor modifications. There would be a potential loss of up to 775 square feet, or approximately 0.02 acre, of eelgrass during construction of the harbor on Parcel HW-4.

In order to mitigate for impacts to eelgrass habitat due to harbor modifications, the Port will implement Mitigation Measure 4.9-1. As discussed in the analysis under Potential Significant Impact 4.9-1 above, Mitigation Measure 4.9-1 requires that the loss of eelgrass habitat be mitigated at a ratio of 1.2:1 and a suitable location for eelgrass habitat creation will be within the existing Marina Access Navigation Channel that will be filled. Similar to impacts to eelgrass habitat during Phase II, impacts during Phase IV will require pre- and post-construction eelgrass surveys in order to determine the exact location of eelgrass impact prior to in-water work on the channel realignment and to confirm the exact area of eelgrass affected after completion of construction. Monitoring of mitigation will be required.

Further, the measure states that 83 acres of an existing navigational channel will be filled, creating shallow water habitat in which eelgrass habitat can be created. Additionally, pre- and post-construction eelgrass survey will be required in order to determine the exact location of

eelgrass impact prior to in-water work on the channel realignment and to confirm the exact area of eelgrass affected after completion of construction. Monitoring of mitigation will be required.

Incorporation of Mitigation Measure 4.9-1 will reduce impacts to eelgrass habitat due to program-level harbor modifications on Parcel HW-4 (Potential Significant Impact 4.9-4) to below a level of significance.

#### **4.8.5 Potential Significant Impact (4.9-5)**

Bulkhead placement on Parcel HW-3 and on the northern side of the Chula Vista Marina during Phase IV would significantly impact intertidal mudflat and existing pickleweed.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.9-4 above also apply to Potential Significant Impact 4.9-5. Bulkhead placement on Parcel HW-3 would result in the loss of about 1,200 square feet (0.03 acre) of intertidal mudflat inside the Marina. In addition, bulkhead placement on the northern side of the Chula Vista Marina would impact approximately 53.82 square feet (less than 0.001 acre) of the existing pickleweed. These impacts would be significant.

In order to mitigate for impacts to intertidal mudflat and existing pickleweed due to bulkhead placement on Parcel HW-3 and on the northern side of the Chula Vista Marina during Phase IV, the Port will implement Mitigation Measure 4.9-3, to include the following:

- A. Prior to the commencement of harbor improvements on Parcel HW-3, which includes the placement of bulkheads, the Port or Port tenants, as appropriate, shall prepare and initiate implementation of a plan to create new habitat at a ratio of 2:1 for intertidal mudflat and 4:1 for pickleweed. Impacts to approximately 0.03 acre of intertidal mudflat shall require the in-kind creation of approximately 0.06 acre, and less than 0.001 acre of pickleweed shall require creation of approximately 0.004 acre of comparable habitat.
- B. Restoration shall occur in accordance with *Appendix 4.8-12*. At the time project specific designs are proposed for the Phase IV harbor reconfiguration, the mitigation for impacts to intertidal mudflat and pickleweed shall be re-evaluated by the Port during subsequent environmental review pursuant to State CEQA Guidelines section 15168 to identify the

total impact area and required mitigation for the loss of intertidal mudflat and pickleweed.

- C. Restoration shall occur in accordance with Mitigation Opportunities, *Appendix 4.8-12* of the FEIR, which includes the creation of additional mudflat through the removal of riprap on the Bay shore in the Sweetwater District. As detailed in Mitigation Opportunities, this created habitat would be dominated by pickleweed (*Salicornia virginica*) with subdominants including saltwort (*Batis maritime*), fleshy Jaumea (*Jaumea carnosa*), alkali heath (*Frankenia salina*), and others as listed in Table 4 of *Appendix 4.8-12*. Currently, the mitigation opportunities detailed in *Appendix 4.8-12* are anticipated to be implemented during Phase I. The Port shall verify that the creation of intertidal mudflat satisfies the required mitigation once the final impacts are verified.

Mitigation Measure 4.9-3 requires that impacts to intertidal mudflats and existing pickleweed be mitigated at a ratio of 2:1 through the creation of new habitat. When project specific Phase IV harbor reconfiguration design plans are proposed, impacts to intertidal mudflat and pickleweed will be re-evaluated to determine actual impacts. Once the total impact area is identified, mitigation will commence and may include the creation of additional mudflat through the removal of riprap on the Bay shore in the Sweetwater District. The created mudflat area will be dominated by pickleweed (*Salicornia virginica*) with subdominants including saltwort (*Batis maritime*), fleshy Jaumea (*Jaumea carnosa*), alkali heath (*Frankenia salina*), and others in order to mitigate for the loss of pickleweed due to harbor reconfiguration.

Incorporation of Mitigation Measure 4.9-3 will reduce impacts to intertidal mudflats and pickleweed during Phase IV harbor reconfiguration activities (Potential Significant Impact 4.9-5) to below a level of significance.

#### **4.8.6 Potential Significant Impact (4.9-6)**

Construction of phased improvements for the H Street Pier, the existing South Bay Boatyard Marina, Chula Vista Marina, and the realignment of the navigation channel would temporarily impact water quality and marine resources.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### Facts in Support of Finding

Temporary direct impacts to water quality and marine resources would occur through the unintentional release of excavated sediments and water into the local environment during construction of phased improvements for the H Street Pier, the existing South Bay Boatyard Marina, Chula Vista Marina, and the realignment of the navigation channel. The process of driving in the piles during the first phase of construction for the H Street Pier (in Phase II) would itself cause temporary direct impacts to water quality and marine resources. Excavated sediments and water may be released unintentionally, increasing turbidity and stirring up potentially contaminated soils.

In order to mitigate for impacts to water quality and marine resources due to the construction of phased improvements for the H Street Pier, the existing South Bay Boatyard Marina, Chula Vista Marina, and the realignment of the navigation channel, the Port will implement Mitigation Measure 4.9-4, to include the following:

- A. Prior to issuance of a permit by USACE for dredge and/or fill operations in the Bay or Chula Vista Harbor, the applicant shall conduct a focused sediment investigation and submit it to USACE and RWQCB for review and approval. The applicant shall then determine the amount of bay sediment that requires remediation and develop a specific work plan to remediate bay sediments in accordance with permitting requirements of the RWQCB. The work plan shall include but not be limited to: dredging the sediment, allowing it to drain, and analyzing the nature and extent of any contamination. Pending the outcome of the analytical results, a decision by RWQCB shall prescribe the requirements for disposition of any contaminated sediment.
- B. Prior to issuance of a grading permit for marina redevelopment on HW-1 and HW-4, the developer shall submit a work plan for approval by the RWQCB and Port/City that requires the implementation of BMPs, including the use of silt curtains during in-water construction to minimize sediment disturbances, and the confinement of potentially contaminated sediment if contaminated sediment exists. If a silt curtain should be necessary, the silt curtain shall be anchored along the ocean floor with weights (i.e., a chain) and anchored to the top with a floating chain of buoys. The curtain shall wrap around the area of disturbance to prevent turbidity from traveling outside the immediate Project area. Once the impacted region resettles, the curtains shall be removed. If the sediment would be suitable for ocean disposal, no silt curtain shall be required. However, if contaminants are actually present, the applicant would be required to provide to the RWQCB and the Port/City an evaluation showing that the sediment would be suitable for ocean disposal.

Mitigation Measure 4.9-4 requires the Project applicant to conduct and submit to the USACE and RWQCB a focused sediment investigation in order to determine the amount of bay sediment requiring remediation. Once that total amount of bay sediment requiring remediation is identified, the applicant will prepare a work plan focused on remediating the unintentional release of excavated sediments and water. After reviewing and approving the focused sediment investigation, the RWQCB will prescribe the requirements for disposition of any contaminated sediment. Additionally, construction for marina redevelopment on HW-1 and HW-4 will require the implementation of RWQCB-, Port-, and City-approved BMPs including the use of silt curtains during in-water construction to minimize sediment disturbances, and the confinement of potentially contaminated sediment if contaminated sediment is found to exist. If sediments are found to be suitable for ocean disposal, no BMPs will be required but the applicant must provide to the RWQCB and the Port/City an evaluation showing that the sediment would be suitable for ocean disposal.

Incorporation of Mitigation Measure 4.9-4 will reduce temporary direct impacts to water quality and marine resources due to construction of phased improvements for the H Street Pier, the existing South Bay Boatyard Marina, Chula Vista Marina, and the realignment of the navigation channel (Potential Significant Impact 4.9-6) to below a level of significance.

#### **4.8.7 Potential Significant Impact (4.9-7)**

Impacts resulting from Phase IV dredging in the existing South Bay Boatyard Marina prior to identifying a suitable storage site for the dredged material would be significant.

##### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.9-6 above also apply to Potential Significant Impact 4.9-7. Turbid water from dredging can interfere with filter-feeding subtidal organisms, and introduced contaminants would potentially affect subtidal organisms. Construction of the South Bay Boatyard Marina (at Parcel HW-6) during Phase IV would require this area be dredged to a deeper level. Currently, no storage area for the dredged material, if contaminated, has been identified. This impact would be significant.

The amount of dredging shall be determined during final design of the marinas and harbor reconfiguration. In order to mitigate for impacts resulting from Phase IV dredging in the existing

South Bay Boatyard Marina prior to identifying a suitable storage site for the dredged material, prior to any dredging, the Port shall develop and implement a plan for the dredging and storage of material to the satisfaction of responsible resource agencies, including USACE. The storage and/or landside disposal of dredge material shall be performed in accordance with the provisions of Mitigation Measure 4.6-6 in *Section 4.6, Air Quality* in the FEIR and all applicable federal, state, and local regulations.

Once the amount of dredging for the South Bay Boatyard Marina is identified (but prior to dredging activities), Mitigation Measure 4.9-5 requires the Port to identify a suitable storage space for dredged materials. Storage and or landslide disposal of dredged materials will comply with all applicable federal, state and local laws in addition to the provisions identified in Mitigation Measure 4.6-6 in *Section 4.6, Air Quality*.

Incorporation of Mitigation Measure 4.9-5 will reduce impacts resulting from Phase IV dredging in the existing South Bay Boatyard Marina prior to identifying a suitable storage site for the dredged material (Potential Significant Impact 4.9-7) to below a level of significance.

#### **4.8.8 Potential Significant Impact (4.9-8)**

Impacts to marine resources related to lighting associated with construction and operation of the proposed marinas would be significant.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Construction and the driving of piles for the H Street Pier would have temporary adverse effects on marine resources. This would include a short-term increase in turbidity, a temporary loss of intertidal and subtidal benthic habitat in the construction zone, and noise and vibration disturbances of fish communities. However, the benthic community impacted would rapidly recolonize the area following pile driving. Although temporary noise and vibration from the pile driving may disturb fish species, the effect would not be significant because fish have a behavioral avoidance of high-intensity sound levels. Although noise disturbance would be temporary, the addition of hard substrate piles in the area of the H Street Pier would attract a wider variety of fish species than currently occur in the area.

Artificial light that alters the natural patterns of light and dark in ecosystems is known as “ecological light pollution” (Longcore and Rich 2004). Ecological light pollution includes direct glare, chronically increased illumination, and temporary, unexpected fluctuations in lighting. Sources of ecological light pollution include sky glow, lighted buildings and towers, streetlights, fishing boats, security lights, lights on vehicles, flares on offshore oil platforms, and even lights on undersea research vessels. Artificial night lighting is known to disrupt ecological systems. The demonstrable effects on the behavioral and population ecology of organisms in natural settings derive from changes in orientation, disorientation, or misorientation and attraction or repulsion from the altered light environment, which in turn may affect foraging, navigation, reproduction, migration, and communication (Longcore and Rich 2004). Artificial night lighting can also indirectly cause water quality impacts. For example, many aquatic invertebrates, such as zooplankton, move up and down within the water column during a 24-hour period. This “vertical migration” presumably results from a need to avoid predation during lighted conditions; therefore, many zooplankton forage near water surfaces only during dark conditions. It is hypothesized that, with fewer zooplankton migrating to the surface to graze, algae populations may increase. Such algal blooms would then have a series of adverse effects on water quality (Longcore and Rich 2004). Impacts to marine resources related to lighting associated with construction and operation of the proposed marinas would be significant.

In order to mitigate for impacts to marine resources related to lighting associated with construction and operation of the proposed marinas, the Port will implement Mitigation Measure 4.9-6, to include the following:

Prior to issuance of Coastal Development Permits, project applicants shall submit a lighting plan and photometric analysis to the Port for review and approval. Lighting of all developed areas adjacent to open water shall be directed away from the water, wherever feasible and consistent with public safety. Lighting fixtures shall provide adequate shielding to protect the aquatic habitat and marine life from night lighting. The lighting plan shall illustrate the location of the proposed lighting standards and type of shielding measures. Low-pressure sodium lighting or the equivalent shall be used if feasible and shall be subject to the approval of the Port.

Mitigation Measure 4.9-6 requires project applicants to prepare and submit for approval to the Port lighting plans illustrating that the lighting of all developed areas adjacent to open water will be directed away from the water, wherever feasible and consistent with public safety. To further minimize the potential for project lighting to impact the aquatic habitat and marine life, low-pressure sodium lighting or the equivalent will be required in developed areas adjacent to open water. Additionally, all lighting fixtures in developed areas adjacent to open water will provide shielding to protect the aquatic habitat and marine life from night lighting.



Incorporation of Mitigation Measure 4.9-6 will reduce indirect impacts to marine resources from lighting during project construction and operation (Potential Significant Impact 4.9-8) to below a level of significance.

## **4.9 Paleontological Resources**

### **4.9.1 Potential Significant Impact (4.11-1)**

Mass grading in the Sweetwater District proposed during Phase IV could produce direct and significant impacts to potential paleontological resources of the Bay Point Formation.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Development of the Chula Vista Nature Center parking lot and access road, proposed in Phase I, would not result in potential significant impacts to paleontological resources because the Bay Point Formation does not occur at the proposed location. However, development of the buildings proposed during Phase I could result in potential significant impacts to paleontological resources if the Bay Point Formation is penetrated during excavation activities required for structural support.

The sedimentary origin of the Bay Point Formation and its general fossiliferous character suggests that this rock formation has the potential to yield significant fossils. Because bedrock deposits of the Bay Point Formation occur in the northeastern Portion of the Sweetwater District, more precisely underlying the low coastal mesa adjacent to Bay Boulevard, there would be the potential for significant impacts to sensitive paleontological resources to occur during construction of this Portion of the Project site in Phase IV (see *Appendix 4.11-1* of the FEIR). Parcels that would be affected include S-3, S-4, S-5, SP-4, SP-5, SP-6, SP-7, the eastern Portion of the E Street extension, and the eastern Portion of S-1. The Bay Point Formation in this area consists of at least 40 feet of loosely consolidated Pleistocene-age sedimentary rocks divisible into an upper 22-foot-thick sandstone unit and a lower 18-foot-thick claystone unit.

Mass grading in the Sweetwater District is proposed during Phase IV. The destruction of buried fossil remains could occur during mass grading of the low coastal mesa in this area. If excavation activities penetrate to a depth sufficient to encounter unweathered deposits of the Bay Point

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

Formation, then these development activities would produce direct and significant impacts to potential paleontological resources of the Bay Point Formation.

In order to mitigate for potential impacts to paleontological resources of the Bay Point Formation due to Phase IV mass grading in the Sweetwater District, the Port and City will implement Mitigation Measure 4.11-1, to include the following:

Prior to the issuance of any grading permit in the Sweetwater District, the applicant shall retain a qualified paleontologist (defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques) who shall carry out the following mitigation program. Fieldwork may be conducted by a qualified paleontological monitor (defined as an individual who has experience in the collection and salvage of fossil materials) who at all times shall work under the direction of the qualified paleontologist. Additional requirements of Mitigation Measure 4.11-1 are as follows:

The paleontologist shall attend all pre-grading meetings to inform the grading and excavation contractors of this paleontological resource mitigation program and shall consult with them with respect to its implementation.

The paleontological monitor shall be on site at all times during the original cutting of previously undisturbed sediments of highly sensitive geologic formations to inspect cuts for contained fossils in the low coastal mesa adjacent to Bay Boulevard in the northeastern Portion of the Sweetwater District. The paleontological monitor shall be on site during the original cuts in deposits with a moderate resource sensitivity.

If fossils are discovered, the paleontologist or monitor shall recover them. In instances where recovery requires an extended salvage time, the paleontologist or monitor shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Where deemed appropriate by the paleontologist or monitor, a screen-washing operation for small fossil remains shall be set up.

Recovered fossils, along with copies of all pertinent field notes, photographs, and maps, shall be deposited (with the applicant's permission) in a scientific institution with paleontological collections. A final summary report that outlines the results of the mitigation program shall be completed. This shall include discussion of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils.

All work shall be completed to the satisfaction of the Port or the City of Chula Vista, as appropriate.

Mitigation Measure 4.11-1 requires that the Project applicant retain the services of a qualified paleontologist prior to the issuance of any grading permits within the Sweetwater District. The paleontologist will be required to attend all pre-grading meetings to inform the grading and excavation contractors of potential paleontological resources located within the Sweetwater District, and would ensure that a qualified paleontological monitor is on site at all times during grading and excavation activities located near highly sensitive geologic formations to inspect cuts for contained fossils in the low coastal mesa adjacent to Bay Boulevard in the northeastern Portion of the Sweetwater District. The paleontological monitor will be responsible for recovering any discovered fossils unearthed during grading and excavation. If fossils are unearthed, the paleontologist or monitor will be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner and ultimately deposit fossils in a scientific institution with paleontological collections. A final summary report that outlines the results of the mitigation program will be completed by the paleontologist.

Incorporation of Mitigation Measure 4.11-1 will reduce potential impacts to paleontological resources in the Sweetwater District (Potential Significant Impact 4.11-1) to below a level of significance.

## **4.10 Hazards and Hazardous Materials/Public Safety**

### **4.10.1 Potential Significant Impact (4.12-1)**

Potential impacts associated with encountering contamination during excavation, demolition, and construction is considered significant impacts.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

During excavation, demolition and construction activities associated with the Proposed Project, hazardous materials will be encountered within or adjacent to the boundaries of the site in the vicinity of several on-site areas of concern and three off-site areas of concern as presented in *Table 4.12-1* of the FEIR.

On-site areas of concern include the areas identified within the boundaries of the former Goodrich South Campus facility (Harbor District) and the SBPP (Otay District), and the Sweetwater District. Several unauthorized releases of hazardous materials/wastes have occurred

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

at both the former Goodrich South Campus and SBPP. Residual soil and groundwater contamination associated with these unauthorized releases exists at these two facilities. The aerial extent of several unauthorized releases has not been fully delineated to date. The Sweetwater District, which was used extensively for agricultural purposes until the 1980s, is expected to contain residual concentrations of pesticides and herbicides. In general, many pesticides applied to soil are immobile and do not generally leach downward to groundwater. In addition, because most pesticides tend to persist in the upper 1 to 2 feet of topsoil, such contamination will be redistributed over the site during grading activities. There is also a possibility that other areas of contamination exist within the boundaries of the site that have not been identified to date.

Three off-site areas of concern have been identified located at the south end of the Goodrich North Campus facility identified as releases No. 11, 12, and 13. The aerial extent of this contamination associated with these three areas has not been fully delineated to date. Additional assessment would be required to determine the lateral and vertical extent of the contamination in these areas.

Although excavation, demolition, and construction activities are short-term, the potential to encounter contamination during such activities associated with the Proposed Project is considered a significant impact.

In order to mitigate for the potential impact associated with encountering contamination during excavation, demolition, and construction activities, the Port and City will implement Mitigation Measure 4.12-1, to include the following:

Prior to the issuance of any permit for excavation, demolition, grading, or construction activities in the area described in the relevant permit based on the planned future use, the following shall occur:

- A. The applicant shall contact the lead regulatory agency (RWQCB/DEH/DTSC) to discuss the appropriate course of action for the area of concern described in the permit based on the planned future site use. Remediation of contaminated soil and/or groundwater in these areas shall meet cleanup requirements established by the local regulatory agency based on the planned future use of the area and shall be protective of human health with regard to future occupants of these areas. The applicant shall submit documentation showing that contaminated soil and/or groundwater in the area covered by the permit shall have been avoided or remediated to meet cleanup requirements established by the local regulatory agencies (RWQCB/DEH/DTSC).
- B. The applicant shall obtain written authorization from the regulatory agency (RWQCB/DEH/DTSC) confirming the completion of any remediation required for

development of the site, exclusive of any on-going monitoring obligations. A copy of the authorization shall be submitted to the Port and City to confirm meeting all requirements acceptable to the governing agency and that the proposed development parcel has been cleaned up or is in process to the satisfaction of the regulatory agency. In the situation where previous contamination has occurred on a site that has a previously closed case or on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the DEH shall be notified of the proposed land use.

- C. A Soil and Water Management Plan (SWMP) for Phase I activities shall be developed to provide procedures for addressing unknown contamination and subsurface equipment (i.e., pipes, tanks) or debris encountered during construction and excavation. A SWMP for subsequent phases shall be prepared prior to construction and excavation or such development. The plan shall be developed by a qualified environmental consultant and shall identify notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater) measures to avoid or reduce impacts associated with hazardous materials contamination to a less than significant impact. The SWMP shall be approved by the Port and/or City prior to commencement of excavation, grading, demolition or construction. A qualified environmental consultant shall monitor excavations, grading, and construction activities in accordance with the plan. Any excess soil generated by construction shall be characterized to determine disposal options.

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

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

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

- D. In the event that grading or construction activities result in the discovery of hazardous waste, the Port and/or City shall ensure compliance with State of California CCR Title 23 Health and Safety Regulation. Excavated soils impacted by hazardous materials or waste shall be characterized and disposed of in accordance with CCR Title 14 and 22. The San Diego RWQCB shall be contacted regarding provisions for possible reuse as backfill of

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

soils impacted by hydrocarbons. Excavated soils shall be lined and covered with an impermeable material to prevent spread of contaminated material.

The applicant must have an Industrial Hygienist registered in the State of California on site while working in areas where contamination is encountered. The responsibility of this professional would be to monitor the work site for contamination and to implement mitigation measures as needed to prevent exposure to the workers or public. These measures may include signage and dust control.

Dewatering activities during construction shall be limited to the extent practicable and water generated by dewatering shall be tested to determine treatment and disposal options in accordance with all applicable laws and regulations.

Prior to the issuance of any permit for excavation, demolition, grading, or construction activities, Project applicants will be required to consult with the lead regulatory agency (RWQCB/DEH/DTSC) to discuss the appropriate course of action for the area of concern described in the permit based on the planned future site use. Any remediation required due to construction activities will meet cleanup requirements established by the local regulatory agency based on the planned future use of the area and shall be protective of human health with regard to future occupants of these areas. Once remediation is completed, the Project applicant will be required to obtain written authorization from the regulatory agency confirming the completion of any remediation required for development of the site, exclusive of any ongoing monitoring obligations. A copy of the authorization shall be submitted to the Port and City to confirm meeting all requirements acceptable to the governing agency and that the proposed development parcel has been cleaned up or is in process to the satisfaction of the regulatory agency. Additionally, a SWMP for Phase I activities will be prepared to identify procedures and addressing unknown contamination and subsurface equipment (i.e., pipes, tanks) or debris encountered during construction and excavation and demolition.

Incorporation of Mitigation Measure 4.12-1 will reduce potential impacts associated with encountering contamination during excavation, demolition, and construction (Potential Significant Impact 4.12-1) to below a level of significance.

#### **4.10.2 Potential Significant Impact (4.12-2)**

Although not expected to occur, a spill or unintentional discharge of fuel, lubricants, or hydraulic fluid from the transportation of construction materials and/or the equipment used during construction, including dredge and fill activities, would result in significant impacts on water quality in a worst-case scenario.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.12-1 above also apply to Potential Significant Impact 4.12-2. Excavation, demolition, and construction activities would temporarily involve the transportation, use, and/or disposal of hazardous materials. Relatively small amounts of hazardous substances such as gasoline, diesel fuel, lubricating oil, grease, solvents, caulking, paint, and welding gases would be used on site for construction activities. There is the potential for construction debris to accumulate and for hazardous materials to be contained in stockpiles on the Project site. Storage and use of such substances would be short term and would be subject to federal, state, and local health and safety requirements. The Proposed Project would include the proper removal and disposal of all construction debris as mandated by applicable regulations. Consequently, the Proposed Project would not have a significant hazardous materials impact associated with the transportation, use, and/or disposal of hazardous substances during excavation, demolition, and construction activities. Although not expected to occur, a spill or unintentional discharge of fuel, lubricants, or hydraulic fluid from the transportation of construction materials and/or the equipment used during construction, including dredge and fill activities, would result in significant impacts on water quality in a worst-case scenario.

In order to mitigate for potential impacts associated with a spill or unintentional discharge of fuel, lubricants, or hydraulic fluid from the transportation of construction materials and/or the equipment used during construction, including dredge and fill activities, the Port and City will implement Mitigation Measure 4.12-2, to include the following:

Prior to construction, all contractor and subcontractor project personnel shall receive training regarding the appropriate work practices necessary to effectively comply with the applicable environmental laws and regulations, including, without limitation, hazardous materials spill prevention and response measures.

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

The Port of San Diego shall require that a Business Emergency Plan (BEPP) is prepared for the construction of the Proposed Project, if not covered under their approved SWPPP. The plan shall identify all hazardous materials (e.g., fuels, solvents) that would be present on any Portion of the construction area and Project site. Contingency analysis and planning shall be presented to identify potential spill or accident situations, how to minimize their occurrence, and how to respond should they occur. The plan shall also identify spill response materials (e.g., absorbent pads, shovels) to be kept at the construction site and their locations. Hazardous materials spill kits shall be maintained on site for small spills.

Mitigation Measure 4.12-2 requires that all contractor and subcontractor project personnel 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. This is to ensure that in the event of an accident involving hazardous materials, project personnel are aware of the appropriate response measures. The measure also states that trash be disposed of in enclosed containers and that all construction waste be removed to a hazardous waste facility permitted or otherwise authorized to treat, store, or dispose of such materials. Lastly, a BEPP is required so the project personnel are aware of all hazardous materials present on any Portion of the construction area and Project site. The BEPP will also discuss how to minimize occurrence of spills and other accident situations and how to respond should spills or accidents occur.

Incorporation of Mitigation Measure 4.12-2 will reduce impacts to water quality due to a spill or unintentional discharge of fuel, lubricants, or hydraulic fluid from the transportation of construction materials and/or the equipment used during construction, including dredge and fill activities (Potential Significant Impact 4.12-2) to below a level of significance.

#### **4.10.3 Potential Significant Impact (4.12-3)**

The potential for exposure to contaminated soils during dewatering activities is considered a significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.12-1 above also apply to Potential Significant Impact 4.12-3. Groundwater level within the Project area varies and it is



likely that groundwater would be encountered during construction. Short-term water quality impacts during construction will be minimized by complying with federal and state regulations for groundwater discharge. All discharges will be in compliance with RWQCB requirements. If dewatering activities associated with trenching, boring, and excavation result in potential exposure to contaminated groundwater and/or soils, the Port of San Diego will ensure compliance with the State of California CCR Title 23 Health and Safety Regulations. The potential for exposure to contaminated soils during dewatering activities is considered a significant impact.

In order to mitigate for potential impacts associated with exposure to contaminated soils during dewatering activities and as discussed under the analysis for Potential Significant Impact 4.12-1 above, dewatering activities during construction shall be limited to the extent practicable and water generated by dewatering shall be tested to determine treatment and disposal options in accordance with all applicable laws and regulations. Additionally, the applicant must have an Industrial Hygienist registered in the State of California on site while working in areas where contamination is encountered. The responsibility of this professional would be to monitor the work site for contamination and to implement mitigation measures as needed to prevent exposure to the workers or public.

Mitigation Measure 4.12-1 requires that any water generated by dewatering and found to be contaminated will be treated and disposed of in accordance with all applicable laws and regulations. Additionally, an Industrial Hygienist will be required on site during construction activities in locations where contamination is encountered in order to monitor the work site for contamination and implement measures as needed to prevent exposure of workers and the public to contaminated waters.

Incorporation of Mitigation 4.12-1 will reduce potential impacts associated with exposure to contaminated soils during dewatering activities (Potential Significant Impact 4.12-3) to below a level of significance.

#### **4.10.4 Potential Significant Impact (4.12-4)**

The potential suspension and/or release of contaminants in the water during dewatering activities could significantly impact marine resources in the Bay and the Chula Vista Harbor.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### Facts in Support of Finding

The facts in support of the finding for Potential Significant Impact 4.12-1 above also apply to Potential Significant Impact 4.12-4. Implementation of specific design measures will be required to avoid potential impacts from cross contamination of groundwater during dewatering activities. If contaminants have extended in the subtidal areas of the harbor basin, dredging fill and bay sediment would potentially upset and suspend or release hazardous contaminants into the marine environment. The suspension and/or release of contaminants in the water could create a significant hazard to the marine resources living at this location and in the surrounding area.

In order to mitigate for the potential impacts to marine resources associated with the suspension and/or release of contaminants in the water during dewatering activities in the Bay and the Chula Vista Harbor, the Port will implement Mitigation Measure 4.12-3, to include the following:

- A. Prior to issuance of a permit by USACE for dredge and/or fill operations in the Bay or Chula Vista Harbor, the applicant shall conduct a focused sediment investigation and submit it to USACE and RWQCB for review and approval. The applicant shall then determine the amount of bay sediment that requires remediation and develop a specific work plan to remediate bay sediments in accordance with permitting requirements of the RWQCB. The work plan shall include but not be limited to dredging the sediment, allowing it to drain, and analyzing the nature and extent of any contamination. Pending the outcome of the analytical results, a decision by RWQCB shall prescribe the requirements for disposition of any contaminated sediment.
- B. Prior to issuance of a grading permit for marina redevelopment on HW-1 and HW-4, the developer shall submit a work plan for approval by the RWQCB and Port/City that requires the implementation of BMPs, including the use of silt curtains during in-water construction to minimize sediment disturbances and confine potentially contaminated sediment if contaminated sediment exists. If a silt curtain should be necessary, the silt curtain shall be anchored along the ocean floor with weights (i.e., a chain) and anchored to the top with a floating chain of buoys. The curtain shall wrap around the area of disturbance to prevent turbidity for traveling outside the immediate Project area. Once the impacted region resettles the curtains shall be removed. If the sediment would be suitable for ocean disposal, no silt curtain shall be required. However, if contaminants are actually present, the applicant would be required to provide to the RWQCB and Port/City an evaluation showing that the sediment would be suitable for ocean disposal.

As discussed above, Mitigation Measure 4.12-3 requires that for construction activities in the Bay or the Chula Vista Harbor, Project applicants shall conduct a focused sediment investigation to determine the total amount of bay sediment that will require remediation as a result of dredging activities. The investigation must be approved by the USACE and RWQCB. Once the

total amount of bay sediment requiring remediation is identified the applicant is required to prepare a work plan detailing (in compliance with the permitting requirements of the RWQCB) remediation efforts. The RWQCB will prescribe the requirements for disposition of any contaminated sediment.

For marina redevelopment on Parcels HW-1 and HW-4, Project applicants are required to submit (and obtain approval of) a work plan to the RWQCB and Port/City that details BMPs to be implemented. BMPs to consider include the use of silt curtains during in-water construction to minimize sediment disturbances and confine potentially contaminated sediment if contaminated sediment exists. BMPs will ensure that if present, contaminated sediments will be confined and properly disposed of.

Incorporation of Mitigation Measure 4.12-3 will reduce impacts to marine resources resulting from the suspension and/or release of contaminants in the water during dewatering activities in the Bay and Chula Vista Harbor (Potential Significant Impact 4.12-4) to below a level of significance.

#### **4.10.5 Potential Significant Impact (4.12-5)**

During construction activities, both existing and undocumented Underground Storage Tanks (USTs) located throughout the Proposed Project site may be required to be removed and contaminated soils may be encountered. This would be a significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.12-1 above also apply to Potential Significant Impact 4.12-5. Because of the previous uses throughout the Project site, both existing and undocumented USTs are located throughout the site and may require removal during construction activities. Any USTs that are removed during redevelopment activities should be removed under permit by DEH. The potential to encounter contaminated soils associated with removal of identified and unidentified USTs is considered a significant impact.

In order to mitigate for the potential impacts associated with encountering contaminated soils during removal of USTs, the Port and City will implement Mitigation Measure 4.12-4, to include the following:

In the event of removal of USTs, the soil and groundwater within the vicinity of the USTs shall be adequately characterized and remediated, if necessary, to a standard that would be protective of water quality and human health, based on future site use. In areas to be redeveloped, a geophysical survey shall be conducted by the applicant to evaluate if there are any previously unidentified USTs or piping still existing in areas to be redeveloped.

Additionally, in the event that USTs are not identified in the Hazardous Materials Technical Study (HMTS) prepared for the Project (Ninyo & Moore 2005) or undocumented areas of contamination are encountered during grading activities (as indicated by odors, discolored soil, etc.), all work shall cease until appropriate health and safety procedures are implemented pursuant to the applicant's contingency plan. The applicant shall prepare a contingency plan to address contractor procedures for such an event, to minimize the potential for construction delays. In addition, the lead regulatory agency (DEH or RWQCB, depending on the nature of the contamination) shall be notified regarding the contamination. Each agency and program within the respective agency has its own mechanism for initiating an investigation. The applicant shall conduct contamination remediation and removal activities in accordance with pertinent local, state, and federal regulatory guidelines, under the oversight of the appropriate regulatory agency. Parcels contaminated with hazardous materials will be remediated to levels adequate to protect human health and the environment.

Mitigation Measure 4.12-4 requires that the Port and City ensure that soils and groundwater in the vicinity of USTs are appropriately characterized and, if necessary, remediated such that water quality and human health are protected. A required geophysical survey would identify any unknown USTs. If unknown USTs are identified for removal, all work in the area will cease until appropriate health and safety procedures are implemented to ensure that water quality and human health are protected. The DEH or RWQCB will be notified of any contamination associated with UST removal so that they may implement their own investigations. Contamination remediation and removal will occur in accordance with pertinent local, state, and federal regulatory guidelines, under the oversight of the appropriate regulatory agency.

Incorporation of Mitigation Measure 4.12-4 will reduce potential impacts associated with encountering contaminated soils during the removal of USTs (Potential Significant Impact 4.12-5) to below a level of significance.

#### **4.10.6 Potential Significant Impact (4.12-6)**

The potential for the release of asbestos-containing materials (ACMs), lead based paints (LBPs), and other hazardous materials during demolition activities within the Sweetwater, Harbor, and Otay Districts would be considered a significant impact.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.12-1 above also apply to Potential Significant Impact 4.12-6. Demolition of existing structures within the Sweetwater, Harbor, and Otay Districts would be necessary in order to construct the Proposed Project components. Based on the dates of construction of structures located within the boundaries of the Project sites (prior to 1980), there is a high likelihood that asbestos-containing materials (ACMs) and lead based paints (LBPs) are present within these structures. Other hazardous materials may also be encountered in site structures, such as mercury-containing thermostats, fluorescent light tubes, and Freon-containing refrigeration systems. Furthermore, the environmental database report determined that facilities at 596 Sandpiper Way, 997 G Street, and 979 G Street have permits to store hazardous materials on site. Demolition activities at these locations could result in a potential exposure to hazardous substances. The potential for exposure of ACMs, LBPs, and other hazardous materials during demolition activities is considered a significant impact.

In order to mitigate for potential impacts regarding the release of ACMs, LBPs, and other hazardous materials during demolition activities within the Sweetwater, Harbor, and Otay Districts, the Port and City shall implement Mitigation Measure 4.12-5, to include the following:

Prior to the issuance of a demolition permit for buildings scheduled for demolition that have not been surveyed to date for ACMs and LBPs, the applicant shall conduct a survey to determine the locations and amounts of ACMs and LBPs present, as well as other miscellaneous hazardous materials, such as potential mercury-containing thermostats and switches, light ballasts and switches that might contain PCBs, fluorescent light tubes that might contain mercury vapor, exit signs that might contain a radioactive source, air conditioning systems, lead-acid batteries and batteries associated with emergency lighting systems, and Freon<sup>TM</sup>-containing refrigeration systems. Should ACMs, LBPs, or other miscellaneous hazardous building materials be encountered in the site structures, the applicant shall obtain a licensed abatement contractor to remove the hazardous materials in accordance with all applicable federal, state, and local laws, regulations, and permitting requirements prior to initiation of demolition activities.

Additionally, prior to any proposed demolition activities, the applicant shall conduct a thorough inspection of the facilities that have permits to store hazardous materials to confirm whether a release of hazardous materials at these facilities has impacted the underlying soil and/or groundwater. The facilities that currently store hazardous materials are located at 596 Sandpiper

Way, 997 G Street, and 979 G Street. If indications of contamination are encountered during demolition, a qualified environmental consultant shall be retained to observe the contamination, consult with the regulatory oversight agency, perform environmental media (soil, soil gas, and groundwater) sampling and analysis as necessary, report the result and provide recommendations for further action.

Mitigation Measure 4.12-5 requires the Project applicant to conduct building surveys to determine the presence of hazardous materials such as ACMs and LBPs in buildings that will be demolished. If hazardous materials are identified, the Project applicant will obtain a licensed abatement contractor to remove the hazardous materials in accordance with all applicable federal, state, and local laws, regulations, and permitting requirements prior to initiation of demolition activities. Also, the Project applicant is required to thoroughly inspect all buildings with permits to store hazardous materials to determine if hazardous materials had previously been released at these locations. If inspections determine that hazardous materials were released previously released, a qualified environmental consultant will be retained to observe the contamination, consult with the regulatory oversight agency, perform sampling, report the results of sampling, and ultimately provide recommendations for remediation.

Incorporation of Mitigation Measure 4.12-5 will reduce potential impacts associated with the release of asbestos-containing materials (ACMs), lead based paints (LBPs), and other hazardous materials during demolition activities within the Sweetwater, Harbor, and Otay Districts (Potential Significant Impact 4.12-6) to below a level of significance.

#### **4.10.7 Potential Significant Impact (4.12-7)**

Construction personnel working in proximity to hazardous materials and contaminated soils could potentially be exposed to contaminated soil, soil gas, and/or groundwater. Exposure to hazardous materials and contaminated substances would be considered a significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.12-1 above also apply to Potential Significant Impact 4.12-7. Materials and contaminated soil conditions would be at a potential risk of exposure to these sources. The potential for construction workers to be exposed to contaminated soil, soil gas, and/or groundwater is considered a significant impact.

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

In order to mitigate for potential impacts associated with construction personnel exposure to hazardous materials and contaminated substances, the Port and City will implement Mitigation Measure 4.12-1. As discussed within the analysis under Potential Significant Impact 4.12-1 above, Mitigation Measure 4.12-1 states that the Project applicant is required to consult with lead regulatory agency (RWQCB/DEH/DTSC) to determine the appropriate course of action regarding areas of concern described in the permit based on the planned future site use. Remediation of contaminated soil and/or groundwater in these areas will meet cleanup requirements established by the local regulatory agency based on the planned future use of the area and will be protective of human health with regard to future occupants of these areas. The Project applicant will be required to provide documentation showing that remediation has met the requirements established by the local regulatory agencies.

Also, Mitigation Measure 4.12-1 states that in order to confirm the completion of any remediation required for development of the site, the Project applicant must obtain written authorization from the regulatory agency (RWQCB/DEH/DTSC) stating that all requirements acceptable to the governing agency have been met and that the proposed development parcel has been cleaned up or is in process to the satisfaction of the regulatory agency.

To address unknown contaminants, Mitigation Measure 4.12-1 requires that a Soil and Water Management Plan (SWMP) for Phase I activities be prepared. The SWMP will 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 must be approved by the Port and/or City prior to commencement of excavation, grading, demolition or construction.

Lastly, to minimize impacts regarding exposure of construction personnel to hazardous materials and contaminated soils, Mitigation Measure 4.12-1 requires that if hazardous waste is discovered during construction activities the Port and/or City ensure compliance with State of California CCR Title 23 Health and Safety Regulation. Excavated soils impacted by hazardous materials or waste will be characterized and disposed of in accordance with CCR Title 14 and 22. The San Diego RWQCB will be contacted regarding provisions for possible reuse as backfill of soils impacted by hydrocarbons. Excavated soils will be lined and covered with an impermeable material to prevent spread of contaminated material. Also, the Project applicant is required to have an Industrial Hygienist registered in the State of California on site while working in areas where contamination is encountered. The responsibility of this professional would be to monitor the work site for contamination and to implement mitigation measures as needed to prevent exposure to the workers or the public.

In addition, Mitigation Measure 4.12-6 requires that prior to construction, remediation activities for known contamination shall be performed in order to be protective of construction workers on the project site, as required by Mitigation Measure 4.12-1.

Incorporation of Mitigation Measures 4.12-1 and 4.12-6 will reduce potential impacts regarding exposure of construction personnel to hazardous materials and contaminated substances (Potential Significant Impact 4.12-7) to below a level of significance.

#### **4.10.8 Potential Significant Impact (4.12-8)**

Fertilizers and landscape chemicals used for regular maintenance activities of the signature parks developed by the Proposed Project could potentially significantly impact surface waters and/or habitat areas.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Operation of the Proposed Project may involve the use and/or storage of hazardous materials. Toxic and/or caustic substances, including oil and gasoline, would be used by proposed land uses and water-related activities throughout the life of the project. Any facilities in the Proposed Project area that intend to transport, use, and dispose of hazardous materials must obtain the applicable regulatory permits and must comply with applicable laws and regulations. These laws, regulations, and permitting requirements have been adopted by federal, state, and local legislatures and are enforced by the regulatory agencies to prevent a significant hazard to the public or the environment. All activities would be in compliance with current regulations and strictly adhere to applicable guidelines pertaining to hazardous materials storage. Therefore, the Proposed Project would not have a significant hazardous materials impact associated with the use, storage, or routine transportation of hazardous substances during operation.

Leakages from vehicles using the parking structures and on-site parking at the residential development are another source of contamination associated with operation of the Proposed Project. Leakages from vehicles have the potential to be carried off in the stormwater runoff. This would be minimized via implementation of the Stormwater Pollution Prevention Plan (SWPPP), which would identify best management practices (BMPs) to prevent contamination of soils and groundwater (see *Section 4.5, Hydrology and Water Quality* of the FEIR). Therefore, impacts from vehicle leakages would be less than significant.



In regards to operation of the signature park throughout the site, fertilizers and landscape chemicals may be used for regular maintenance activities. The potential for hazardous irrigation runoff to contaminate surface waters and/or habitat areas is considered a significant impact.

In order to mitigate for potential impacts to surface waters and/or habitat areas resulting from maintenance activities of the signature parks, the Port and City will implement Mitigation Measure 4.12-7, to include the following:

Management of the parks throughout the Project site comply with the Port and City's Integrated Pest Management Policies (IPM). IPM shall be used on all landscaped areas. In addition, fertilizers must be minimized and only non-toxic products used. Runoff from irrigation sprinklers into surface waters must be minimized and use of mulching and drip irrigation, where needed, maximized. Measures shall be employed to ensure that landscape chemicals and wastes do not get into surface waters or habitat areas.

Mitigation Measure 4.12-7 requires that the use of fertilizers be minimized and that measures are implemented to ensure that landscape chemicals are contained onsite and do not get into surface water of habitat areas.

Incorporation of Mitigation Measure 4.12-7 will reduce impacts associated with the use of fertilizers and landscape chemicals entering surface waters and habitat areas (Potential Significant Impact 4.12-8) to below a level of significance.

#### **4.10.9 Potential Significant Impact (4.12-9)**

Given the existing hazardous materials conditions throughout the Sweetwater District, operation of the Proposed Project could result in exposure to residents and/or users of the site to health risks, depending on type of contamination and the proposed use of the site. This would be considered a significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.12-8 above also apply to Potential Significant Impact 4.12-9. The human health risk associated with operation of the Project site was assessed in order to determine whether development would be acceptable for future site occupants/users and prevent exposure to the extent practicable. The Human Health

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

Screening Evaluation of the Harbor District (Ninyo & Moore 2006) provided a conservative worst-case scenario screening, finding a potentially significant hazard risk for one or more receptors in six parcels within the Harbor District. The report declared that the calculated risk values for the six parcels were inherently conservative and may overestimate actual risk. The report concluded that the uncertainties would be reduced in the planned Human Health Risk Assessment (HHRA) by using more realistic and current site characterization data, site-specific physical characteristics of the subsurface, a more accurate representation of the building siting and building features, and an improved estimate of the receptor exposure parameters. A HHRA of the South Campus Facility was completed by Haley & Aldrich in July 2007 as a project level analysis for Phase I development. The findings and recommendations of this report are discussed in greater detail below, at a project level analysis, and are summarized in Geocon's 2008 Phase I Report (see *Appendix 4.12-3* of the FEIR).

Results of a baseline HHRA of the SBPP indicated that the human health risk was acceptable for continued industrial uses of the site.

In the Sweetwater District, it would be necessary to prevent exposure to future site occupants from pesticides/herbicides in the soil and groundwater. Given the existing hazardous materials conditions throughout the Project site, operation of the Proposed Project could result in exposure to residents and/or users of the site to health risks, depending on type of contamination and the proposed use of the site. Methods of exposure can be via dermal exposure, ingestion, and/or inhalation. This impact would be considered significant.

In order to mitigate for impacts to residents and/or users of Project sites within the Sweetwater District due to existing hazardous materials conditions, the Port and City will implement Mitigation Measure 4.12-8, to include the following:

For development in the Sweetwater District that would result in exposure of any soil containing pesticides/herbicides, excavation and disposal of the contaminated soils at an appropriately licensed facility shall be conducted as required by applicable law, to reduce potential for future site occupants' exposure. Otherwise, soil capping shall be implemented. Capping could be performed by placement of a clean soil fill layer over the impacted soil, which in turn could be overlain by other surface covers (i.e., turf and other vegetative cover and pavement).

Mitigation Measure 4.12-8 requires that soils contaminated with pesticides/herbicides be excavated and properly disposed of at an appropriately licensed facility as required by applicable law, to reduce potential for future site occupants' exposure.

Incorporation of Mitigation Measure 4.12-8 will reduce potential impacts associated with exposure of future site occupants to existing hazardous materials conditions within the

Sweetwater District due to the Proposed Project (Potential Significant Impact 4.12-9) to below a level of significance.

#### **4.10.10 Potential Significant Impact (4.12-10)**

The potential for development in Phases II through IV of the Proposed Project to expose residents and/or users of the site to health risks would be a significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impacts 4.12-8 and 4.12-9 above also apply to Potential Significant Impact 4.12-10. An assessment of human health risk associated with future development in the Sweetwater, Harbor, and Otay Districts in subsequent phases has not been determined for all parcels and for all land use types. Regardless, the potential for development in Phases II through IV of the Proposed Project to expose residents and/or users of the site to health risks would be a significant impact.

In order to mitigate for potential impacts associated with the exposure of residents and/or users to health risks due to program-level development within the Sweetwater, Harbor, and Otay Districts, the Port and City will implement Mitigation Measure 4.12-9, to include the following:

At the time project specific designs are proposed for any development in Phases II through IV, a site assessment must be conducted by a qualified expert satisfactory to the City and/or Port to determine concentrations of contaminants in soil, soil gas, and groundwater on the parcel proposed for development. Further site assessment may be required as part of subsequent environmental review pursuant to State CEQA Guidelines.

Additionally, the Port and City will require the preparation of an HHRA or other means of evaluation for any new development in Phases II through IV. The HHRA must analyze each parcel proposed for development within the Proposed Project area. If the calculated risk from the HHRA (or other means of evaluation) is considered to be significant for a receptor in a parcel, mitigation measures shall be implemented to reduce the risk to below a level of significance. These measures may include one or both of the following:

- Remediating the contaminant sources and impacts in the respective media (i.e., soil, soil gas, groundwater) to levels below the health-based remediation criteria. Parcels

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

- Implementing institutional and/or engineering controls to eliminate the pathway of concern or attenuate the contaminant exposure to levels below the health-based remediation criteria.

Mitigation Measure 4.12-9 requires Project applicants to conduct site assessments to determine the presence of contaminants in soil, soil gas, and groundwater on the parcel proposed for development. Further site assessment may be required a part of subsequent environmental review pursuant to State CEQA Guidelines. Further, for any new development in Phases II through IV, an HHRA must be prepared by the Project applicant and must analyze each parcel proposed for development within the Proposed Project area. If the risk for a parcel is considered significant, mitigation measures must be implemented to reduce risks to a level of less than significant. Mitigation can include remediation of contaminated substances or controls engineered to eliminate the pathway of concern or attenuate the contaminant exposure to levels below the health-based remediation criteria. Parcels contaminated with hazardous materials will be remediated to levels adequate to protect human health and the environment.

Incorporation of Mitigation Measure 4.2-9 will reduce potential impacts regarding exposure of residents or users of any development constructed during Phases II through IV within the Sweetwater, Harbor, and Otay Districts to health risks (Potential Significant Impact 4.12-10) to below a level of significance.

#### **4.10.11 Potential Significant Impact (4.12-11)**

If it is determined that the RCC on Parcel H-3 would be affected by future migration of Chlorinated Volatile Organic Compounds (CVOCs) from the Goodrich North Campus beneath H-3, such CVOC migration would be considered a significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

An assessment of the proposed Phase I project and program level components do not propose any features that would regularly emit hazardous materials into the water, ground, or air as part of its function. Operation of Phase I project and program level components may, however, involve the use and/or storage of hazardous materials. Operation on Parcels H-13 and H-14

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

would include the use of typical household cleaning and maintenance products. Hazardous materials associated with the Signature Parks (Parcels S-2, H-8, and HP-1) may include fertilizers and landscape chemicals for regular maintenance activities. The potential for hazardous irrigation runoff to contaminate surface waters and/or habitat areas is considered a significant impact that must be addressed in all parks throughout the Project area.

Any facilities in the Proposed Project area which intend to transport, use, and dispose of hazardous materials must obtain the applicable regulatory permits and must comply with applicable laws and regulations. These laws, regulations, and permitting requirements have been adopted by federal, state, and local legislatures and are enforced by the regulatory agencies to prevent a significant hazard to the public or the environment. All activities would be in compliance with current regulations and would strictly adhere to applicable guidelines pertaining to hazardous materials storage. Therefore, the Proposed Project would not have a significant hazardous materials impact associated with the use, storage, or routine transportation of hazardous substances during operation.

Existing contamination in the soil and/or groundwater may pose a concern to future users of the project and program level component sites. An evaluation of the health risk associated with development of Phase I project and program level components, as well as one Phase II program level area, has been completed and is presented below for each project level parcel. Known concentrations of Contaminants Of Potential Concern (COPCs) in the soil and CVOCs associated with soil gas and groundwater that exceed health-based criteria, are greater than the cumulative cancer risk of 1 in 1 million and/or present uncertain conditions involving COPCs and CVOCs would result in a significant health risk and significant impact to public safety.

Ninyo & Moore completed a site-specific HHRA on the Parcel H-3 area in February 2006 (*Appendix 4.12-6* of the FEIR). No sources of contamination were identified on the H-3 area and the only direct exposure pathway identified was potential vapor intrusion into indoor air spaces of structures to be built on H-3. The report concluded that the risk to future site users from vapor intrusion is less than significant. Although the risk assessment concluded that the inhalation risk from intrusion of CVOC vapors into future building is less than significant, the uncertainty with regard to future migration of CVOCs from the Goodrich North Campus beneath H-3 presents a significant impact.

In order to mitigate for impacts regarding the future migration of CVOCs from the Goodrich North Campus beneath H-3 affecting the Goodrich North Campus, the Port and City will implement Mitigation Measure 4.12-10. to require that prior to the approval of Design Review for development on Parcels H-3, H-13, H-14, H-15, and HP-5, the applicant shall submit a design plan for the project demonstrating to the satisfaction of the City and/or Port that proposed buildings shall be designed so as to prevent a risk to human health associated with intrusion of

CVOC vapors into future buildings on these parcels. Such design measures may include vapor barriers or passive vent systems.

Mitigation Measure 4.12-10 requires the project applicant to demonstrate, to the satisfaction of the City and/or Port, that proposed building(s) on Parcel H-3 have incorporated measures such as vapor barriers or passive vent systems in order to prevent the intrusion of CVOC vapors associated with previous land uses, which would significantly impact human health.

Incorporation of Mitigation Measure 4.12-10 will reduce potential impacts associated with intrusion of CVOC vapors into future buildings on parcel H-3 (Potential Significant Impact 4.12-11) to below a level of significance.

#### **4.10.12 Potential Significant Impact (4.12-12)**

Short-term potential to encounter contamination during excavation, demolition, and construction activities associated with development of the RCC would be considered a significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.12-1 above also apply to Potential Significant Impact 4.12-12. Chemicals of potential concern were considered “non-detect” for all locations on Parcel H-3. Although excavation, demolition, and construction activities would be short-term, the potential to encounter contamination during such activities associated with development of the RCC is considered a significant impact.

In order to mitigate for short-term potential impacts associated with encountering contamination during excavation, demolition, and construction activities associated with development of the RCC, the Port and City will implement Mitigation Measure 4.12-1. As discussed within the analysis under Potential Significant Impact 4.12-1 above, Mitigation Measure 4.12-1 states that the project applicant is required to consult with lead regulatory agency (RWQCB/DEH/DTSC) to determine the appropriate course of action regarding areas of concern described in the permit based on the planned future site use. Remediation of contaminated soil and/or groundwater in these areas will meet cleanup requirements established by the local regulatory agency based on the planned future use of the area and will be protective of human health with regard to future

occupants of these areas. The project applicant will be required to provide documentation showing that remediation has met the requirements established by the local regulatory agencies.

Also, Mitigation Measure 4.12-1 states that in order to confirm the completion of any remediation required for development of the site, the Project applicant must obtain written authorization from the regulatory agency (RWQCB/DEH/DTSC) stating that all requirements acceptable to the governing agency have been met and that the proposed development parcel has been cleaned up or is in process to the satisfaction of the regulatory agency.

To address unknown contaminants, Mitigation Measure 4.12-1 requires that a Soil and Water Management Plan (SWMP) for Phase I activities be prepared. The SWMP will 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 must be approved by the Port and/or City prior to commencement of excavation, grading, demolition or construction.

Lastly, to minimize impacts regarding exposure of construction personnel to hazardous materials and contaminated soils, Mitigation Measure 4.12-1 requires that if hazardous waste is discovered during construction activities the Port and/or City ensure compliance with State of California CCR Title 23 Health and Safety Regulation. Excavated soils impacted by hazardous materials or waste will be characterized and disposed of in accordance with CCR Title 14 and 22. The San Diego RWQCB will be contacted regarding provisions for possible reuse as backfill of soils impacted by hydrocarbons. Excavated soils will be lined and covered with an impermeable material to prevent spread of contaminated material. Also, the Project applicant is required to have an Industrial Hygienist registered in the State of California on site while working in areas where contamination is encountered. The responsibility of this professional would be to monitor the work site for contamination and to implement mitigation measures as needed to prevent exposure to the workers or the public.

Incorporation of Mitigation Measure 4.12-1 will reduce short-term potential impacts regarding contamination encountered during excavation, demolition, and construction activities associated with development of the RCC (Potential Significant Impact 4.12-12) to below a level of significance.

#### **4.10.13 Potential Significant Impact (4.12-13)**

Dewatering activities associated with the construction of the RCC could expose construction personnel to contaminated soils. Although temporary, this impact would be significant.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impacts 4.12-11 and 4.12-12 above also apply to Potential Significant Impact 4.12-13. In addition to impacts resulting from excavation, demolition, and construction activities, the potential for exposure to contaminated soils during dewatering activities is considered a significant impact.

In order to mitigate for temporary and significant impacts associated with dewatering activities exposing construction personnel to contaminated soils, the Port and City will implement Mitigation Measure 4.12-1 to ensure that dewatering activities during construction be limited to the extent practicable and water generated by dewatering be tested to determine treatment and disposal options in accordance with all applicable laws and regulations. Additionally, if contaminated materials are encountered on site during construction activities, the Project applicant must have an Industrial Hygienist registered in the State of California on site. The responsibility of this professional would be to monitor the work site for contamination and to implement mitigation measures as needed to prevent exposure to the workers or public. These measures may include signage and dust control.

Incorporation of Mitigation Measure 4.12-1 will reduce potential impacts resulting from dewatering activities exposing construction personnel to contaminated soils (Potential Significant Impact 4.12-13) to below a level of significance.

**4.10.14 Potential Significant Impact (4.12-14)**

The existence of soils within three exposure areas on Parcel HP-5 containing COPC concentrations in excess of health-based remediation criteria is considered a significant impact.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.



### Facts in Support of Finding

The facts in support of the finding for Potential Significant Impact 4.12-11 above also apply to Potential Significant Impact 4.12-13. An HHRA prepared by Haley & Aldrich (July 2007) assesses the potential adverse health risks to future human receptors from exposures during and after redevelopment. These results are summarized in Geocon's April 2008 Phase I report (see *Appendix 4.12-3* in the FEIR). The HHRA shows three exposure areas (EAs) that are within or overlapping into HP-5 that have COPC concentrations in soil that exceed health-based remediation criteria. The EAs depicted in the HHRA are based on assumed "typical lot exposure areas" and "building footprint exposure areas." However, these areas are based on only one to three samples that exceed the health-based remediation criteria. The existence of soils on Parcel HP-5 that exceed health-based remediation criteria is considered a significant impact.

In order to mitigate for impacts associated with the existence of soils on Parcel HP-5 that contain COPC concentrations in excess of health-based remediation criteria, the Port and City will implement Mitigation Measure 4.12-11, to include the following:

- A. Remediation in soil locations identified as exceeding health-based remediation criteria shall be performed prior to redevelopment as targeted "hotspot" removal with confirmation sampling to demonstrate that the COPCs have been removed and concentrations in remaining soil are less than the remediation criteria.
- B. Remediation of the areas of HP-5 that contain COPCs at concentrations exceeding remediation criteria shall be completed prior to construction activities depending on the design of proposed development and the potential for workers to be exposed to contamination in these areas.
- C. Remediation of the areas of HP-5 that contain concentrations of CVOCs may be performed by various methods, including soil vapor extraction and treatment. Any required remediation shall be performed prior to construction activities in order to protect construction workers in these areas. This parcel shall be remediated to levels adequate to protect human health and the environment.

Mitigation Measure 4.12-11 requires that remediation of areas with contaminated soils exceeding health-based remediation criteria be performed prior to redevelopment and that confirmation sampling be provided by the Project applicant to demonstrate that the COPCs have been removed and concentrations in remaining soil are less than the remediation criteria. Additionally, remediation of the areas of HP-5 that contain COPCs at concentrations exceeding remediation criteria will be performed prior to construction activities in order to protect construction workers in these areas.

Incorporation of Mitigation Measure 4.12-11 will reduce impacts associated with risk of exposure to COPC concentrations on Parcel HP-5 (Potential Significant Impact 4.12-14) to below a level of significance.

#### **4.10.15 Potential Significant Impact (4.12-15)**

The existence of soil gas within three exposure areas on Parcel HP-5 containing CVOC concentrations in excess of health-based remediation criteria is considered a significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.12-14 above also apply to Potential Significant Impact 4.12-15. In addition to the three EAs discussed above that contain COPC concentrations in the soil that exceeds health-based remediation criteria, the HHRA also depicted three EAs near or overlapping onto HP-5 with concentrations of CVOCs in soil gas that exceed health-based remediation criteria. This would be considered a significant impact.

In order to mitigate for impacts associated with the existence of soil gas on Parcel HP-5 that contain COVC concentrations in excess of health-based remediation criteria, the Port and City will implement Mitigation Measure 4.12-11 to require that remediation of the areas of HP-5 that contain concentrations of CVOCs be performed by various methods, including soil vapor extraction and treatment. Any required remediation shall be performed prior to construction activities in order to protect construction workers in these areas.

Mitigation Measure 4.12-11 requires that areas in HP-5 containing concentration of CVOCs in excess of health-based remediation criteria be remediated. Various methods of remediation may be employed, however, remediation must occur prior to construction activities to ensure that the health of construction workers in these areas is protected.

Incorporation of Mitigation Measure 4.12-11 will reduce impacts associated with risk of exposure to COVC concentrations on Parcel HP-5 (Potential Significant Impact 4.12-15) to below a level of significance.

#### **4.10.16 Potential Significant Impact (4.12-16)**

CVOCs from the northeast corner of HP-5 could potentially migrate in the future and enter a Proposed Project building. This would be considered a significant impact.

##### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impacts 4.12-14 and 4.12-15 above also apply to Potential Significant Impact 4.12-16. According to the HHRA, groundwater is impacted with CVOCs beneath HP-5, H-13, and H-14. One EA on the northeast corner of HP-5 exceeds health-based remediation criteria. The location of CVOCs at this EA is relatively shallow (A zone). The route of exposure to CVOCs in shallow A zone is through volatilization to indoor air. The uncertainty with regard to future migration of CVOCs from the northeast corner of HP-5 presents a significant impact.

In order to mitigate for the potential future migration of CVOCs from the northeast corner of HP-5 into a Proposed Project building, the Port and City will implement Mitigation Measure 4.2-10 to require that prior to the approval of Design Review for development on Parcels H-3, H-13, H-14, H-15, and HP-5, the applicant shall submit a design plan for the project demonstrating to the satisfaction of the City and/or Port that proposed buildings shall be designed so as to prevent a risk to human health associated with intrusion of CVOC vapors into future buildings on these parcels. Such design measures may include vapor barriers or passive vent systems..

The incorporation of design measures such as vapor barriers and passive vent systems into developments proposed on HP-5 will ensure that migrating CVOCs from the northeast corner of HP-5 do not enter Proposed Project buildings and pose a significant threat to human health.

Incorporation of Mitigation Measure 4.12-10 will reduce potential migration of CVOCs from the northeast corner of HP-5 (Potential Significant Impact 4.12-16) to below a level of significance.

#### **4.10.17 Potential Significant Impact (4.12-17)**

Although excavation, demolition, and construction activities would be short-term, the potential to encounter contamination during such activities associated with development of Parcels H-13 or H-14 would be considered a significant impact.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.12-14 above also apply to Potential Significant Impact 4.12-17. The results of the L-Ditch sampling were not compared to human health screening criteria but were only evaluated with respect to potential effects on ecological receptors. The lack of a human health screening may be due to the limited access to and human use of the L-Ditch. A comparison of the sampling results against human health screening criteria suggests that the L-Ditch would not appear to be a significant source of contamination that would be a threat to human health under a commercial land use scenario. While the Haley & Aldrich report did not provide recommendations for further assessment or remedial action, a letter from the RWQCB to B.F. Goodrich, dated March 1, 2007, acknowledges and supports further study of potential remedial alternatives for the L-Ditch.

CVOCs and PCBs were not detected in soil samples from Parcels H-13 or H-14 and no exposure areas are known to exist on H-13 or H-14. Groundwater impacted with CVOCs beneath Parcels H-13 and H-14 did not exceed health-based remediation criteria. Although excavation, demolition, and construction activities would be short-term, the potential to encounter contamination during such activities associated with development of Parcels H-13 or H-14 would be considered a significant impact.

In order to mitigate for impacts associated with excavation, demolition, and construction activities encountering contamination during development of Parcels H-13 or H-14, the Port and City will implement Mitigation Measure 4.12-1, as described in the analysis for Potential Significant Impact 4.12-1 above.

Incorporation of Mitigation Measure 4.12-1 will reduce impacts associated with excavation, demolition, and construction activities encountering contamination during development of Parcels H-13 or H-14 (Potential Significant Impact 4.12-17) to below a level of significance.

**4.10.18 Potential Significant Impact (4.12-18)**

The potential for exposure to contaminated soils during dewatering activities associated with development of Parcels H-13 or H-14 would be considered a significant impact.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impacts 4.12-14 and 4.12-17 above also apply to Potential Significant Impact 4.12-18. In addition to the potential impacts discussed under the analysis for Potential Significant Impact 4.12-17 above, the potential for exposure to contaminated soils during dewatering activities would be considered a significant impact.

In order to mitigate for impacts associated with excavation, demolition, and construction activities encountering contamination during development of Parcels H-13 or H-14, the Port and City will implement Mitigation Measure 4.12-1 to require that dewatering activities during construction be limited to the extent practicable and water generated by dewatering be tested to determine treatment and disposal options in accordance with all applicable laws and regulation. Additionally, in the event that grading or construction activities result in the discovery of hazardous waste, the Port and/or City shall ensure compliance with State of California CCR Title 23 Health and Safety Regulation. Excavated soils impacted by hazardous materials or waste shall be characterized and disposed of in accordance with CCR Title 14 and 22. The San Diego RWQCB shall be contacted regarding provisions for possible reuse as backfill of soils impacted by hydrocarbons. Excavated soils shall be lined and covered with an impermeable material to prevent spread of contaminated material.

The applicant must have an Industrial Hygienist registered in the State of California on site while working in areas where contamination is encountered. The responsibility of this professional would be to monitor the work site for contamination and to implement mitigation measures as needed to prevent exposure to the workers or public. These measures may include signage and dust control.

Incorporation of Mitigation Measure 4.12-1 will reduce impacts associated with dewatering activities during development of Parcels H-13 or H-14 (Potential Significant Impact 4.12-18) to below a level of significance.

#### **4.10.19 Potential Significant Impact (4.12-19)**

Two overlapping EAs with concentrations of CVOCs in soil gas that exceed health-based remediation criteria exist on Parcel H-15. Both of these EAs are near or overlap onto the adjacent

HP-5 parcel. The uncertainty with regard to future migration of CVOCs from the EAs on H-15 presents a potentially significant impact.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

Project level analysis for hazardous materials was conducted for Parcel H-15. Haley & Aldrich's HHRA depicts five EAs based on soil samples on H-15. The HHRA does not specify remediation based on findings of low or non-detected concentrations of COPCs in the soil on this parcel.

Two overlapping EAs with concentrations of CVOCs in soil gas that exceed health-based remediation criteria exist on Parcel H-15. Both of these EAs are near or overlap onto the adjacent HP-5 parcel. The uncertainty with regard to future migration of CVOCs from the EAs on H-15 presents a potentially significant impact.

In order to mitigate for impacts associated with risk of exposure to CVOC vapors beneath Parcel H-15, the Port and City will implement Mitigation Measure 4.12-10, requiring that prior to the approval of Design Review for development on Parcels H-3, H-13, H-14, H-15, and HP-5, the applicant shall submit a design plan for the project demonstrating to the satisfaction of the City and/or Port that proposed buildings shall be designed so as to prevent a risk to human health associated with intrusion of CVOC vapors into future buildings on these parcels. Such design measures may include vapor barriers or passive vent systems.

Incorporation of Mitigation Measure 4.12-10 will reduce impacts associated with risk of exposure to CVOC vapors beneath Parcel H-15 (Potential Significant Impact 4.12-19) to below a level of significance.

#### **4.10.20 Potential Significant Impact (4.12-20)**

The uncertainty with regard to future migration of CVOCs in groundwater on Parcel H-15 presents a significant impact to future development on Parcel H-15.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.12-19 above also apply to Potential Significant Impact 4.12-20. Similar to the soil gas findings, groundwater beneath H-15 is also impacted with CVOCs, primarily beneath the southern Portion of former Building 30 and the northern half of former Building 5. The uncertainty with regard to future migration of CVOCs in groundwater on Parcel H-15 presents a significant impact.

In order to mitigate for potential impacts associated with future migration of CVOCs in groundwater on Parcel H-15, the Port and City will implement Mitigation Measure 4.12-10, requiring that prior to the approval of Design Review for development on Parcels H-3, H-13, H-14, H-15 and HP-5, the applicant shall submit a design plan for the project demonstrating to the satisfaction of the City and/or Port that proposed buildings shall be designed so as to prevent a risk to human health associated with intrusion of CVOC vapors into future buildings on these parcels. Such design measures may include vapor barriers or passive vent systems.

Incorporation of Mitigation Measure 4.12-10 will reduce impacts associated with risk of exposure to CVOC in groundwater on Parcel H-15 (Potential Significant Impact 4.12-20) to below a level of significance.

## **4.11 Public Services**

### **4.11.1 Potential Significant Impact (4.13.1-1)**

Construction of the new fire station (resulting from increased demand for services due to the change in land uses to that of an RCC, residential uses, and associated facilities) could result in potentially significant impacts to water quality, air quality, noise, hazards, and geology and soils.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

Phase I project level components would increase the demand for fire protection services due to the change in land uses to that of an RCC, residential uses, and associated facilities. In order to meet the increased demand for fire protection services generated by the Proposed Project, a fire station is proposed as a Phase I project level component. As discussed in the FEIR, the proposed fire station shall be constructed, staffed, and operational prior to the issuance of any certificate of occupancy for the RCC and prior to issuance of the first building permit for development on Parcels H-13 and H-14.

Construction of the new fire station could cause temporary impacts to water quality, air quality, noise, and geology and soils resulting from construction-related activities. These impacts will be less than significant. Construction of the new fire station could result in potentially significant impacts to water quality, air quality, noise, hazards, and geology and soils unless mitigated.

In order to mitigate for impacts associated with the construction of a new fire station, mitigation measures discussed in several sections of the EIR will be implemented. The mitigation measures outlined in *Section 4.5, Hydrology and Water Quality*; *Section 4.6, Air Quality*; *Section 4.7, Noise*; *Section 4.12, Hazards and Hazardous Materials/Public Safety*; and *Section 4.15, Geology and Soils* of the FEIR are required to reduce Significant Impact 4.13.1-1 to below a level of significance. Specifically, Mitigation Measures 4.5-2, 4.5-3, 4.6-1, 4.7-5, 4.7-9, 4.12-1, 4.12-2, 4.12-4, 4.12-6, and 4.15-1 will reduce these impacts to below a level of significance. These mitigation measures are addressed in the appropriate sections of the findings and the FEIR. Impacts associated with construction of the new facility will therefore be less than significant.

#### **4.11.2 Potential Significant Impact (4.13.3-1)**

Development of the Proposed Project would result in temporary, short-term significant impacts to park and recreation levels of service due to temporary closure of existing area parks during project construction.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

Construction activity related to implementation of Phases II, III, and IV development includes the reconfiguration and reconstruction of the existing Bayfront Park and Marina View Park. The



reconstruction would result in the temporary closure of the parks and therefore would result in a short-term impact to the delivery of park and recreation levels of service. At the completion of Phases II, III, and IV, development of the reconstructed Bayfront Park and Marina View Park and the addition of South Park would be complete, resulting in the delivery of reconstructed and expanded parkland acreage and thereby mitigating the temporary, short-term impacts to park and recreation levels of service.

Development of the Proposed Project would result in temporary, short-term significant impacts to park and recreation levels of service due to temporary closure of existing area parks during project construction.

In order to mitigate for impacts associated with temporary closure of existing area parks, prior to the reconstruction and/or reconfiguration of existing parks within the Project, the Port shall post a public notice at each affected park site at least 30 days prior to commencement of construction activity and maintain the posting throughout reconstruction of each affected park. Said public notice shall identify the duration of park closure and information related to optional locations for public park and recreational facilities.

Mitigation Measure 4.13.3-1 would notify park users of temporary park closures and would also notify park users of optional locations for public park and recreational facilities. The Port would post a notice at each affected park site at least 30 days prior to the beginning of construction activities. Postings will remain throughout the duration of construction activities.

Incorporation of Mitigation Measure 4.13.3-1 will reduce impacts associated with temporary closure of existing area parks (Potential Significant Impact 4.13.3-1) to below a level of significance.

#### **4.11.3 Potential Significant Impact (4.13.3-2)**

The introduction of residential units and hotel rooms within the City's jurisdiction in the project area would result in potentially significant impacts due to an increase in demand for developed parkland and recreation facilities.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.13.3-1 above also apply to Potential Significant Impact 4.13.3-2. The introduction of residential units and hotel rooms within the City's jurisdiction in the project area during Phases II, III, and IV would result in potentially significant impacts due to an increase in demand for developed parkland and recreation facilities.

In order to mitigate for impacts associated with increased demand for park facilities due to the introduction of residential units and hotel rooms during Phases II, III, and IV of the Proposed Project, the City will implement Mitigation Measure 4.13.3-2 to require that prior to the approval of a building permit for any project within the City's jurisdiction, the applicant shall pay all applicable recreation and park fees, including those set forth in Chapters 3.50 and 17.10 in the City's Municipal Code.

Mitigation Measure 4.13.3-2 requires project applicants to pay all recreation and park fees prior to approval of a building permit. Recreation and park fees would be used to create new parks or maintain and expand existing parks.

Incorporation of Mitigation Measure 4.13.3-2 will reduce impacts associated with an increase in demand for developed parkland and recreation facilities (Potential Significant Impact 4.13.3-2) to below a level of significance.

**4.11.4 Potential Significant Impact (4.13.4-1)**

The addition of 819 students during Phase I of development would have a significant impact on Chula Vista Elementary School District (CVESD) and the Sweetwater Union High School District (SUHSD), requiring the construction of new facilities.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

At the present time, the existing elementary school in the Project vicinity (Mueller Elementary School) is operating very close to capacity, and the middle and high schools in the Project vicinity are operating at capacity. The SUHSD has not determined which schools would serve the Project but has requested that the applicant assist the district with expansion of school facilities, possibly through reservation of land and financing of new construction. As shown in

Table 4.13-10 of the FEIR, the Proposed Project would generate approximately 525 elementary school students, 147 middle school students, and 147 high school students during Phase I, for a total of approximately 819 students. The addition of 525 new elementary school students would exceed the capacity of the CVESD; therefore, the CVESD would need new facilities to accommodate the additional elementary school students. Because the SUHSD is operating at capacity, the SUHSD would also need new facilities to serve the middle and high school students generated during Phase I development. Therefore, the addition of 819 students during Phase I would have a significant impact on CVESD and SUHSD.

In order to mitigate for impacts to CVESD and SUHSD resulting from 819 new students due to Phase I of the Proposed Project, the City will implement Mitigation Measure 4.13.4-1, requiring that prior to the issuance of building permits for any residential project, the applicant shall pay required school mitigation fees. As indicated above, the fees set forth in Government Code Section 65996 constitute the exclusive means of both “considering” and “mitigating” school facilities impacts of projects (Government Code Section 65996(a)). They are “deemed to provide full and complete school facilities mitigation” (Government Code Section 65996(b)). Once the statutory school mitigation fee (sometimes referred to as a “developer fee”) is paid, the impact would be deemed mitigated as a matter of law. Mitigation Measure 4.13.4-1 requires the payment of school mitigation fees to mitigate for the increased demand placed on school facilities within CVESD and SUHSD.

Incorporation of Mitigation Measure 4.13.4-1 will reduce impacts associated with increased demand to local school districts due to Phase I development of the Proposed Project (Potential Significant Impact 4.13.4-1) to below a level of significance.

#### **4.11.5 Potential Significant Impact (4.13.4-2)**

As a result of the increased demand on local school districts due to the Proposed Project, the construction of new school facilities is necessary.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The Proposed Project would require the construction of new school facilities. Provision of school facilities is the responsibility of the school district when additional demand warrants such new facilities. Potential school sites must be approved by the California Department of Education

following extensive environmental review. The California Department of Education has prepared a School Site Selection and Approval Guide to help school districts select school sites that provide both a safe and supportive environment for the instructional program and the learning process and to gain State approval for the selected sites. Selecting the most appropriate site for a school is an important consideration for a school district and the school community. The location, size, and shape of a school site can materially affect the educational program and opportunities for students. Safety is the first consideration in the selection of school sites. Certain health and safety requirements are governed by State regulations and the policies of the California Department of Education. In selecting a school site, the selection team should consider the following factors: (1) proximity to airports; (2) proximity to high-voltage power transmission lines; (3) presence of toxic and hazardous substances; (4) hazardous air emissions and facilities within a quarter-mile; (5) other health hazards; (6) proximity to railroads; (7) proximity to high-pressure natural gas lines, gasoline lines, pressurized sewer lines, or high-pressure water pipelines; (8) proximity to propane tanks; (9) noise; (10) proximity to major roadways; (11) results of geological studies and soils analyses; (12) condition of traffic and school bus safety; (13) safe routes to school; and (14) safety issues for joint-use projects. Because the location of a school site within the jurisdiction of the school district is currently unknown, the school district will take all of these factors into consideration prior to selecting a school site.

In order to mitigate for impacts associated with the unknown location of school sites to be constructed by the Proposed Project, the City will implement Mitigation Measure 4.13.4-1 as described above. Mitigation Measure 4.13.4-1 requires the payment of school mitigation fees to mitigate for the increased demand placed on school facilities within CVESD and SUHSD.

Incorporation of Mitigation Measure 4.13.4-1 will reduce impacts associated with increased demand to local school districts due to Phase I development of the Proposed Project (Potential Significant Impact 4.13.4-2) to below a level of significance.

## **4.12 Public Utilities**

### **4.12.1 Potential Significant Impact (4.14.1-1)**

Off-site improvement to public utilities could result in noise impacts that would affect residents. This would be a significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### Facts in Support of Finding

The installation of major infrastructure for the Sweetwater and Harbor Districts would occur in Phase I and the major infrastructure for the Otay District would be constructed in future phases. As noted in *Section 4.7, Noise*, of the FEIR, construction for each phase can be divided into two main categories, site preparation and building construction. Noise effects occur primarily during site preparation with the grading of the site and construction of infrastructure.

Construction of the on-site water system will occur during the site preparation phase of the Project. As with the other site preparation activities, a variety of noise-generating equipment would be used during the construction phase of the Project. This construction equipment may include dump trucks, graders, loaders, and concrete mixers, along with others. Phase I site preparation would include grading within the Sweetwater and Harbor Districts, the construction of the major access roads, and sewer and water infrastructure. Grading in subsequent phases would be limited to modifying the rough grading that occurred during Phase I. While it is anticipated that the development of all phases of the project could take 24 years, it is anticipated that site preparation in any given phase would last for a year or less. It should be noted that construction requiring connections to existing water facilities, both on and off site, may need to occur between the hours of 10:00 p.m. and 6:00 a.m. in order to minimize impacts to existing customers who cannot experience flow restrictions during daytime hours.

For the construction of all major pipeline segments, a trench would be excavated off site in the existing streets to allow installation of the new water mains. After completion of the installation, the trench would be backfilled and resurfaced to match the existing pavement. All of the off-site water mains would be constructed within existing street rights-of-way (ROWs). No easements for the new facilities are expected to be necessary; however, should easements be required, they would be subject to final review by Sweetwater Authority. Additional details related to the construction of the off-site water infrastructure, such as precise alignment and grade and associated appurtenances such as blowoffs, air-vac valves, and fire hydrants, would be determined during final design.

The type of equipment that will be used in construction can individually generate noise levels that range between 77 and 91 decibels (dB(A)) at 50 feet from the source. Using empirical data on the number and types of equipment at a construction site and their average cycle of operation, an estimate of 84 dB(A) Leq 50 feet from the site of construction was used (Bolt, Beranek, and Newman, Inc. 1971). The estimated 84 dB noise level used for assessing construction impacts is based on the number of each item of equipment typically present at a site, the length of the duty cycles of the equipment, and the average noise levels during operation.

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

The analysis presented in *Section 4.7, Noise* of the FEIR indicates that construction activities in the Harbor District would occur between an area as far away as 1,400 feet to a location adjacent to the Marina. The projected noise levels at the marina could be as high as 74 dB(A). The potential for a 74 dB(A) hourly Leq for construction noise at the marina would be a significant impact. In Phase I, the project would construct residential and park uses near the center of the Project site. During Phases II through IV, these uses could be exposed to construction noise levels of 85 dB(A) Leq, depending upon the location of the construction relative to the sensitive user.

In addition, the construction of off-site water system improvements during Phase I would affect residences. These improvements would occur within J Street between Bay Boulevard and 2nd Avenue. Because the construction of off-site improvements could result in noise impacts that would affect residents in those areas, noise impacts would be significant.

In order to mitigate for impacts associated with off-site improvement to public utilities resulting in noise impacts that would affect residents, the Port and City will implement Mitigation Measure 4.14.1-1, to include the following:

- Construction activity shall be prohibited Monday through Friday from 10:00 PM to 7:00 AM, and Saturday and Sunday from 10:00 PM to 8:00 AM, pursuant to the Chula Vista Municipal Code Section 17.24.050 (Paragraph J). It should be noted, however, that construction may require connections to existing water facilities, both on- and off-site, and may need to occur between the hours of 10:00 PM and 6:00 AM in order to minimize impacts to existing customers who cannot experience flow restrictions during daytime hours.
- All stationary noise generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors. Where practicable, noise-generating equipment shall be shielded from noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, equipment storage, staging, and warm-up areas shall be located as far from noise sensitive receptors as possible.
- All construction equipment powered by gasoline or diesel engines shall have sound control devices at least as effective as those originally provided by the manufacturer; no equipment shall be permitted to have an unmuffled exhaust.
- Any impact tools used during demolition of existing infrastructure shall be shrouded or shielded, and mobile noise generating equipment and machinery shall be shut off when not in use.

- Construction vehicles accessing the site shall be required to use the shortest possible route to and from I-5, provided the route does not expose additional 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.

Mitigation Measure 4.14.1-1 will minimize the potential for noise impacts due to off-site improvements to public utilities by limiting construction activity to Monday through Friday from 10:00 PM to 7:00 AM, and Saturday and Sunday from 10:00 PM to 8:00 AM (pursuant to the Chula Vista Municipal Code Section 17.24.050), locating noise generating equipment away from sensitive receptors so as to not impact residents, requiring gasoline and diesel powered equipment to be equipped with effective sound control devices to muffle construction noise, requiring impact construction tools to be shielded or shrouded, requiring that construction vehicles to access Project sites use the shortest possible route to and from I-5 to limit construction vehicle noise, and requiring low sound level and low acoustic height construction equipment be selected to ensure that impacts from construction noises are minimized.

Incorporation of Mitigation Measure 4.14.1-1 will reduce impacts associated with off-site improvement to public utilities resulting in noise impacts that would affect residents (Potential Significant Impact 4.14.1-1) to below a level of significance.

#### **4.12.2 Potential Significant Impact (4.14.1-2)**

Because subsequent phases of development could result in noise impacts that would affect uses created during the Phase I of development, noise impacts would be significant.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.14.1-1 above also apply to Potential Significant Impact 4.14.1-2. In the City of Chula Vista, construction noise is exempt from the noise ordinance, although construction activities must comply with the hours set by the City's Municipal Code. Pursuant to the Municipal Code, construction would be prohibited Monday through Friday from 10:00 PM to 7:00 AM, and from 10:00 PM to 8:00 AM on Saturdays and Sundays. It should be noted, however, that construction may require connections to existing water facilities, both on and off site, and may need to occur between the hours of 10:00 p.m. and

6:00 a.m. in order to minimize impacts to existing customers who cannot experience flow restrictions during daytime hours.

Therefore, construction noise during these subsequent phases of the project could affect the sensitive uses established through the development of Phase I. Subsequent analysis of construction noise impacts would be needed during the CEQA review process of Phases II through IV. Because subsequent phases of development could result in noise impacts that would affect uses created during the Phase I of development, noise impacts would be significant

As stated under the analysis for Potential Significant Impact 4.14.1-1 above, Mitigation Measure 4.14.1-1 will minimize the potential for noise impacts due to off-site improvements to public utilities by limiting construction activity to Monday through Friday from 10:00 PM to 7:00 AM, and Saturday and Sunday from 10:00 PM to 8:00 AM (pursuant to the Chula Vista Municipal Code Section 17.24.050), locating noise generating equipment away from sensitive receptors so as to not impact residents, requiring gasoline and diesel powered equipment to be equipped with effective sound control devices to muffle construction noise, requiring impact construction tools to be shielded or shrouded, requiring that construction vehicles to access Project sites use the shortest possible route to and from I-5 to limit construction vehicle noise, and requiring low sound level and low acoustic height construction equipment be selected to ensure that impacts from construction noises are minimized.

Incorporation of Mitigation Measure 4.14.1-1 will reduce impacts to uses created during the Phase I of development resulting from construction noise associated with subsequent phases of development (Potential Significant Impact 4.14.1-2) to below a level of significance.

#### **4.12.3 Potential Significant Impact (4.14.1-3)**

Projected noise levels at the edge of the Sweetwater Marsh National Wildlife Refuge resulting from construction could be as high as 77 dB. During the breeding season, this would be a significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.14.1-1 above also apply to Potential Significant Impact 4.14.1-3. Construction and operational noise would have the



potential to adversely affect birds nesting and foraging in the Sweetwater Marsh NWR located north of the Project site. Noise levels are not to exceed 60 dB(A) Leq during breeding season. With a noise source of 84 dB during construction, a noise level of 60 dB is achieved with a direct line of sight to the noise source, when the receiver is approximately 800 feet from the source.

Projected noise levels at the edge of the refuge resulting from construction could be as high as 77 dB. During the breeding season, this would be a significant impact.

In order to mitigate for impacts resulting from construction noise at the edge of the Sweetwater Marsh National Wildlife Refuge during the breeding season, the Port and City will implement Mitigation Measure 4.14.1-2 to require that construction-related noise from off-site water improvements be limited during the typical breeding season of January 15 to August 31 adjacent to the Sweetwater Marsh NWR, F & G Street Marsh, and the J Street Marsh. The current accepted noise threshold is 60 dB(A) Leq; thus construction activity shall not exceed this level, or ambient noise levels if higher than 60 dB(A) during the breeding season. If construction does occur within the breeding season or adjacent to the marshes, the Project developer shall prepare and submit an acoustical analysis to the Port and/or City, which shall determine whether noise barriers would be required to reduce the expected noise levels below the threshold. If noise barriers or construction activities are unable to result in a level of noise below the threshold, construction in these areas shall be delayed until the end of the breeding season.

Incorporation of Mitigation Measure 4.14.1-2 will reduce impacts associated with construction-related noise impacts from off-site water improvements on breeding birds in the adjacent wildlife refuge (Potential Significant Impact 4.14.1-3) to below a level of significance.

#### **4.12.4 Potential Significant Impact (4.14.1-4)**

Construction of major infrastructure on site and off site would also result in temporary significant traffic impacts for road segments and ROWs within the Project area and outside of the Project boundaries.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.14.1-1 above also apply to Potential Significant Impact 4.14.1-4. For the construction of all pipeline segments, a trench

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

would be excavated off site in the existing streets to allow installation of the new water mains. After completion of the installation, the trench would be backfilled and resurfaced to match the existing pavement. All major on-site and off-site pipelines would be installed in proposed and existing street ROWs. Additional details of the off-site water main construction such as precise alignment and grade and associated appurtenances such as blowoffs, air-vac valves, and fire hydrants would be determined during final design.

Construction of major infrastructure on site and off site would also result in temporary traffic impacts. Depending on the location (on site and off site), equipment, and type of work being performed, vehicular and pedestrian traffic may have to be rerouted, and/or slowed. This would be a temporary but significant impact for road segments and ROWs within the Project area and outside of the Project boundaries.

In order to mitigate for impacts associated with temporary construction-related traffic impacts in Phases I and II, the Port and City will implement Mitigation Measure 4.14.1-3, to include the following:

- A. Prior to commencement of grading activities for all Phase I projects, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).
- B. Prior to commencement of grading activities for all subsequent phases, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).

Mitigation Measure 4.14.1-3 requires the Project applicant to prepare and submit to the Port and City for approval a traffic control plan that will minimize traffic impacts associated with temporary construction related impacts. Traffic control plans specify the hours in which construction activities will occur, identify necessary road closures, exact locations of work zones, traffic control measures, and the location of traffic signal operation and equipment.

Incorporation of Mitigation Measure 4.14.1-3 will reduce impacts associated with temporary construction-related traffic impacts in Phases I and II (Potential Significant Impact 4.14.1-4) to below a level of significance.

#### **4.12.5 Potential Significant Impact (4.14.2-1)**

Because the City does not have capacity for future sewage generation, the City would not have adequate capacity to serve the additional 1.328 million gallons per day (MGD) generated by the Proposed Project. This would be a significant impact.

##### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

The City anticipates a future sewage generation rate of 26.2 MGD, which would require an additional needed capacity of 5.336 MGD after 2031 (build-out). This results from all the projects envisioned in the current General Plan. Because the City does not have capacity for future sewage generation, the City would not have adequate capacity to serve the additional 1.328 MGD generated by the Proposed Project. Although additional capacity is being negotiated in the Metropolitan Wastewater Department (MWWD) sewer interceptor, the capacity is currently not available. This is a significant impact.

In order to mitigate for impacts associated with future sewer demand due to the Proposed Project, prior to the approval of a building permit for any development in Phases III and IV, the City shall verify that it has adequate sewer capacity to serve the proposed development. In the event the City does not have adequate sewer capacity to serve the proposed development, no building permit shall be approved for the proposed development until the City has acquired adequate sewer capacity to serve the proposed development.

Mitigation Measure 4.14.2-1 requires that prior to building permit approval, the City must verify that there is adequate sewer capacity to serve the proposed development. If adequate sewer capacity does not exist, then no building permit shall be approved.

Incorporation of Mitigation Measure 4.14.2-1 will reduce impacts associated with insufficient sewage capacity resulting from the Proposed Project (Potential Significant Impact 4.14.2-1) to below a level of significance.

#### **4.12.6 Potential Significant Impact (4.14.2-2)**

Construction of off-site water system improvements during Phases II through IV of development could result in significant noise impacts that would affect uses created during Phase I of development.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

**Facts in Support of Finding**

The installation of major sewer infrastructure for the Sweetwater and Harbor Districts would occur in Phase I and the major infrastructure for the Otay District would be constructed during Phase II. As noted in *Section 4.7, Noise* of the FEIR, construction for each phase can be divided into two main categories, site preparation and building construction. Noise effects occur primarily during site preparation with the grading of the site and construction of infrastructure.

Construction of the on-site sewer system would occur during the site preparation phase (Phase I) of the Proposed Project. As with the other site preparation activities, a variety of noise-generating equipment would be used during the construction phase of the project. This construction equipment may include dump trucks, graders, loaders, and concrete mixers, along with others. Phase I site preparation would include the grading of the entire Sweetwater and Harbor Districts, construction of the major access roads, and sewer and water infrastructure. Grading in subsequent phases would be limited to modifying the rough grading that occurred during Phase I. While it is anticipated that the development of all phases of the project could take 24 years, it is anticipated that site preparation in any given phase would last for a year or less.

For the construction of all major pipeline segments, a trench would be excavated off site in the existing streets to allow installation of the new sewer mains. After completion of the installation, the trench would be backfilled and resurfaced to match the existing pavement. All major sewer infrastructures would be installed in existing street ROWs. No easements for the new facilities would be required. Additional details related to the construction of the off site water infrastructure, such as precise alignment and grade would be determined during final design.

The type of equipment that will be used in construction can individually generate noise levels that range between 77 and 91 dB(A) at 50 feet from the source. Using empirical data on the number and types of equipment at a construction site and their average cycle of operation and estimate of 84 dB(A) Leq 50 feet from the site of construction was used (Bolt, Beranek, and Newman, Inc. 1971).

The estimated 84 dB noise level used for assessing construction impacts is based on the number of each item of equipment typically present at a site, the length of the duty cycles of the equipment, and the average noise levels during operation.

The analysis presented in the *Section 4.7, Noise*, of the FEIR indicates that construction activities in the Harbor District would occur between an area as far away as 1,400 feet to a location adjacent to the Marina. The projected noise levels at the marina could be as high as 74 dB(A). The potential for a 74 dB(A) hourly Leq for construction noise at the marina would be a significant impact. In Phase I, the Project would construct residential and park uses near the center of the Project site. During Phases II, III, and IV these uses could be exposed to construction noise levels of 85 dB(A) Leq, depending upon the location of the construction relative to the sensitive user.

In the City, construction noise is exempt from the noise ordinance, although construction activities must comply with the hours set by the City's Municipal Code. Pursuant to the Municipal Code, construction would be prohibited Monday through Friday from 10:00 PM to 7:00 AM, and from 10:00 PM to 8:00 AM on Saturdays and Sundays. Therefore, construction noise during these subsequent phases of the Project could affect the sensitive uses established through the development of Phase I. Subsequent analysis of construction noise impacts would be needed during the CEQA review process of Phases II through IV. Because subsequent phases of development could result in noise impacts that would affect uses created during Phase I of development, noise impacts would be significant.

In order to mitigate for impacts resulting from construction-related noise impacts of sewer system improvements in all phases of development, the Port and City will implement Mitigation Measure 4.14.2-2, to include the following:

- Construction activity shall be prohibited Monday through Friday from 10:00 PM to 7:00 AM, and Saturday and Sunday from 10:00 PM to 8:00 AM, pursuant to the Chula Vista Municipal Code Section 17.24.050 (Paragraph J).
- All stationary noise-generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors. Where practicable, noise-generating equipment shall be shielded from noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, and equipment storage, staging, and warm-up areas shall be located as far from noise sensitive receptors as possible.
- All construction equipment powered by gasoline or diesel engines shall have sound control devices at least as effective as those originally provided by the manufacturer; no equipment shall be permitted to have an unmuffled exhaust.
- Any impact tools used during demolition of existing infrastructure shall be shrouded or shielded, and mobile noise generating equipment and machinery shall be shut off when not in use.

- Construction vehicles accessing the site shall be required to use the shortest possible route to and from I-5, provided the route does not expose additional receptors to noise.
- Construction equipment shall be selected as those capable of performing the necessary tasks with the lowest sound level and the lowest acoustic height possible to perform the required construction operation.

Mitigation Measure 4.14.12-2 will minimize the potential for noise impacts due to off-site improvements to public utilities by limiting construction activity to Monday through Friday from 10:00 PM to 7:00 AM, and Saturday and Sunday from 10:00 PM to 8:00 AM (pursuant to the Chula Vista Municipal Code Section 17.24.050, Paragraph J), locating noise generating equipment away from sensitive receptors so as to not impact residents, requiring gasoline and diesel powered equipment to be equipped with effective sound control devices to muffle construction noise, requiring impact construction tools to be shielded or shrouded, requiring that construction vehicles to access Project sites use the shortest possible route to and from I-5 to limit construction vehicle noise, and requiring low sound level and low acoustic height construction equipment be selected to ensure that impacts from construction noises are minimized.

Incorporation of Mitigation Measure 4.14.2-2 will reduce impacts resulting from construction-related noise impacts of sewer system improvements in all phases of development (Potential Significant Impact 4.14.2-2) to below a level of significance.

#### **4.12.7 Potential Significant Impact (4.14.2-3)**

Construction and operational noise during the breeding season would have the potential to significantly impact birds nesting and foraging in the Sweetwater Marsh NWR located north of the Project site.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.14.2-2 above also apply to Potential Significant Impact 4.14.2-3. Construction and operational noise would have the potential to adversely affect birds nesting and foraging in the Sweetwater Marsh NWR located north of the Project site. Noise levels are not to exceed 60 dB(A) Leq during breeding season. With a noise source of 84 dB during construction, a noise level of 60 dB is achieved with a direct line of sight to the noise source, when the receiver is approximately 800 feet from the source.

Projected noise levels at the edge of the refuge resulting from construction could be as high as 77 dB. During the breeding season, this would be a significant impact.

In order to mitigate for impacts associated with construction-related noise impacts on breeding birds in the Sweetwater Marsh National Wildlife Refuge, the Port and City shall require that construction-related noise be limited during the typical breeding season of January 15 to August 31 adjacent to the Sweetwater Marsh NWR, F & G Street Marsh, and the J Street Marsh. The current accepted noise threshold is 60 dB(A) Leq; thus construction activity shall not exceed this level, or ambient noise levels if higher than 60 dB(A) during the breeding season. If construction does occur within the breeding season or adjacent to the marshes, the Project developer shall prepare and submit an acoustical analysis to the Port and the City, which shall determine whether noise barriers would be required to reduce the expected noise levels below the threshold. If noise barriers or construction activities are unable to result in a level of noise below the threshold, construction in these areas shall be delayed until the end of the breeding season.

Mitigation Measure 4.14.2-3 requires that construction-related noise be limited during the typical January 15 to August 31 breeding season for construction activities adjacent to the Sweetwater Marsh National Wildlife Center. Further, construction-related noise will not be allowed to exceed 60 dB (A) Leq during the breeding season. If construction does occur during the breeding season, Mitigation Measure 4.14.2-3 protects nesting birds by requiring Project developers to prepare and submit acoustical analysis to determine if noise barriers would be required to reduce construction-related noise to below 60 dB (A) Leq. If noise barriers are unable to reduce construction-related noise at the Sweetwater Marsh National Wildlife Refuge to below 60 dB (A) Leq, construction in areas adjacent to the refuge shall be delayed until after the breeding season.

Incorporation of Mitigation Measure 4.14.2-3 will reduce impacts associated with construction-related noise impacts on breeding birds in the Sweetwater Marsh National Wildlife Refuge (Potential Significant Impact 4.14.2-3) to below a level of significance.

#### **4.12.8 Potential Significant Impact (4.14.2-4)**

Construction of major infrastructure on and off site would result in construction-related traffic impacts in Phases I and II. These impacts would be considered significant.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.14.2-2 above also apply to Potential Significant Impact 4.14.2-4. Construction of major infrastructure on site and off site would also result in temporary traffic impacts. Depending on the location (on site and off site), equipment, and type of work being performed, vehicular and pedestrian traffic may have to be rerouted, and/or slowed. This would be a temporary but significant impact for road segments and ROWs within the Project area and outside of the Project boundaries.

In order to mitigate for impacts associated with utility construction-related traffic in Phases I and II, the Port and City will implement Mitigation Measure 4.14.2-4, to include the following:

- A. Prior to commencement of grading activities for all Phase I projects, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).
- B. Prior to commencement of grading activities for all Phase II-IV projects, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).

Mitigation Measure 4.14.2-4 requires the Project applicant to prepare and submit to the Port and City for approval a traffic control plan that will minimize traffic impacts associated with temporary construction related impacts. Traffic control plans specify the hours in which construction activities will occur, identify necessary road closures, exact locations of work zones, traffic control measures, and the location of traffic signal operation and equipment.

Incorporation of Mitigation Measure 4.14.2-4 will reduce impacts associated with utility construction-related traffic in Phases I and II (Potential Significant Impact 4.14.2-4) to below a level of significance.

### **4.12.9 Potential Significant Impact (4.14.2-5)**

Temporary dewatering during construction could result in surface water and groundwater contamination and would be a significant impact.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.



### Facts in Support of Finding

The facts in support of the finding for Potential Significant Impact 4.14.2-2 above also apply to Potential Significant Impact 4.14.2-5. Temporary dewatering during construction would be required during the excavation of the wet wells and emergency storage vaults for the sewer lift stations due to the close proximity to the Bay and high groundwater. Construction-related dewatering would withdraw water from the aquifer, which could be contaminated, depending on the location in the plan area. The potential to contaminate runoff conflicts with the Basin Plan and the water quality objectives for the Bay, as well as policies relating to the discharge of contaminated water to the sewer system. The Project's potential to disturb contaminated soils and groundwater during construction activities would be a significant impact.

In order to mitigate for impacts associated with surface water and groundwater contamination resulting from construction activities, the Port and City will implement Mitigation Measure 4.14.2-5, to include the following:

- A. Prior to the issuance of a Coastal Development Permit for Properties within the Port's jurisdiction and prior to the issuance of a grading permit for properties within the City's jurisdiction, the applicant shall notify the RWQCB of dewatering of contaminated groundwater during construction. If contaminated groundwater is encountered, the Project developer shall treat and/or dispose of the contaminated groundwater (at the developer's expense) in accordance with NPDES permitting requirements, which includes obtaining a permit from the Industrial Wastewater Control Program to the satisfaction of the RWQCB.
- B. Prior to the discharge of contaminated groundwater for all construction activities, should flammables, corrosives, hazardous wastes, poisonous substances, greases and oils and other pollutants exist on site, a pretreatment system shall be installed to pre-treat the water to the satisfaction of the RWQCB before it can be discharged into the sewer system.

Mitigation Measure 4.14.2-5 requires that the Project developer notify the RWQCB of dewatering of contaminated groundwater during construction and that contaminated groundwater be treated and/or disposed of in accordance with NPDES permitting requirements, which includes obtaining a permit from the Industrial Wastewater Control Program to the satisfaction of the RWQCB. Additionally, prior to discharging contaminated groundwater, a pretreatment system shall be installed to pre-treat the water to the satisfaction of the RWQCB before it can be discharged into the sewer system. A pretreatment system will minimize the potential for surface water and groundwater contamination during contaminated groundwater discharging.

Incorporation of Mitigation Measure 4.14.2-5 will reduce impacts associated with surface water and groundwater contamination resulting from construction activities (Potential Significant Impact 4.14.2-5) to below a level of significance.

## **4.13 Seismic/Geologic Hazards**

### **4.13.1 Potential Significant Impact (4.15-1)**

There is potential for strong ground motions and lurching or cracking of the ground surface to occur at the site. These impacts would be considered significant during all phases of development.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

No active faults have been mapped or were observed within the Project site, nor is the site located within a State of California Earthquake Fault Zone (Alquist-Priolo Special Studies Zone). The potential for ground rupture due to faulting at the site is considered low. However, lurching or cracking of the ground surface as a result of a nearby seismic event is possible. According to the California Building Code, San Diego County is located within Seismic Zone 4. Thus, there is potential for strong ground motions to occur at the site. Therefore, impacts associated with strong motion and surface rupture is significant and applies to all development phases.

In order to mitigate for impacts associated with strong ground motions and surface rupture, the Port and City will implement Mitigation Measure 4.15-1, to include the following:

Prior to the grading of parcels for specific developments, the applicant shall provide a comprehensive site-specific geotechnical evaluation, including subsurface exploration and laboratory testing showing that individual parcels are suitable for proposed development work and that on-site fill materials and soils can support proposed structures. The applicant shall submit a geotechnical design report to the Port or City, depending on jurisdiction, for approval showing site-specific measures to be employed. As applicable, these measures shall include:

Conformance to the California Building Code Seismic Zone 4 Design Parameters, as detailed in Table 1 of the geotechnical study (see *Appendix 4.15-1* of the FEIR).

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

- Design capable of withstanding strong seismic accelerations.
- Earthwork procedures, including removal, moisture conditioning, and recompaction of existing fills on the site.
- Selective grading, densification of the subsurface soils, and/or deep foundations.
- Removal, moisture conditioning, and compaction of bay deposits/alluvial soils. Deep foundations shall be used for structural support in areas of relatively thick bay deposits/alluvium.
- Removal or deep burial of expansive soils during grading, moisture conditioning, or specially designed foundations and slabs.
- Removal, moisture conditioning, and compaction of the topsoil on site.

Mitigation Measure 4.15-1 requires Project developers to prepare a site-specific geotechnical evaluation that show individual parcels are suitable for proposed development work and that on-site fill materials and soils can support proposed structures. Additionally, a geotechnical design report will be prepared by the Project developer that will include a discussion of measures to be incorporated into the project to ensure that the Proposed Project complies with California Building Code Seismic Zone 4 Design Parameters and that the Project design is capable of withstanding strong seismic accelerations. Additionally, the geotechnical design will include selective grading, densification of the subsurface soils, and/or deep foundations, or deep burial of expansive soils during grading, and removal, moisture conditioning, or specially designed foundations and slabs.

Incorporation of Mitigation Measure 4.15-1 will reduce impacts associated with strong ground motion and surface rupture (Potential Significant Impact 4.15-1) to below a level of significance.

#### **4.13.2 Potential Significant Impact (4.15-2)**

Loose granular soils (i.e., fill materials and bay deposits/alluvium) underlie Portions of the Project site proposed for development in Phases I through III. Impacts associated with liquefaction and seismically induced settlement at these sites would be considered significant.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

As described in the Seismic/Geologic Hazards technical report, no landslides or indications of deep-seated slope instability were observed underlying the Project site. In addition, the site is relatively flat. Based on this, the Project site is generally not susceptible to landsliding or collapse hazards. Therefore, no significant impact is identified as it relates to on site or off site landslides and collapse.

Loose granular soils (i.e., fill materials and bay deposits/alluvium) underlie Portions of the site combined with a relatively shallow groundwater table. The Project proposes development on these areas during Phases I, II, and III. These soils have a moderate to high potential for liquefaction and settlement to occur during an earthquake and are not considered suitable for structural support. Adverse impacts associated with liquefaction include lateral spreading, ground rupture and/or sand boils, and settlement of the liquefiable layers. The potential of lateral spreading in the liquefiable soil below the groundwater table is not considered an adverse impact to the proposed development due to the relatively flat topography of the site, except for isolated locations such as the existing boat yard on G Street and the immediate vicinity of the Chula Vista Harbor. Therefore, impacts associated with liquefaction and seismically-induced settlement is significant.

In order to mitigate for impacts associated with liquefaction, lateral spreading, consolidation and settlement during all phases of development, the Port and City will implement Mitigation Measures 4.15-1 and 4.15-2. As stated within the analysis for Potential Significant Impact 4.15.1 above, Mitigation Measure 4.15-1 requires Project developers to prepare a site-specific geotechnical evaluation that show individual parcels are suitable for proposed development work and that on-site fill materials and soils can support proposed structures. Additionally, a geotechnical design report will be prepared by the Project developer that will include a discussion of measures to be incorporated into the Project including removal, moisture conditioning, and compaction of bay deposits/alluvial soils, removal or deep burial of expansive soils during grading, moisture conditioning, or specially designed foundations and slabs, and removal, moisture conditioning, and compaction of the topsoil on site.

Mitigation Measure 4.15-2 will be implemented by the Port and City to require that for all phases, the Project applicant shall prepare a site specific geotechnical study. Mitigation of potential hazards due to liquefaction may include the densification or removal of the potentially liquefiable soil and placement of surcharge fills within building areas, or the use of deep foundation systems and mat slabs which still provide acceptable structural support should liquefaction occur. Soil densification can be accomplished by surcharging, compaction grouting, vibrocompaction, soil mixing, and deep dynamic compaction. Deep foundation systems may be

used to transmit structural loads to bearing depths below the liquefiable zones and may consist of driven piles or drilled piles.

By removing, moisture conditioning, and compacting bay deposits/alluvial soils and removing expansive soils during grading, Mitigation Measure 4.15-1 will minimize the potential for liquefaction seismically-induced settlement at areas containing loose granular soils. Mitigation Measure 4.15-2 requires potential hazards due to liquefaction to be mitigated through the densification or removal of the potentially liquefiable soil and placement of surcharge fills within building areas, or the use of deep foundation systems and mat slabs which still provide acceptable structural support should liquefaction occur.

Incorporation of Mitigation Measures 4.15-1 and 4.15-2 will reduce impacts associated with liquefaction and seismically-induced settlement at sites containing loose granular soils (Potential Significant Impact 4.15-2) to below a level of significance.

#### **4.13.3 Potential Significant Impact (4.15-3)**

During Phase I development of the Pacifica Residential and Retail Project, a significant impact may result in that groundwater could be a factor in development in liquefaction remediation, deep foundation design and construction, design and construction of subterranean parking structures, and utility installation.

##### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

During Phase I development of the Pacifica Residential and Retail Project, groundwater could be a factor in development in liquefaction remediation, deep foundation design and construction, design and construction of subterranean parking structures, and utility installation. This is a significant impact.

In order to mitigate for impacts associated with liquefaction, lateral spreading, consolidation and settlement during Phase I and II development of the Pacifica Project, the Port and City shall implement Mitigation Measure 4.15-1 and 4.15-3. As stated within the analysis for Potential Significant Impact 4.15.1 above, Mitigation Measure 4.15-1 requires Project developers to prepare site-specific geotechnical evaluation that show individual parcels are suitable for proposed development work and that on site fill materials and soils can support proposed

structures. Additionally, a geotechnical design report will be prepared by the Project developer that will include a discussion of measures to be incorporated into the project including removal, moisture conditioning, and compaction of bay deposits/alluvial soils, removal or deep burial of expansive soils during grading, moisture conditioning, or specially designed foundations and slabs, and removal, moisture conditioning, and compaction of the topsoil on site.

Mitigation Measure 4.15-3 will be implemented by the Port and City to require that prior to the grading of parcels for the Pacifica development, the applicant shall adhere to the site-specific geotechnical evaluation prepared for the Project or any amendment as approved by the Port/City (Geocon Preliminary Geotechnical Investigation prepared for Pacifica Companies (February 2008), Sections 7 and 8 Conclusions and Preliminary Recommendations) which outlines general requirements and specific recommendations regarding soil and excavation, seismic design criteria, grading, consolidation settlement, ground improvement methods, slope stability, temporary slopes and shoring, groundwater and dewatering, shallow and deep foundations, subterranean structures, concrete slabs-on-grade, concrete flatwork, retaining walls and lateral loads, pavement, and drainage and maintenance.

By removing, moisture conditioning, and compacting bay deposits/alluvial soils and removing expansive soils during grading, Mitigation Measure 4.15-1 will minimize the potential for liquefaction seismically-induced settlement at areas containing loose granular soils. Mitigation Measure 4.15-3 requires Project developers to adhere to measures discussed in a site specific evaluation prepared for the project and approved by the Port and/or City. Measures will likely include general requirements for groundwater and dewatering and temporary slopes and shoring. Compliance with the geotechnical evaluation prepared for the Pacifica development will minimize the potential for liquefaction, lateral spreading, consolidation and settlement.

Incorporation of Mitigation Measures 4.15-1 and 4.15-3 will reduce impacts associated with liquefaction, lateral spreading, consolidation and settlement during development of the Pacifica Project (Potential Significant Impact 4.15-3) to below a level of significance.

#### **4.13.4 Potential Significant Impact (4.15-4)**

Impacts as a result of seismically induced settlement in the western Portion of the Pacifica Project site are potentially significant.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### Facts in Support of Finding

The facts in support of the finding for Potential Significant Impact 4.15-3 above also apply to Potential Significant Impact 4.15-4. Based on the Geocon investigation, there are layers of loose sand within the bay deposits in the western Portion of the subject site that have a potential for liquefaction which may result in seismically induced settlement. In general, these liquefiable soils are approximately 6 to 8 feet thick and are overlain by about 7 to 10 feet of non-liquefiable cover. A preliminary evaluation of liquefaction settlement indicates 2 to 3 inches of ground surface settlement may occur over Portions of the site. Therefore, impacts as a result of seismically induced settlement are potentially significant.

In order to mitigate for impacts associated with liquefaction, lateral spreading, consolidation and settlement during Phase I and II development of the Pacifica Project, the Port and City shall implement Mitigation Measure 4.15-1 and 4.15-3. As stated within the analysis for Potential Significant Impact 4.15-1 above, Mitigation Measure 4.15-1 requires Project developers to prepare site-specific geotechnical evaluation that show individual parcels are suitable for proposed development work and that on-site fill materials and soils can support proposed structures. Additionally, a geotechnical design report will be prepared by the Project developer that will include a discussion of measures to be incorporated into the project including removal, moisture conditioning, and compaction of bay deposits/alluvial soils, removal or deep burial of expansive soils during grading, moisture conditioning, or specially designed foundations and slabs, and removal, moisture conditioning, and compaction of the topsoil on site.

Mitigation Measure 4.15-3 will be implemented by the Port and City to require that prior to the grading of parcels for the Pacifica development, the applicant shall adhere to the site-specific geotechnical evaluation prepared for the project or any amendment as approved by the Port/City (Geocon Preliminary Geotechnical Investigation prepared for Pacifica Companies (February 2008), Sections 7 and 8 Conclusions and Preliminary Recommendations) which outlines general requirements and specific recommendations regarding soil and excavation, seismic design criteria, grading, consolidation settlement, ground improvement methods, slope stability, temporary slopes and shoring, groundwater and dewatering, shallow and deep foundations, subterranean structures, concrete slabs-on-grade, concrete flatwork, retaining walls and lateral loads, pavement, and drainage and maintenance.

By removing, moisture conditioning, and compacting bay deposits/alluvial soils and removing expansive soils during grading, Mitigation Measure 4.15-1 will minimize the potential for liquefaction seismically-induced settlement at areas containing loose granular soils. Mitigation Measure 4.15-3 requires Project developers to adhere to measures discussed in a site specific evaluation prepared for the project and approved by the Port and/or City. Measures will likely include general requirements for groundwater and dewatering and temporary slopes and shoring.

Compliance with the geotechnical evaluation prepared for the Pacifica development will minimize the potential for liquefaction, lateral spreading, consolidation and settlement.

Incorporation of Mitigation Measures 4.15-1 and 4.15-3 will reduce impacts associated with seismically induced settlement in the western Portion of the Pacifica Project site (Potential Significant Impact 4.15-4) to below a level of significance.

#### **4.13.5 Potential Significant Impact (4.15-5)**

Significant impacts associated with lateral spreading, ground rupture and/or sand boils, and settlement of the liquefiable layers could occur during development of the RCC.

##### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

Based on the Geocon investigation (see *Appendix 4.15-4* of the FEIR), there is a high potential for liquefaction to occur within scattered layers in the undocumented fill and bay deposits/alluvium below the groundwater table within a depth of 50 feet from the existing ground surface during construction of the RCC. Adverse impacts could include lateral spreading, ground rupture and/or sand boils, and settlement of the liquefiable layers.

In order to mitigate for impacts associated with liquefaction, lateral spreading, consolidation and settlement during Phase I and II development of the Pacifica Project, the Port and City shall implement Mitigation Measure 4.15-1 and 4.15-4. As stated within the analysis for Potential Significant Impact 4.15-1 above, Mitigation Measure 4.15-1 requires Project developers to prepare site-specific geotechnical evaluation that show individual parcels are suitable for proposed development work and that on-site fill materials and soils can support proposed structures. Additionally, a geotechnical design report will be prepared by the Project developer that will include a discussion of measures to be incorporated into the project including removal, moisture conditioning, and compaction of bay deposits/alluvial soils, removal or deep burial of expansive soils during grading, moisture conditioning, or specially designed foundations and slabs, and removal, moisture conditioning, and compaction of the topsoil on site.

Mitigation Measure 4.15-4 will be implemented by the Port and City to require that prior to the grading of parcels for the RCC development, the applicant shall adhere to the site-specific geotechnical evaluation prepared for the project or any amendment as approved by the Port/City



(Appendix 4.15-4, Geocon Geotechnical Investigation prepared for RCC Hotels (January 2008), Section 6. Conclusions and Recommendations), which outlines general requirements and specific recommendations regarding soil and excavation, seismic design criteria, grading, temporary slopes and shoring, groundwater and dewatering, hotel/convention center/parking structure/flex space foundation, ancillary structure foundation, concrete slabs-on-grade, retaining walls and lateral loads, preliminary pavements, and drainage and maintenance.

Incorporation of Mitigation Measures 4.15-1 and 4.15-4 will reduce impacts associated with lateral spreading, ground rupture and/or sand boils, and settlement of the liquefiable layers during development of the RCC (Potential Significant Impact 4.15-5) to below a level of significance.

#### **4.14 Energy**

##### **4.14.1 Potential Significant Impact (4.16-1)**

The increased demand for energy associated with the Proposed Project would be considered a significant impact.

##### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

##### **Facts in Support of Finding**

Implementation of the proposed land uses identified in the Proposed Project has the potential to result in impacts to energy supply as a result of anticipated growth. Direct impacts would occur if, as a result of plan implementation, a substantial energy resource is reduced or eliminated, or if future demand outstrips available supply. The California Independent Systems Operation requires that SDG&E have sufficient on-system resources and import capability to serve the full adverse peak summer demand forecast when the largest generator and a single transmission circuit are out of service. To address long-term energy needs, SDG&E has filed a resource plan with the California Public Utilities Commission (CPUC), which proposes a mix of conservation, demand response, generation, and transmission to provide reliable energy for the next 20 years ([http://www.sdenergy.org/uploads/7-9-04SDG&E\\_LTRP.pdf](http://www.sdenergy.org/uploads/7-9-04SDG&E_LTRP.pdf)).

The project would implement the energy policies in the City of Chula Vista General Plan that seek to reduce energy consumption by optimizing traffic flow, directing higher density housing within walking distance of transit facilities, promoting use of alternatives to vehicular travel, and

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

generally reducing vehicle trip length through improved community design. Currently, there are only limited uses of electricity within the Project site. This electricity consumption represents a substantial increase in use over the existing use on the Project site. In light of SDG&E's Long-Term Resource Plan, this demand would not result in a direct need for new or expanded facilities. SDG&E assumes an annual average growth rate of 2% with respect to system peak load (Katsapis 2004), with the actual timing and quantity of resources to be procured based on near term circumstances (McClenahan 2004). SDG&E has indicated that without an increased import capacity of at least 500 MW there would be a long-term cumulative grid reliability deficiency (Brown 2004).

Currently, there are only limited uses of electricity within the Project site. Commercial uses along the marina, the RV Park, and the existing South Bay Boatyard are the main consumers of electricity on the Project site. When the Proposed Project is considered in light of the existing condition, the increase in energy demand would be substantial.

Average annual energy needs are substantially met by existing SDG&E resources, California Department of Water Resources (CDWR) contract allocations, and renewable purchases through 2010. In a high demand year, the additional energy would come from additional purchases from the market and from local generation added primarily for grid reliability. By 2011, approximately 25% of average-year energy would come from resource addition, including additional renewable purchases, on- and off-system generation, and purchases for the market, facilitated by the additional import capability provided by the added transmission interconnection (SDG&E 2004). To address long-term energy needs, SDG&E has filed a resource plan with CPUC, which proposes a mix of conservation, demand response, generation, and transmission to provide reliable energy for the next 20 years ([http://www.sdenergy.org/uploads/7-9-04SDG&E\\_LTRP.pdf](http://www.sdenergy.org/uploads/7-9-04SDG&E_LTRP.pdf)). The increased demand for energy is a significant impact.

In order to mitigate for impacts resulting from increased energy demands due to the Proposed Project, the Port and City will implement Mitigation Measure 4.16-1, to require that prior to the issuance of certificates of occupancy or building permits, the Project applicant shall demonstrate that the Proposed Project complies with Title 24 for Residential and Nonresidential Buildings. These requirements, along with the following measures, shall be incorporated into the final Project design to the satisfaction of the Port and the Director of Planning and Building for the City:

- Use of low nitrogen oxide (NOx) emission water heaters.
- Installation of energy-efficient and automated air conditioners when air conditioners are provided.

- Energy-efficient parking area lights.
- Exterior windows shall be double paned.

Implementation of these measures along with the SDG&E efforts for long-term energy supply as outlined in their filing with the CPUC that proposes a mix of conservation, demand response, generation, and transmission ([http://www.sdenergy.org/uploads/7-9-04SDG&E\\_LTRP.pdf](http://www.sdenergy.org/uploads/7-9-04SDG&E_LTRP.pdf)) would reduce the potential significant impact to below a level of significance. With incorporation of Mitigation Measure 4.16-1, Potential Significant Impact 4.16-1 associated with increased energy demand as a result of the Proposed Project will be less than significant.

Although the implementation of Mitigation Measure 4.16-1 will reduce energy impacts to below a level of significance, the Port has agreed to include additional guidelines in the Final EIR as a mitigation measure (Mitigation Measure 4.16-2) in order to provide for appropriate implementation and enforcement. The Port and City will implement Mitigation Measure 4.16-2, to include the following:

The following standards are intended to be interpreted broadly and with the flexibility to adapt to new energy technology and evolving building construction and design practices. They will apply to and govern development of all individual parcels within the Proposed Project area, except Parcels HP-5, H-13, H-14, and H-15. The term "Development" will mean the development of an individual parcel within the Proposed Project area.

- A. To help reduce the need for fossil-fueled power generation, reduce greenhouse gas emissions, and support the CEC's Loading Order for Electricity Resources, all Developments will achieve a minimum of a fifty (50) percent reduction in annual energy use as described below.
  1. Each building in each Development will perform at least fifteen (15) percent better than Title 24, in effect as of the date of this FEIR. The minimum energy efficiency performance standard adopted by the City is hereinafter described as its Energy Efficiency Requirement or EER. Should revised Title 24 standards be adopted by the State of California, the City's EER at the time a building permit application is submitted for such Development shall apply.
  2. The balance of the reduction in annual energy use required will be achieved through the use of any combination of the energy reduction measures described below. To achieve compliance, sponsors of Developments may select one of two paths. The first path is based on Title 24 (Title 24 Path) and the second is described in Energy and Atmosphere, Credit 1 "Optimize Energy Performance" (Credit EA-/c1) in the US Green Building Council's Leadership in Energy and Environmental Design (LEED) Version 3 system (LEED Path). The definition of the term "Baseline" against which

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

energy reduction will be measured will vary depending on the path selected and is further described in Exhibit 3 to the MMRP. Choosing the LEED Path does not require a Development to achieve LEED Certification, but simply uses the methodology of EA-/c1.

- a. Renewable Energy generated within the boundaries of the Development will be credited toward the energy reduction requirement. The term "Renewable Energy" will mean energy derived from the sources described in California Public Resources Code Section 25741 (b)1.
- b. Renewable Energy generated on one or more sites (Renewable Energy Sites) within the boundaries of the Proposed Project by the Port, City or other third party and fed to the electrical grid or to the Development will be credited toward the energy reduction requirement described above. Aggregate energy generated on Renewable Energy Sites may be allocated to an individual Development up to the amount necessary to achieve such Development's compliance with the energy reduction requirement described above. Once allocated to a Development, the amount of energy generated by Renewable Energy Sites so allocated may not be further allocated to another Development.
- c. Participation in a City of Chula Vista sponsored energy efficiency program provided that the resulting energy reduction may be calculated and verified. The methodology for calculating the amount of the credit toward the energy reduction requirement described above under the Title 24 Path and the LEED Path as described in Exhibit 3 to the MMRP.
- d. Each Development will develop, implement, and for the life of each Development, maintain a measurement and verification plan (M&V Plan). Such participation has been shown to increase the persistence of energy efficiency (EE) and also to provide a way of recognizing and encouraging the ongoing conservation efforts of occupants and facility managers and will be awarded a waiver for five (5) percent credit against the Baseline to determine compliance with the energy reduction requirement described above. The Port will include in all leases the requirement to perform an energy audit every three (3) years for the convention centers and hotel Developments over 300 rooms and five (5) years for all other Developments to ensure that all energy systems are performing as planned or corrective action will be taken if failing to meet EE commitments.
- e. Participation in one of SDG&E's manual or semiautomatic Demand Reduction (DR) utility rates will be awarded a waiver for three (3) percent credit against the Baseline to determine compliance with the energy reduction requirement described above.

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

- f. Participation in one of SDG&E's automatic Demand Reduction (DR) utility rates will be awarded a waiver for five (5) percent credit against the Baseline to determine compliance with the energy reduction requirement described above.
  - g. Incorporation of natural ventilation into design such that at least 75% of the conditioned area is naturally ventilated according to the guidelines set forth in Exhibit 3 to the MMRP, and if this benefit was not included in the energy efficiency calculations, the project will be awarded either: a waiver for five (5) percent credit against the Baseline to determine compliance with the energy reduction requirement described above; or, a waiver for ten (10) percent credit will be awarded if the natural ventilation system is coupled with an energy or cooling system that does not draw from the grid if and when natural ventilation is not used. This may be prorated if less than 75% of the conditioned area is naturally ventilated.
- 3. The parties understand and acknowledge that the energy reduction measures described above for a Development or component of a Development may be phased in over time to achieve compliance with the energy reduction requirement provided such energy reduction measures are completed no later than thirty-six (36) months following issuance of a certificate of occupancy for such Development or such component thereof.
  - 4. To further incent responsible and sustainable development practices within the boundaries of the Proposed Project, the Port, the City and the Redevelopment Agency will consider voluntary commitments to levels of energy reduction in excess of the energy requirements described above, commitment to achievement of a LEED Certification, and/or a "Living Building Challenge" in connection with the selection of respondents in RFP/RFQ processes for Developments within the Proposed Project area.
  - 5. Within one year following the CCC's approval of a PMP amendment substantially consistent with the Proposed Project, the Port will in good faith consider adoption of an ordinance, in a public hearing process, that if approved by the Board, will require the following:
    - a. Within six (6) months following adoption of the ordinance and every three (3) years thereafter, the Port will conduct an energy efficiency and renewable energy analysis that will:
      - i. Assess the feasibility and cost-effectiveness of programs and options to reduce demand on the electric grid from all lands under Port's jurisdiction; and
      - ii. Include, but not be limited to, an assessment of the potential for reduction in energy use on all land under Port's jurisdiction through increases in energy

#### 4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

---

efficiency, demand response, clean renewable and distributed energy generation and other methods and technologies.

- b. Upon the completion of each analysis, the Port will consider good faith implementation of cost-effective programs and options as part of its commitment to greenhouse gas reductions and global climate change prevention activities consistent with Assembly Bill 32.
- c. The results of each analysis will be published on the Port's website and received by the Port's Board in a public forum.

Incorporation of Mitigation Measure 4.16-1 will reduce impacts associated with long-term energy consumption that would result from the Proposed Project (Potential Significant Impact 4.16-1) to below a level of significance. Although implementation of Mitigation Measure 4.16-1 will reduce energy impacts to below a level of significance, the incorporation of Mitigation Measure 4.16-2 will reduce energy impacts even further.

**4.0 FINDINGS REGARDING DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT**

---

INTENTIONALLY LEFT BLANK

## **5.0 FINDINGS REGARDING DIRECT SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The FEIR also determined that the Project may result in direct significant environmental impacts with respect to land/water use compatibility, traffic and circulation, aesthetics/visual quality, air quality, and public services, which cannot be avoided or reduced to below significant even after the incorporation of all feasible mitigation measures. These significant and unavoidable impacts of the Project and the mitigation measures which will reduce them, but not to a less than significant level, are discussed in *Section 4.1, Land/Water Use Compatibility; Section 4.2, Traffic and Circulation; Section 4.4, Aesthetics/Visual Quality; Section 4.6, Air Quality; and Section 4.13, Public Services* of the FEIR.

Set forth below are the findings regarding the direct significant unavoidable impacts of the Project that cannot be mitigated to less than significant despite the incorporation of all feasible mitigation measures. These findings incorporate by reference the discussion of potential significant impacts and mitigation measures contained in *Chapter 4.0, Environmental Analysis* of the FEIR. Pursuant to Public Resources Code Section 21081(a)(1) and (2) and CEQA Guidelines section 15091(a)(1) and (2), therefore, the Port makes the following findings regarding the significant unavoidable environmental impacts identified in the FEIR:

### **5.1 Land and Water Use Compatibility**

#### **5.1.1 Potential Significant Impact (4.1-4)**

The Project would be inconsistent with the Land Use and Transportation Objective LUT 11 in the City's adopted General Plan in regard to aesthetics and visual resources and this inconsistency would be a significant impact.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR, but not to below a level of significance; therefore, despite the incorporation of Mitigation Measure 4.4-1, the Project's impacts to Land/Water Use Compatibility are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.4-1 and 4.4-4 above also apply to Potential Significant Impact 4.1-4. Significant Impact 4.1-4 will remain significant.



Impacts to view quality resulting from a change in scale and character and substantial view blockage associated with the Pacifica Residential and Retail Project would not be reduced to below a level of significance even after the incorporation of Mitigation Measure 4.4-1. No feasible mitigation beyond redesign of the Project as identified as a Project alternative would reduce the impacts to view quality associated with the Pacifica Residential and Retail Project below significance. Pursuant to CEQA Guidelines section 15093, therefore, the Port has balanced the benefits of the Project against its unavoidable environmental risks and has determined that this impact is acceptable for reasons stated in the Statement of Overriding Considerations below.

### **5.1.2 Potential Significant Impact (4.1-5)**

The Project would be inconsistent with the Public Facilities and Services objective PFS 11 in the City's adopted General Plan in regard to library services and facilities and this inconsistency would be a significant impact.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR, but not to below a level of significance; therefore, despite the incorporation of Mitigation Measure 4.1-3, the Project's impacts to Land/Water Use Compatibility are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

Mitigation Measure 4.1-3 shall be implemented in Phase I of the Proposed Project in order to reduce Potential Significant Impact 4.1-5 to the extent feasible. Prior to the approval of a building permit for any residential project, the applicant shall pay a Public Facilities Development Impact Fee (PFDIF) or equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance. Regardless of this mitigation, due to an existing library deficiency and inability to demonstrate that fees would fully mitigate all potential impacts, implementation of Mitigation Measure 4.1-3 would not reduce significant impact 4.1-5 to below a level of significance. Pursuant to CEQA Guidelines section 15093, therefore, the Port has balanced this benefits of the Project against its unavoidable environmental risks and has determined that this impact is acceptable for reasons stated in the Statement of Overriding Considerations below.

## 5.2 Traffic and Circulation

### 5.2.1 Potential Significant Impact (4.2-12)

The development of the Project during Phase I would result in a significant impact to the freeway segment of I-5 between State Route 54 (SR-54) and E Street given that, despite all feasible mitigation, the roadway segment would experience congested LOS F conditions during both the AM and PM peak hours.

#### Finding

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), additional such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### Facts in Support of Finding

*Table 4.2-17* in the FEIR summarizes the LOS analysis for the freeway segments under Phase I conditions. As shown in the table, all freeway segments would operate at LOS F with or without the project, except for the northbound I-5 segment between SR-54 and E Street which would operate at LOS E. The addition of Phase I traffic would result in a direct project impact to the following freeway segment and would require mitigation:

- I-5 between SR-54 and E Street (LOS F, AM and PM peak hours)

The Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River (the I-5 South Corridor, hereafter referred to as the Plan). Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The Plan required by this mitigation shall include the following:

## 5.0 FINDINGS REGARDING DIRECT SIGNIFICANT AND UNAVOIDABLE IMPACTS

---

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

- i) Prior to issuance of certificates of occupancy or building permits for any development of individual projects within the Chula Vista Bayfront Master Plan, the Port and the City shall require Project applicants to make their fair share contribution toward mitigation of cumulative freeway impacts within the City's Portion of the I-5 South Corridor by participating in the City's Western Traffic Development Impact Fee or equivalent funding program.

The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant to freeway segments identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), additional such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.2-12 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **5.2.2 Potential Significant Impact (4.2-17)**

With the closure of F Street, extension of H Street, and the partial extension of E Street, the addition of Phase I traffic would result in a significant impact to the freeway segment of I-5 between SR-54 and E Street given that, despite the incorporation of all feasible mitigation, the roadway segment would experience northbound LOS F conditions during the AM peak hours and southbound LOS F conditions during the PM peak hours.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), additional such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the

physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

*Table 4.2-20* in the FEIR summarizes the LOS analysis results for freeway segments under the Proposed Project Phase I conditions with Closure of F Street, extension of H Street, and partial extension of E Street. As shown in *Table 4.2-20*, the following freeway segments of I-5 will be characterized by LOS E or F conditions and would result in direct impacts requiring mitigation:

- SR-54 to E Street (LOS F, AM peak hour northbound with the Proposed Project, LOS F in PM peak hour southbound with or without the Proposed Project)
- E Street to H Street (LOS F both AM and PM peak hours, both directions, with or without the Proposed Project)

The fact in support of the finding for Potential Significant Impact 4.2-12 above also apply to Potential Significant Impact 4.2-17. As discussed above, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.2-17 cannot be mitigated to below a level of significance. This significant

unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### **5.2.3 Potential Significant Impact (4.2-18)**

With the closure of F Street, extension of H Street, and the partial extension of E Street, the addition of Phase I traffic would result in a significant impact to the freeway segment of I-5 between E Street and H Street given that, despite the incorporate of all feasible mitigation, the roadway segment would experience congested LOS F conditions during both AM and PM peak hours in both directions.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such change can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 4.2-12 above also apply to Potential Significant Impact 4.2-18. As discussed above, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings. Potential Significant Impact 4.2-18 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations.

#### **5.2.4 Potential Significant Impact (4.2-19)**

The E Street and H Street intersections affected by an at-grade trolley crossing would experience additional delay along the arterial and at adjacent intersections from between 17 and 40 seconds per vehicle (depending on the direction and time of day), causing a deterioration in the LOS by at least one level.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR. Implementation of Mitigation Measure 4.2-10 would not reduce Potential Significant Impact 4.2-19 concerning project related impacts on H Street and E Street intersections due to trolley delay, to below a level of significance, because implementation of the physical improvements needed to reduce significant impacts are within the jurisdiction and control of other entities and not the Port or City. The Port and the City cannot assure the necessary improvements will be constructed as needed. Accordingly, the Proposed Project's impacts to E Street and H Street intersections affected by the trolley crossings are considered significant and unmitigated. Therefore, despite the incorporation of Mitigation Measure 4.2-10, the Project's impacts are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

As part the City of Chula Vista GPU transportation analysis, the effects of the trolley grade crossings at E Street and H Street were evaluated. The analysis replicated the effects of a trolley/rail crossing by simulating a traffic signal at the trolley crossing. The analysis assumed that a trolley would cross once every 5 minutes, using current trolley service, and once every 2 and a half minutes using an extremely conservative assumption of planned service increases. Field observations indicate that the trolley crossing guards stay down for approximately 54 seconds.

The General Plan analysis determined that with the trolley crossings gates down, queues would start to form in the east–west direction and would extend into adjacent intersections. This would cause additional delays and affect the operations at each impacted intersection. As such, delays shown in the respective intersection summary tables for the intersections affected by the at-grade trolley crossings may be increased between 17 and 40 seconds per vehicle, causing a drop in LOS.

In order to address potential impacts to adjacent trolley intersections, the City has identified E Street Grade Separation and H Street Grade Separation projects as part of the City’s Western Traffic Development Impact Fee (WTDIF). Based on SANDAG’s Concept Engineering Report for E Street and H Street Grade Separations, dated October 14, 2003, the preferred recommendation is for the roadways to stay at their current elevations (as an overpass), while constructing an LRT underpass at E Street and at H Street. The projects are listed in the City’s General Plan Traffic Study, Appendix A. The LRT underpass option for both crossings is listed in the City’s WTDIF table.

The following mitigation would substantially reduce impacts at intersections of E Street and H Street associated with trolley delays:

- Prior to issuance of certificates of occupancy for Parcel H-3 or building permits for any development within the City, the Port and the City shall require Project applicants to make their fair share contribution toward mitigation of intersection impacts at H Street and E Street within the City’s jurisdiction by participating in the City’s Western Traffic Development Impact Fee or equivalent funding program.
- The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.
- The City cannot ensure that the necessary improvements will be constructed as needed or that they will be constructed within any known time schedule. Accordingly, the Project’s impacts to the E Street and H Street intersections affected by an at-grade trolley crossing are considered significant and unmitigated.

This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations.



### 5.2.5 Potential Significant Impact (4.2-29)

The development of the Project during Phase II would result in a significant impact to the freeway segment of I-5 between SR-54 and E Street given that, despite the incorporation of all feasible mitigation, the roadway segment would experience congested LOS F conditions in either direction during both the AM and PM peak hours.

#### Finding

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### Facts in Support of Finding

*Table 4.2-23* of the FEIR summarizes the LOS analysis for the freeway segments under the Proposed Project-Phase II Conditions scenario. As shown in the table, the following I-5 freeway segments would operate at LOS F with or without the Project and would therefore be considered direct impacts:

- SR-54 to E Street (LOS F, both directions, both peak hours)
- E Street to F Street (LOS F, both directions, both peak hours)

The remaining freeway segments would operate at LOS F with and without the Proposed Project and would be considered cumulative impacts.

The facts in support of the finding for Potential Significant Impact 4.2-12 above also apply to Potential Significant Impact 4.2-29. As discussed above, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share

contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Accordingly, the Proposed Project's impacts to freeway segments are considered significant and unmitigated. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations.

#### **5.2.6 Potential Significant Impact (4.2-30)**

The development of the Project during Phase II would result in a significant impact to the freeway segment of I-5 between E Street and F Street given that, despite incorporation of all feasible mitigation, the roadway segment would experience congested LOS F conditions during both the AM and PM peak hours in either direction.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the findings for Potential Significant Impacts 4.2-12 and 4.2-29 above also apply to Potential Significant Impact 4.2-30. As discussed above, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements

along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.2-30 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **5.2.7 Potential Significant Impact (4.2-35)**

The development of the Project during Phase III would result in a significant impact to the freeway segment of I-5 between SR-54 and E Street given that, despite the incorporation of all feasible mitigation, the roadway segment would experience congested LOS F conditions in both directions.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### Facts in Support of Finding

Table 4.2-26 of the FEIR summarizes the LOS analysis results for the freeway segments under the Proposed Project-Phase III Conditions. As shown in the table, all freeway segments would continue to operate at LOS F with or without the Proposed Project. The following segments of I-5 would experience a direct project impact:

- SR-54 to E Street (LOS F, both directions)
- E Street to H Street (LOS F, northbound and LOS F, southbound)
- H Street to J Street (LOS F, northbound and LOS F, southbound)

The facts in support of the finding for Potential Significant Impact 4.2-12 above also apply to Potential Significant Impact 4.2-35. As discussed above, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.2-35 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### 5.2.8 Potential Significant Impact (4.2-36)

The development of the Project during Phase III would result in a significant impact to the freeway segment of I-5 between E Street and H Street given that, despite the incorporation of all

feasible mitigation, the roadway segment would experience congested LOS F conditions in both directions.

**Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

**Facts in Support of Finding**

The facts in support of the findings for Potential Significant Impacts 4.2-12 and 4.2-35 above also apply to Potential Significant Impact 4.2-36. As discussed above, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential significant Impact 4.2-36 cannot be mitigated to below a level of significance. This significant

unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **5.2.9 Potential Significant Impact (4.2-37)**

The development of the Project during Phase III would result in a significant impact to the freeway segment of I-5 between H Street and J Street given that, despite incorporation of all feasible mitigation, the roadway segment would experience congested LOS F conditions in both directions.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Proposed Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the findings for Potential Significant Impacts 4.2-12 and 4.2-35 above also apply to Potential Significant Impact 4.2-37. As discussed above, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.2-37 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations.

### 5.2.10 Potential Significant Impact (4.2-46)

The development of the Project during Phase IV would result in a significant impact to the freeway segment of I-5 between SR-54 and E Street given that, despite incorporation of all feasible mitigation, the roadway segment would experience congested LOS F conditions in both directions during the AM and PM peak hours.

#### Finding

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### Facts in Support of Finding

Table 4.2-32 of the FEIR displays the LOS analysis results for the freeway segments under the Project – Phase IV Conditions scenario. As shown in the table, the following I-5 freeway segments would continue to operate at LOS F with or without the Project and would experience direct impacts as a result of the Project:

- SR-54 to E Street (LOS F, both directions, both peak hours)
- E Street to H Street (LOS F, both directions, both peak hours)

- H Street to J Street (LOS F, both directions, both peak hours)
- J Street to L Street (LOS F, both directions, both peak hours)
- L Street to Palomar Street (LOS F, both directions, both peak hours)

The facts in support of the finding for Potential Significant Impact 4.2-12 above also apply to Potential Significant Impact 4.2-46. As discussed above, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.2-46 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **5.2.11 Potential Significant Impact (4.2-47)**

The development of the Project during Phase IV would result in a significant impact to the freeway segment of I-5 between E Street and H Street given that, despite the incorporation of all *feasible mitigation*, the roadway segment would experience congested LOS F conditions in both directions during the AM and PM peak hours.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such



changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

The facts in support of the findings for Potential Significant Impacts 4.2-12 and 4.2-46 above also apply to Potential Significant Impact 4.2-47. As discussed above, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.2-47 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### **5.2.12 Potential Significant Impact (4.2-48)**

The development of the Project during Phase IV would result in a significant impact to the freeway segment of I-5 between H Street and J Street given that, despite incorporation of all

feasible mitigation, the roadway segment would experience congested LOS F conditions in both directions during the AM and PM peak hours.

### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Proposed Project's impacts to freeway segments are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

The facts in support of the findings for Potential Significant Impacts 4.2-12 and 4.2-46 above also apply to Potential Significant Impact 4.2-48. As discussed above, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.2-48 cannot be mitigated to below a level of significance. This significant

unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### 5.2.13 Potential Significant Impact (4.2-49)

The development of the Project during Phase IV would result in a significant impact to the freeway segment of I-5 between J Street and L Street given that, despite the incorporate of all feasible mitigation, the roadway segment would experience congested LOS F conditions in both directions during the AM and PM peak hours.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Proposed Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the findings for Potential Significant Impacts 4.2-12 and 4.2-46 above also apply to Potential Significant Impact 4.2-29. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.2-49 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **5.2.14 Potential Significant Impact (4.2-50)**

The development of the Project during Phase IV would result in a significant impact to the freeway segment of I-5 between L Street and Palomar Street given that, despite incorporation of all feasible mitigation, the roadway segment would experience congested LOS F conditions in both directions during the AM and PM peak hours.

#### **Finding**

Pursuant to CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Proposed Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the findings for Potential Significant Impacts 4.2-12 and 4.2-46 above also apply to Potential Significant Impact 4.2-50. As discussed above, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other

mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.2-50 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### **5.3 Aesthetics/Visual Quality**

#### **5.3.1 Potential Significant Impact (4.4-1)**

The scale and character of the Pacifica Residential and Retail Project would significantly impact the existing viewing scene.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which lessen the significant environmental effect identified in the FEIR, but not to below a level of significance; therefore, despite the incorporation of all feasible mitigation measures, the Project's impacts to Aesthetics/Visual Quality are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The Pacifica Residential and Retail Project (Pacifica Project) will change the scale and character of the waterfront as the proposed buildings exceed the scale of the existing waterfront development. As shown in Visual Simulations 1 through 4 (FEIR *Figures 4.4-5a* through *4.4-8b*), the proposed buildings are three to four times taller than the existing structures located to the north along the waterfront. Moreover, the existing structures do not extend beyond the horizontal plane formed by the eastern hillsides, whereas the proposed buildings will exceed beyond this

horizontal plane. A moderate impact to the character of the view scene would result and would be considered significant.

In order to mitigate the potential impacts to view quality, and character, the Port and City shall implement the following (Mitigation Measure 4.4-1):

- A. **View Protection:** As a condition for issuance of Coastal Development Permits, the project developer shall design buildings fronting H Street to step away from the street. More specifically, design plans shall protect open views down the H Street corridor by ensuring that an approximate 100-foot ROW width (curb–curb, building setbacks, and pedestrian plaza/walkway zone) remains clear of buildings, structures, or major landscaping. Visual elements above 6 feet in height shall be prohibited in this zone if the feature would reduce visibility by more than 10%. Placement of trees should take into account potential view blockage. This mitigation should not be interpreted to not allow tree masses; however, trees should be spaced in order to ensure “windows” through the landscaping. Trees should also be considered to help frame the views and they should be pruned to increase the views from pedestrians and vehicles, underneath the tree canopy. In order to reduce the potential for buildings to encroach upon view corridors, and to address the scale and massing impact, buildings shall step back at appropriate intervals or be angled to widen the view corridor at the ground plane to the extent feasible. All design plans shall be subject to review and approval by the Port. All future development proposals shall conform to Port design guidelines and standards to the satisfaction of the Port.
- B. **Height and Bulk:** Prior to issuance of Coastal Development Permits for projects within the Port’s jurisdiction, the Project developer shall ensure that design plans for any large-scale projects (greater than two stories in height) shall incorporate standard design techniques such as articulated facades, distributed building massing, horizontal banding, stepping back of buildings, and varied color schemes to separate the building base from its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for large project components to diminish imposing building edges, monotonous facades, and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the Port.
- C. **Height and Bulk:** Prior to design review approval for properties within the City’s jurisdiction, the Project developer shall ensure that design plans for any large scale projects (greater than two stories in height) shall incorporate standard design techniques such as articulated facades, distributed building massing, horizontal banding, and varied color schemes to separate the building base from its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for the large project components to diminish imposing

building edges, monotonous facades, and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the City of Chula Vista Planning Director.

- D. **Landscaping:** Prior to final approval of Phase I infrastructure design plans, the Port and City shall collectively develop a master landscaping plan for the project's public components and improvements. The plan shall provide sufficient detail to ensure conformance to streetscape design guidelines and that future developers/tenants, as applicable, provide screening of parking areas.
- E. Streetscape landscaping shall be designed to enhance the visitor experience for both pedestrians and those in vehicles. Specifically, detailed landscaping plans shall be developed to enhance Marina Parkway, a designated scenic roadway and shall provide, where appropriate, screening of existing industrial uses and parking areas until such time as these facilities are redeveloped.
- F. Street landscaping design shall be coordinated with a qualified biologist or landscape architect to ensure that proposed trees and other landscaping are appropriate for the given location. For instance, vegetation planted adjacent to open water/shoreline areas must not provide raptor perches. Landscaping shall be drought tolerant or low-water use, and invasive plant species shall be prohibited.
- G. **Landscaping:** Prior to approval of a tentative map or site development plan for future residential development, the Project developer shall submit a landscaping design plan for on-site landscaping improvements that is in conformance to design guidelines and standards established by the City of Chula Vista. The plan shall be implemented as a condition of project approval.
- H. **Gateway Plan:** Concurrent with the preparation of Phase I infrastructure design plans for E and H Streets, a Gateway plan shall be prepared for E and H Streets. Prior to issuance of occupancy for any projects within the Port's jurisdiction in Phase I, the E and H Street Gateway plan shall be approved by the Port and City's Directors of Planning. The E and H Street Gateway plan shall be coordinated with the Gateway plan for J Street.
- I. **Gateway Plan:** Concurrent with development of Parcels H-13 and H-14, the project developer shall submit a Gateway plan for J Street for City Design Review consideration. Prior to issuance of any building permits, the J Street Gateway plan shall be approved by the Director of Planning and Building in coordination with the Port's Director of Planning. The J Street Gateway plan shall be coordinated with the Gateway plan for E and H Streets.

Despite implementation of Mitigation Measure 4.4-1, Potential Significant Impact 4.4-1 will remain significant. Impacts to view quality resulting from a change in scale and character and substantial view blockage associated with the Pacifica Project would not be reduced to below a

level of significance. No feasible mitigation has been identified which would reduce the impacts to view quality associated with the Pacifica Project to below a level of significance. The FEIR determined that the impact could be avoided or substantially reduced only by redesigning the Project and analyzed a reduced-size alternative which would reduce this impact (*see* Section 5.6 *Reduced Overall Density Alternative*). The feasibility of the Reduced Overall Density Alternative is addressed in Section 7.4 of these findings below. Although Potential Significant Impact 4.4-1 has been reduced to the extent feasible by the design considerations and mitigation measures identified in the FEIR and these findings, the impact cannot be mitigated to below a level of significance. This significant unavoidable impact to view quality is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### **5.3.2 Potential Significant Impact (4.4-2)**

The amount of public view blockage caused by the Pacifica Project would be substantial, especially at the south end where views of the water exists and this impact would be considered significant.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which lessen the significant environmental effect identified in the FEIR, but not to below a level of significance; therefore, despite the incorporation of all feasible mitigation measures, the Project's impacts to public view blockage are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The Pacifica Project will not block any public views, with the exception of views as seen from Portions of I-5 and J Street. The public views are unaffected from E Street, Bayside Park, Bayside Park Beach, Bayfront Park, and Marina View Park. The availability of public views from Chula Vista Marina is likely to be increased. Public views of the waterfront as seen from Portions of I-5 would be blocked by the Pacifica Project for a great number of individuals. These views exist for only a few seconds of travel time, however. It is important to note that the viewing scene observed through this view corridor contains some views of the water and shoreline. These views are not fully open due to existing vegetation blocking a substantial amount of the view of the waterfront. In general, the photographs in the FEIR cannot capture the extent of the view due to its dynamic nature. As such, the view does allow for some blockage without having a negative affect. Although the viewing scene observed through this viewing corridor has limited views of the water and shoreline, this corridor does contain existing views of



waterfront development such as the marinas and watercraft. The amount of blockage caused by the Pacifica Project would be substantial, especially at the south end where views of the water exist. The Pacifica Project would result in a moderate impact to view quality, which would be considered a significant impact.

In order to mitigate potential impacts to public views, the Port and City will implement Mitigation Measure 4.4-1. As discussed in the Facts in Support of Findings for Potential Significant Impact 4.4-1 above, Mitigation Measure 4.4-1 includes view protection measures that would require buildings fronting H Street to be designed to step away from the street and the placement of trees to take existing views into consideration. Mitigation Measure 4.4-1 also includes height and bulk measures that would require the Project developer to minimize the height and bulk of proposed buildings through standard design techniques such as articulated facades, distributed building massing, and horizontal banding. However, this mitigation is insufficient to reduce the public view blockage associated with development of the Pacifica Project to below a level of significance. No feasible mitigation has been identified which would reduce the impacts to view blockage associated with the Pacifica Project to below a level of significance. The FEIR determined that the impact could be avoided or substantially reduced only by redesigning the Project and analyzed an reduced-size alternative which would reduce this impact (*see* FEIR, Section 5.6 *Reduced Overall Density Alternative*). The feasibility of the Reduced Overall Density Alternative is addressed in Section 7.4 of these findings below. Although Potential Significant Impact 4.4-2 has been reduced to the extent feasible by the design considerations and mitigation measures identified in the FEIR and these findings, the impact cannot be mitigated to below a level of significance. This significant unavoidable impact to view blockage is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

## **5.4 Air Quality**

### **5.4.1 Potential Significant Impact (4.6-1)**

Construction emissions associated with Phase I of the Proposed Project are projected to exceed the standards for NO<sub>x</sub> and reactive organic gases during some years of construction but not during others. These impacts would be potentially significant.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which lessen the significant environmental effect identified in the FEIR, but not to below a level of significance; therefore, despite the incorporation of all feasible mitigation measures, the Project's impacts to air quality are considered significant and

unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

As shown in *Tables 4.6-6 through 4.6-8 of Section 4.6, Air Quality* in the FEIR, construction activities would result in significant air quality impacts for each criteria pollutant except sulfur dioxide (SO<sub>2</sub>) and carbon monoxide (CO) for Phase I of the Proposed Project. Unmitigated PM<sub>10</sub> and PM<sub>2.5</sub> emissions are projected to exceed the standard during mass grading operations for each project phase. Construction emissions are projected to exceed the standards for NO<sub>x</sub> and reactive organic gases during some years of construction but not during others. Please refer to *Table 4.6-2* of the FEIR, which identifies the potential health effects associated with exposure to these elevated concentrations of pollutants. These impacts would be potentially significant.

In order to reduce potential impacts associated with construction emissions, the Port and City will implement Mitigation Measure 4.6-1, to include the following:

Prior to the commencement of any grading activities, the following measures shall be placed as notes on all grading plans and shall be implemented during grading of each phase of the project to minimize construction emissions. These measures shall be completed to the satisfaction of the Port and the Director of Planning and Building for the City of Chula Vista (These measures were derived, in part, from Table 11-4 of Appendix 11 of the SCAQMD CEQA Air Quality Handbook, and from SCAQMD Rule 403):

#### **Best Available Control Measures for Specific Construction Activities**

##### **a) Backfilling activities:**

- Stabilize backfill material when not actively handling
- Stabilize backfill material during handling
- Stabilize soil at completion of backfilling activity.

##### **b) Clearing and grubbing activities:**

- Maintain stability of soil through pre-watering of site prior to clearing and grubbing
- Stabilize soil during clearing and grubbing activities
- Stabilize soil immediately after clearing and grubbing activities.

- c) Clearing forms:
  - Use water spray to clear forms
  - Use sweeping and water spray to clear forms
  - Use vacuum system to clear forms.
- d) Crushing activities:
  - Stabilize surface soils prior to operation of support equipment
  - Stabilize material after crushing.
- e) Cut and fill activities:
  - Pre-water soils prior to cut and fill activities
  - Stabilize soil during and after cut and fill activities.
- f) Demolition activities – mechanical/manual:
  - Stabilize wind erodible surfaces to reduce dust
  - Stabilize surface soil where support equipment and vehicles will operate
  - Stabilize loose soil and demolition debris.
- g) Disturbed soil:
  - Stabilize disturbed soil throughout the construction site
  - Stabilize disturbed soil between structures.
- h) Earth-moving activities:
  - Pre-apply water to depth of proposed cuts
  - 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
  - Stabilize soils once earth-moving activities are complete.
- i) Importing exporting of bulk materials:
  - Stabilize material while loading to reduce fugitive dust emissions
  - Stabilize material while transporting to reduce fugitive dust emissions

- Stabilize material while unloading to reduce fugitive dust emissions
  - Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling
  - Comply with Vehicle Code Section 23114.
- j) Landscaping activities:
- Stabilize soils, materials, slopes
- k) Road shoulder maintenance:
- Apply water to unpaved shoulders prior to clearing
  - Apply chemical dust suppressants and/or washed gravel to maintain a stabilized surface after completing road shoulder maintenance.
- l) Screening activities:
- Pre-water material prior to screening
  - Limit fugitive dust emissions to opacity and plume length standards
  - Stabilize material immediately after screening.
- m) Staging areas:
- Stabilize staging areas during use
  - Stabilize staging area soils at project completion.
- n) Stockpiles/bulk material handling:
- Stabilize stockpiled materials by covering/watering
  - 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:
- Stabilize all off-road traffic and parking areas
  - Stabilize all haul routes
  - Direct construction traffic over established haul routes.

p) Trenching activities:

- Stabilize surface soils where trencher or excavator and support equipment will operate
- Stabilize soils at the completion of trenching activities.

q) Truck loading activities:

- Pre-water material prior to loading
- Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.

r) Turf overseeding activities:

- Apply sufficient water immediately prior to conducting turf vacuuming activities to meet opacity and plume length standards
- Cover haul vehicles prior to exiting the site.

s) Unpaved roads/parking lots:

- Stabilize soils to meet the applicable performance standards
- Limit vehicular travel to established unpaved roads (haul routes) and unpaved parking lots.

t) Vacant land:

- 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:

- u) Minimize idling time
- v) Maintain properly tuned equipment
- w) Regular maintenance—keep equipment well maintained
- x) Where practicable, use low pollutant-emitting equipment

## 5.0 FINDINGS REGARDING DIRECT SIGNIFICANT AND UNAVOIDABLE IMPACTS

---

- y) Use of ultra-low-sulfur diesel fuel
- z) Use construction equipment that is CARB-certified or that meets Tier 3 emissions or better, if available
- aa) Use alternative diesel formulations (e.g., aqueous diesel), if available
- bb) Where practicable, use catalytic reduction for gasoline-powered equipment
- cc) Use injection timing retard for diesel-powered equipment
- dd) Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry
- ee) Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads
- ff) Remove any visible track-out into traveled public streets within 30 minutes of occurrence
- gg) Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred
- hh) Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads
- ii) Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour
- jj) Enforce a 15 mile-per-hour speed limit on unpaved surfaces
- kk) 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.
- ll) Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the City or Port to reduce dust generation.
- mm) Electrical construction equipment shall be used to the extent feasible.
- nn) Low-VOC coatings will be used during application of architectural coatings. Coatings must meet the VOC content limitations set forth in APCD Rule 67.0.

With the addition of controls assumed during construction, emissions of reactive organic gases during application of architectural coatings and of PM<sub>10</sub> and PM<sub>2.5</sub> during site grading activities would be reduced for each development phase during construction. *Tables 4.6-34 through 4.6-40* of the FEIR present emissions with the application of mitigation measures. Changes in significance after mitigation are indicated in the tables. Although these measures will reduce significant air quality impacts of the Project, this mitigation is insufficient to reduce the construction emissions to a level below the standard established by the SCAQMD and used in the FEIR. No other feasible mitigation has been identified which would reduce Potential Significant Impact 4.6-1 to below a level of significance. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.6-1 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **5.4.2 Potential Significant Impact (4.6-2)**

The operation of Phase I development is anticipated to exceed the standard for each criteria pollutant except SO<sub>2</sub> and PM<sub>2.5</sub>. The exceedance of the standard for criteria pollutants (ROG, NO<sub>x</sub>, CO, and PM<sub>10</sub>) would be a significant impact for Phase I development.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR. Although changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR, there are no feasible mitigation measures which can mitigate this impact to below a level of significance. Despite the incorporation of all feasible mitigation measures, the Project's impacts to air quality are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The significance of operational impacts was assessed in terms of the Air Quality Significance Thresholds established by the SCAQMD. Operational impacts stem primarily from emissions from vehicular sources, although area emissions (e.g., natural gas combustion) also contribute. *Table 4.6-11 of Section 4.6, Air Quality* of the FEIR, provides the projected area and operational emissions in pounds per day for Phase I. As can be seen from this table, emissions projected for this phase of development are anticipated to exceed the standard for each criteria pollutant except SO<sub>2</sub> and PM<sub>2.5</sub>. Please refer to *Table 4.6-2* of the FEIR, which identifies the potential health effects associated with exposure to these elevated concentrations of pollutants. The exceedance

of the standard for criteria pollutants (ROG, NO<sub>x</sub>, CO, and PM<sub>10</sub>) would be a significant impact for Phase I development.

The potential impacts associated with emissions that are above the significance thresholds and have the potential to contribute to a violation of an air quality standard that would result during operation of Phase I of the Proposed Project will be mitigated by implementation of Mitigation Measure 4.6-2 as follows:

- A. For development within the City's jurisdiction, the project applicant shall submit an AQIP with any Tentative Maps submitted to the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the project have been implemented to the satisfaction of the Director of Planning and Building for the City. This plan shall demonstrate "the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles traveled." There are two options to meet the AQIP requirement. The applicant shall evaluate the project in accordance with the computer modeling procedures outlined in the City's AQIP Guidelines, including any necessary site plan modifications.
- B. Prior to the issuance of building permits, the applicant shall demonstrate that the Proposed Project complies with Title 24 for Residential and Nonresidential buildings. These requirements, along with the following measures, shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:
  - Use of low NO<sub>x</sub> emission water heaters.
  - Installation of energy efficient and automated air conditioners when air conditioners are provided.
  - Energy efficient parking area lights.
  - Exterior windows shall be double paned.

Although these measures will reduce air quality impacts of the Project, they are insufficient to reduce operations emissions to a level below the standard established by the SCAQMD and used in the FEIR. No other feasible mitigation has been identified which would reduce Potential Significant Impact 4.6-2 to below a level of significance. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.6-2 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.



### 5.4.3 Potential Significant Impact (4.6-3)

The operation of Phase II development is anticipated to exceed the standard for each criteria pollutant except SO<sub>2</sub> and PM<sub>2.5</sub>. The exceedance of the standard for criteria pollutants (ROG, NO<sub>x</sub> CO, and PM<sub>10</sub>) would be a significant impact for Phase II development.

#### Finding

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR. Although changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR, there are no feasible mitigation measures which can mitigate this impact to below a level of significance. Despite the incorporation of all feasible mitigation measures, the Project's impacts to air quality are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### Facts in Support of Finding

*Table 4.6-14 of Section 4.6, Air Quality* in the FEIR, provides the projected area and operational emissions for Phase II. Emissions projected for this phase of development are anticipated to exceed the standard for each criteria pollutant except SO<sub>2</sub> and PM<sub>2.5</sub>. Please refer to *Table 4.6-2* of the FEIR, which identifies the potential health effects associated with exposure to these elevated concentrations of pollutants. The exceedance of the standard for criteria pollutants (ROG, NO<sub>x</sub> CO, and PM<sub>10</sub>) would be a significant impact for Phase II development.

In order to mitigate for the potential impacts associated with emissions that are above the significance thresholds and have the potential to contribute to violation of an air quality standard that would result during operation of Phase II of the Proposed Project, the Port and City shall implement Mitigation Measure 4.6-3 as follows:

- A. For development within the City's jurisdiction, the applicants shall submit an AQIP with any Tentative Maps submitted to the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the project have been implemented to the satisfaction of the Director of Planning and Building for the City of Chula Vista. This plan shall demonstrate "the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles traveled." There are two options to meet the AQIP requirement. The applicant shall evaluate the project in accordance with the computer modeling procedures outlined in the City's AQIP Guidelines, including any necessary site plan modifications.

B. Prior to the issuance of building permits, the applicant shall demonstrate that the Proposed Project complies with Title 24 for Residential and Nonresidential buildings. These requirements along with the following measures shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:

- Use of low NO<sub>x</sub> emission water heaters.
- Installation of energy efficient and automated air conditioners when air conditioners are provided.
- Energy efficient parking area lights.
- Exterior windows shall be double paned.

Although these measures would reduce air quality impacts of the Project, they are insufficient to reduce area and operations emissions associated with Phase II to a level below the standard established by the SCAQMD and used in the FEIR. No other feasible mitigation has been identified which would reduce Potential Significant Impact 4.6-3 to below a level of significance. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.6-3 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **5.4.4 Potential Significant Impact (4.6-4)**

The operation of Phase III development is anticipated to exceed the standard for each criteria pollutant except SO<sub>2</sub> and PM<sub>2.5</sub>. The exceedance of the standard for criteria pollutants (ROG, NO<sub>x</sub> CO, and PM<sub>10</sub>) would be a significant impact for Phase III development.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR. Although changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR, there are no feasible mitigation measures which can mitigate this impact to below a level of significance. Despite the incorporation of all feasible mitigation measures, the Project's impacts to air quality are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

**Facts in Support of Finding**

Table 4.6-17 of Section 4.6, *Air Quality* in the FEIR, provides the projected area and operational emissions for Phase III. Emissions projected for this phase of development are anticipated to exceed the standard for each criteria pollutant except SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Please refer to Table 4.6-2 of the FEIR, which identifies the potential health effects associated with exposure to these elevated concentrations of pollutants. The exceedance of the standard for criteria pollutants (ROG, NO<sub>x</sub>, and CO) would be a significant impact for Phase III development.

In order to mitigate for impacts associated with emissions that are above the significance thresholds and have the potential to contribute to a violation of an air quality standard that would result during operation of Phase III of the Proposed Project, the Port and City shall implement Mitigation Measure 4.6-4 as follows:

- A. For residential, as well as mixed-use/commercial development within the City’s jurisdiction, the applicants shall submit an AQIP with any Tentative Maps submitted to the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the project have been implemented to the satisfaction of the Director of Planning and Building for the City of Chula Vista. This plan shall demonstrate “the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles traveled.” There are two options to meet the AQIP requirement. The applicant shall either evaluate the project in accordance with the computer modeling procedures outlined in the City’s AQIP Guidelines, including any necessary site plan modifications.
- B. Prior to the issuance of building permits, the applicant shall demonstrate that the Proposed Project complies with Title 24 for Residential and Nonresidential buildings. These requirements along with the following measures shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:
  - Use of low NOx emission water heaters.
  - Installation of energy efficient and automated air conditioners when air conditioners are provided.
  - Energy efficient parking area lights.
  - Exterior windows shall be double paned.

Although these measures would reduce air quality impacts of the Proposed Project, they are insufficient to reduce area and operations emissions to a level below the standard established by

the SCAQMD and used in this document by the City and Port. No other feasible mitigation has been identified which would reduce Potential Significant Impact 4.6-4 to below a level of significance. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.6-4 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **5.4.5 Potential Significant Impact (4.6-5)**

The operation of Phase IV development is anticipated to exceed the standard for each criteria pollutant except SO<sub>2</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. The exceedance of the standard for criteria pollutants (ROG and NO<sub>x</sub>) would be a significant impact for Phase IV development.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR. Although changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR, there are no feasible mitigation measures which can mitigate this impact to below a level of significance. Despite the incorporation of all feasible mitigation measures, the Project's impacts to air quality are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

*Table 4.6-20 of Section 4.6, Air Quality* in the FEIR, provides the projected area and operational emissions for Phase IV. Emissions projected for this phase of development are anticipated to exceed the standard for each criteria pollutant except SO<sub>2</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. Please refer to *Table 4.6-2* of the FEIR, which identifies the potential health effects associated with exposure to these elevated concentrations of pollutants. The exceedance of the standard for criteria pollutants (ROG and NO<sub>x</sub>) would be a significant impact for Phase IV development.

In order to mitigate for potential impacts associated with emissions that are above the significance thresholds and have the potential to contribute to a violation of an air quality standard that would result during operation of Phase IV of the Proposed Project, the Port and City shall implement Mitigation Measure 4.6-5 as follows:

- A. For residential, as well as mixed-use/commercial development within the City's jurisdiction, the applicants shall submit an AQIP with any Tentative Maps submitted to

the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the project have been implemented to the satisfaction of the Director of Planning and Building for the City of Chula Vista. This plan shall demonstrate “the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles traveled.” There are two options to meet the AQIP requirement. The applicant shall evaluate the project in accordance with the computer modeling procedures outlined in the City’s AQIP Guidelines, including any necessary site plan modifications.

B. Prior to the issuance of building permits, the applicant shall demonstrate that the Proposed Project complies with Title 24 for Residential and Nonresidential buildings. These requirements along with the following measures shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:

- Use of low-NOx emission water heaters.
- Installation of energy efficient and automated air conditioners when air conditioners are provided.
- Energy efficient parking area lights.
- Exterior windows shall be double paned.

Although these measures would reduce air quality impacts of the Project, they are insufficient to reduce area and operations emissions associated with Phase IV to a level below the standard established by the SCAQMD and used in the FEIR. No other feasible mitigation has been identified which would reduce Potential Significant Impact 4.6-5 to below a level of significance. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.6-5 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **5.4.6 Potential Significant Impact (4.6-6)**

At the program level for the Project, impacts to sensitive receptors during construction of Phases I, II, III, and IV would be significant.

### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR. Although changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR, there are no feasible mitigation measures which can mitigate this impact to below a level of significance. Despite the incorporation of all feasible mitigation measures, the Project's impacts to air quality are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

The Phase I project-level development includes the residential uses of the Pacifica Project. Once this development has been completed, sensitive receptors will be located on the project site. Construction of Phases I through IV program-level components, would have the potential to affect those receptors. Because construction emissions during Phases I through IV would exceed the significance thresholds for ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>, impacts to sensitive receptors during construction would be temporary but significant.

In order to mitigate for impacts to sensitive receptors during construction of program-level components in Phases I, II, III, and IV, the Port and City shall implement Mitigation Measure 4.6-1. The facts in support of the findings for Potential Significant Impact 4.6-1 above also apply to this significant impact. Mitigation Measure 4.6-1 includes several Best Available Control Measures for Specific Construction Activities to be placed as notes on all grading plans. The intent of these measures is to minimize construction emissions. With addition of controls assumed during construction, emissions of reactive organic gases during application of architectural coatings and of PM<sub>10</sub> and PM<sub>2.5</sub> during site grading activities would be reduced for each development phase during construction. *Tables 4.6-34 through 4.6-40* in the FEIR present emissions with application of mitigation measures. Changes in significance after mitigation are indicated in the tables. Although these measures will reduce air quality impacts of the Project, this mitigation is insufficient to reduce the impact on sensitive receptors of construction emissions from Phases I through IV program-level components to a level below the standard established by the SCAQMD and used in the FEIR. No other feasible mitigation has been identified which would reduce Potential Significant Impact 4.6-6 to below a level of significance. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.6-6 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

## **5.5 Public Services**

### **5.5.1 Potential Significant Impact (4.13.5-1)**

The need for additional library square feet to serve the Project would place substantial pressure on the existing library facilities and would worsen the present shortfall in library square footage and books per capita. This would be a significant impact.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR. Although changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR, there are no feasible mitigation measures which can mitigate this impact to below a level of significance. Despite the incorporation of all feasible mitigation measures, the Project's impacts to public services (library services) are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

Based on a population rate of 2.159 persons per multifamily unit, the 1,500 dwelling units proposed in Phase I of the Proposed Project would result in a total population of approximately 3,239 persons. Based on the expected net population increase, the project would require approximately 1,620 square feet of library facilities for Phase I development. The Municipal Code of the City of Chula Vista does not apply a service demand requirement for libraries to commercial or industrial acreage. As such, the impact, and required mitigation, only applies to residential uses. The need for additional library square feet to serve the Proposed Project would place substantial pressure on the existing library facilities and would worsen the present shortfall in library square footage and books per capita. This would be a significant impact. In order to mitigate for impacts associated with the increased demand on existing library facilities, the City shall require that prior to the approval of a building permit for any residential project, the applicant shall pay a PFDIF or equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance. However, due to the existing deficiency in library service in the City and the inability to demonstrate that fees would fully mitigate the potential impact, this mitigation is insufficient to reduce the impact to below significant. No other feasible mitigation has been identified which would reduce Potential Significant Impact 4.13.5-1 to below a level of significance. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.13.5-1 cannot be mitigated to below a level of significance. This significant

unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### **5.5.2 Potential Significant Impact (4.13.5-2)**

Development of the Proposed Project during Phase I would require approximately 1,620 square feet of library space. Until new library facilities are constructed or existing facilities are expanded to meet the increased demand, a significant impact to library services would exist.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR. Although changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR, there are no feasible mitigation measures which can mitigate this impact to below a level of significance. Despite the incorporation of all feasible mitigation measures, the Project's impacts to public services (library services) are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The projected increase in population associated with development of the Pacifica Project during Phase I would result in additional demands on library services. Currently, there is insufficient existing library space in the City to meet their 500 GSF per 1,000 residents threshold standard. Development of the Pacifica Project during Phase I would require approximately 1,620 square feet of library space.

In order to mitigate the impacts associated with the increased demand on existing library facilities, the City shall require that prior to the approval of a building permit for any residential project, the applicant shall pay a PFDIF or equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance. However, due to the existing deficiency in library service in the City and the inability to demonstrate that fees would fully mitigate the potential impact, this mitigation is insufficient to reduce the impact to below significant. No other feasible mitigation has been identified which would reduce Potential Significant Impact 4.13.5-1 to below a level of significance. Although this impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Impact 4.13.5-1 cannot be mitigated to below a level of significance. This significant unavoidable impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below



INTENTIONALLY LEFT BLANK

## 6.0 FINDINGS REGARDING SIGNIFICANT CUMULATIVE IMPACTS

CEQA requires a lead agency to evaluate the potential cumulative impacts of a proposed project. Cumulative impacts are defined as two or more individual effects which, when considered together, are considerable or compound or increase other effects. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment, which results from the proposed project when added to other closely related projects. In identifying projects which may contribute to cumulative impacts, the CEQA allows the use of either a list of past, present, and reasonably anticipated future projects, with related or cumulative impacts. The list of “past, present and reasonably anticipated future projects” should include related projects which already have been constructed, are presently under construction, are approved but not yet under construction, and are not yet approved but are under environmental review at the time the draft EIR is prepared. The list must include not only projects under review by the lead agency, but also those under review by other relevant public agencies.

The Project will result in significant cumulative impacts in the following areas: Traffic and Circulation; Aesthetics/Visual Quality; Air Quality; Marine Biological Resources; Public Services; Public Utilities; and Energy. Although the Port has incorporated all feasible mitigation measures that would avoid or substantially lessen these significant cumulative impacts, several of the significant cumulative impacts identified in the FEIR cannot be avoided or reduced to below significance.

The FEIR also determined that the Project may result in significant impacts at the cumulative level for Traffic and Circulation, Aesthetics/Visual Quality, Air Quality, Public Services (Library Services) and Energy, which would not be mitigated to below a level of significance even after the implementation of all feasible mitigation measures. As described in the Statement of Overriding Considerations below, however, the Port has determined these significant unavoidable cumulative impacts are acceptable because of specific overriding considerations.

The findings below identify each of the significant cumulative environmental impacts, the mitigation measures adopted to substantially lessen or to avoid them, and the cumulative impacts which cannot be mitigated below significance after the incorporation of all feasible mitigation measures. The findings are based on by reference the analysis of cumulative significant impacts contained in the *Chapter 6.0, Cumulative Impacts* of the FEIR.

## 6.1 Transportation/Circulation

### 6.1.1 Potential Significant Impact (6.5-1)

The development of the Project would result in a significant cumulative impact during Phase I to the freeway segment of I-5 between E Street to H Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions in both directions during the AM and PM peak hours.

#### Finding

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### Facts in Support of Finding

As part of the traffic analysis, cumulative impacts were identified if the project contributed to a roadway, intersection or freeway segment that operated at level of service (LOS) E or LOS F. All of the segments of I-5 between SR-54 and Palomar Street currently operate at LOS F (except for SR-54 to E Street, which operates at LOS D in the AM peak hour and LOS E in the PM peak hour), and all phases of the Proposed Project would contribute traffic to each of these segments. The following I-5 freeway segments would experience congestion in Phase I that would be considered significant:

- E Street to H Street (LOS F, NB/SB, AM/PM)
- H Street to J Street (LOS F, NB/SB, AM/PM)
- Street to L Street (LOS F, NB/SB, AM/PM)
- L Street to Palomar Street (LOS F, NB/SB, AM/PM)

The Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify

transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The Plan required by this mitigation shall include the following:

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

months of the first meeting of the entities. Thereafter, the Port and the City shall report at least annually regarding the progress of the Plan, for a period of not less than 5 years, which may be extended at the request of the City Council and/or Board of Commissioners.

- h) The Plan shall also expressly include each Entity's pledge that it will cooperate with each other in implementing the Plan.
- i) Prior to issuance of certificates of occupancy or building permits for any development of individual projects within the Chula Vista Bayfront Master Plan, the Port and the City shall require Project applicants to make their fair-share contribution toward mitigation of cumulative freeway impacts within the City's Portion of the I-5 South Corridor by participating in the City's Western Traffic Development Impact Fee or equivalent funding program.

The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant cumulative impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant cumulative impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this cumulative impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Cumulative Impact 6.5-1 cannot be mitigated to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **6.1.2 Potential Significant Impact (6.5-2)**

The development of the Proposed Project would result in a significant cumulative impact during Phase I to the freeway segment of I-5 between H Street to J Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions in both directions during the AM and PM peak hours.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Cumulative Impact 6.5-1 above also apply to Potential Significant Cumulative Impact 6.5-2. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant cumulative impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant cumulative impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this cumulative impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Cumulative Impact 6.5-2 cannot be mitigated to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### 6.1.3 Potential Significant Impact (6.5-3)

The development of the Project would result in a significant cumulative impact during Phase I to the freeway segment of I-5 between J Street to L Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions in both directions during the AM and PM peak hours.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Cumulative Impact 6.5-1 above also apply to Potential Significant Cumulative Impact 6.5-3. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant cumulative impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant cumulative impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port,

the Port cannot ensure that the necessary improvements will be constructed as needed. Although this cumulative impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Cumulative Impact 6.5-2 cannot be mitigated to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **6.1.4 Potential Significant Impact (6.5-4)**

The development of the Project would result in a significant cumulative impact during Phase I to the freeway segment of I-5 between L Street to Palomar Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions in both directions during the AM and PM peak hours.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 4.2-8, the Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Cumulative Impact 6.5-1 above also apply to Potential Significant Cumulative Impact 6.5-4. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use



its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant cumulative impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant cumulative impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this cumulative impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Cumulative Impact 6.5-4 cannot be mitigated to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **6.1.5 Potential Significant Impact (6.5-5)**

With the closure of F Street, extension of H Street, and the partial extension of E Street, the addition of cumulative traffic to Phase I traffic would result in a cumulative significant impact to the freeway segment of I-5 between H Street and J Street given that, despite all feasible mitigation, the roadway segment would experience northbound LOS F conditions during the AM peak hours and southbound LOS F conditions during the PM peak hours.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Cumulative Impact 6.5-1 above also apply to Potential Significant Impact 6.5-5.

As part of the traffic analysis, cumulative impacts were identified if the Project contributed to a roadway, intersection, or freeway segment that operated at level of service (LOS) E or LOS F.

All of the segments of I-5 between SR-54 and Palomar Street currently operate at LOS F (except for SR-54 to E Street, which operates at LOS D in the AM peak hour and LOS E in the PM peak hour), and all phases of the Proposed Project would contribute traffic to each of these segments. In Phase I Conditions with Closure of F Street and Extension of H Street and Partial Extension of E Street, the following I-5 freeway segments would experience congestion that would be considered significant:

- H Street to J Street (LOS F, NB, AM and LOS F, SB, PM)
- J Street to L Street (LOS F, NB/SB, AM/PM)
- L Street to Palomar Street (LOS F, NB/SB, AM/PM)

As discussed previously, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant cumulative impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant cumulative impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this cumulative impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Cumulative Impact 6.5-5 cannot be mitigated to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### **6.1.6 Potential Significant Impact (6.5-6)**

With the closure of F Street, extension of H Street, and the partial extension of E Street, the addition of cumulative traffic to Phase I traffic would result in a cumulative significant impact to the freeway segment of I-5 between J Street and L Street given that, despite all feasible

mitigation, the roadway segment would experience LOS F conditions in both directions during both the AM and PM peak hours.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

The facts in support of the findings for Potential Significant Cumulative Impacts 6.5-1 and 6.5-5 above also apply to Potential Significant Cumulative Impact 6.5-5. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant cumulative impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant cumulative impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this cumulative impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Cumulative Impact 6.5-6 cannot be mitigated to below a level of significance. This significant unavoidable cumulative impact is

considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### **6.1.7 Potential Significant Impact (6.5-7)**

With the closure of F Street, extension of H Street, and the partial extension of E Street, the addition of cumulative traffic to Phase I traffic would result in a cumulative significant impact to the freeway segment of I-5 between L Street and Palomar Street given that, despite all feasible mitigation, the roadway segment would experience LOS F conditions in both directions during both the AM and PM peak hours.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of all feasible mitigation, the Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Cumulative Impact 6.5-1 above also apply to Potential Significant Cumulative Impact 6.5-7. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant cumulative impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant cumulative impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this cumulative impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Cumulative Impact 6.5-7 cannot be mitigated to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### **6.1.8 Potential Significant Impact (6.5-8)**

The development of the Project would result in a significant cumulative impact during Phase II to the freeway segment of I-5 between H Street to J Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions northbound in the AM peak hour and LOS F conditions southbound in the PM peak hour.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of all feasible mitigation, the Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Cumulative Impact 6.5-1 above also apply to Potential Significant Cumulative Impact 6.5-8. As part of the traffic analysis, cumulative impacts were identified if the project contributed to a roadway, intersection or freeway segment that operated at level of service (LOS) E or LOS F. All of the segments of I-5 between SR-54 and Palomar Street currently operate at LOS F (except for SR-54 to E Street, which operates at LOS D in the AM peak hour and LOS E in the PM peak hour), and all phases of the Proposed Project would contribute traffic to each of these segments. In Phase II, the

following I-5 freeway segments would experience congestion that would be considered significant:

- H Street to J Street (LOS F, NB, AM and LOS F, SB, PM)
- J Street to L Street (LOS F, NB, AM and LOS F, SB, PM)
- L Street to Palomar Street (LOS F, NB/SB, AM/PM)

As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant cumulative impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant cumulative impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this cumulative impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Cumulative Impact 6.5-7 cannot be mitigated to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **6.1.9 Potential Significant Impact (6.5-9)**

The development of the Project would result in a significant cumulative impact during Phase II to the freeway segment of I-5 between J Street to L Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions northbound in the AM peak hour and LOS F conditions southbound in the PM peak hour.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of all feasible mitigation, the Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

The facts in support of the findings for Potential Significant Cumulative Impact 6.5-1 and 6.5-8 above also apply to Potential Significant Impact 6.5-9. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant cumulative impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant cumulative impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this cumulative impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Cumulative Impact 6.5-9 cannot be mitigated to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### 6.1.10 Potential Significant Impact (6.5-10)

The development of the Project would result in a significant cumulative impact during Phase II to the freeway segment of I-5 between L Street to Palomar Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions in both directions during the AM and PM peak hours.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of all feasible mitigation, the Project's impacts to freeway segments are considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the findings for Potential Significant Cumulative Impacts 6.5-1 and 6.5-8 above also apply to Potential Significant Cumulative Impact 6.5-10. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant cumulative impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant cumulative impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port,



the Port cannot ensure that the necessary improvements will be constructed as needed. Although this cumulative impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Cumulative Impact 6.5-9 cannot be mitigated to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

**6.1.11 Potential Significant Impact (6.5-11)**

In Phase III, H Street between Street A to the I-5 ramps would operate at LOS D, which would be a significant cumulative impact.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**Facts in Support of Finding**

As discussed in the FEIR, in Phase III, H Street between Street A to the I-5 ramps would operate at LOS D. In order to mitigate for impacts to the Phase III road network as a result of the Project, it was determined that H Street between Street A and the I-5 ramps would already have been widened in Phase II to accommodate growth in traffic, and it would be difficult to widen more, due to ROW constraints. To accommodate traffic from the Project and to provide another route to I-5, the Port shall extend E Street from the RCC Driveway to west of Bay Boulevard. The segment shall be built as a two-lane Class III Collector prior to the issuance of either a building permit or final map for a Phase II project. Incorporation of Mitigation Measure 6.5-3 will ensure that potential cumulative impacts associated with traffic impacts caused by the Proposed Project on the Phase III network will be less than significant. With incorporation of Mitigation Measure 6.5-3, Potential Significant Cumulative Impact 6.3-11 will be less than significant.

**6.1.12 Potential Significant Impact (6.5-12)**

To accommodate traffic from the Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard, which would result in a significant cumulative impact to the intersection of H Street and the I-5 southbound ramps, given that without sufficient mitigation, the intersection would experience LOS E conditions during the PM peak hour.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**Facts in Support of Finding**

To accommodate traffic from the project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard. The extension of E Street would significantly impact the intersection of H Street and I-5 SB Ramps which would operate at LOS E in the PM peak hour. In order to mitigate for impacts to the Phase III road network as a result of the Proposed Project, it was determined that H Street between Street A and the I-5 ramps was already widened in Phase II to accommodate growth in traffic, and it would be difficult to widen more, due to ROW constraints. To accommodate traffic from the Project and to provide another route to I-5, the Port shall extend E Street from the RCC Driveway to west of Bay Boulevard. The segment shall be built as a two-lane Class III Collector prior to the issuance of either a building permit or final map for a Phase II project. Incorporation of Mitigation Measure 6.5-3 will ensure that potential cumulative impacts to the intersection of H Street and I-5 SB Ramps due to the extension of E Street will be less than significant. With incorporation of Mitigation Measure 6.5-3, Potential Significant Cumulative Impact 6.5-12 will be less than significant and the intersection will operate at an acceptable LOS.

**6.1.13 Potential Significant Impact (6.5-13)**

To accommodate traffic from the Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard, which would contribute to a significant cumulative impact to the intersection of J Street and the I-5 northbound ramps, given that without sufficient mitigation, the intersection would experience LOS E conditions during the AM peak hour.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**Facts in Support of Finding**

To accommodate traffic from the Proposed Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard. In order

to mitigate for impacts to the intersection of J Street and I-5 NB Ramps which would operate at LOS E in the PM peak hour due to the extension of E Street, prior to issuance of a certificate of occupancy for any Phase III project, the Port shall construct an exclusive westbound right-turn lane at the intersection of J Street and I-5 NB Ramps. The lane shall be constructed to the satisfaction of the City Engineer. Incorporation of Mitigation Measure 6.5-3 will ensure that potential impacts to the intersection of J Street and the I-5 northbound ramps due to the extension of E Street will be less than significant. With incorporation of Mitigation Measure 6.5-4, Potential Significant Cumulative Impact 6.5-13 will be less than significant and the intersection will operate at an acceptable LOS.

#### **6.1.14 Potential Significant Impact (6.5-14)**

The development of the Project would result in a significant cumulative impact during Phase III to the freeway segment of I-5 between J Street to L Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions northbound during the AM peak hour.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), additional such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 6.5-1, the Proposed Project's cumulative impacts to freeway segments would not be reduced to below a level of significance and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 6.5-1 above also apply to Potential Significant Impact 6.5-14. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair

share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant cumulative impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant cumulative impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this cumulative impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Cumulative Impact 6.5-15 cannot be mitigated to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **6.1.15 Potential Significant Impact (6.5-15)**

The development of the Proposed Project would result in a significant cumulative impact during Phase III to the freeway segment of I-5 between L Street to Palomar Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions southbound during the PM peak hour.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), additional such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 6.5-1, the Proposed Project's cumulative impacts to freeway segments would not be reduced to below a level of significance and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Cumulative Impact 6.5-1 above also apply to Potential Significant Cumulative Impact 6.5-15. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Implementation of the mitigation measures described above would avoid or substantially lessen the potential significant cumulative impact to freeway segments. However, because implementation of the physical improvements needed to reduce significant cumulative impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port, the Port cannot ensure that the necessary improvements will be constructed as needed. Although this cumulative impact has been reduced to the extent feasible by the mitigation measures identified in the FEIR and these findings, Potential Significant Cumulative Impact 6.5-9 cannot be mitigated to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **6.1.16 Potential Significant Impact (6.5-16)**

To accommodate traffic from the Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard, which would contribute to a significant cumulative impact to the roadway segment of E Street west of Bay Boulevard, given that without sufficient mitigation, the roadway segment would experience LOS D conditions.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**Facts in Support of Finding**

In Phase III Conditions with Extension of E Street, E Street west of Bay Boulevard would operate at LOS D which would be considered significant. In order to mitigate for impacts to the roadway segment of E Street west of Bay Boulevard resulting from the extension of E Street, prior to the issuance of a certificate of occupancy for any Phase III project, the Port shall widen E street between the RCC Driveway and Bay Boulevard to a two-lane Class II Collector. The additional roadway capacity would facilitate the flow of Project traffic. Incorporation of Mitigation Measure 6.5-5 would ensure that the roadway segment will operate at an acceptable LOS impacts to the segment of E Street west of Boulevard resulting from the extension of E Street will be less than significant.

**6.1.17 Potential Significant Impact (6.5-17)**

To accommodate traffic from the Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard, which would contribute to a significant cumulative impact to the roadway segment of Street A from H Street to Street C, given that without sufficient mitigation, the roadway segment would experience LOS F conditions.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**Facts in Support of Finding**

In Phase III Conditions with Extension of E Street, Street A from H Street to Street C would operate at LOS F which would be considered significant. In order to mitigate for impacts to the roadway segment of Street A from H Street to Street C resulting from the extension of E Street, prior to issuance of a certificate of occupancy for any Phase III project, the Port shall widen Street A between H Street and Street C to a four-lane Class I Collector. The additional roadway capacity would facilitate the flow of Project traffic. Incorporation of Mitigation Measure 6.5-6 would ensure that the roadway segment would operate and an acceptable LOS and impacts to the segment of Street A from H Street to Street C resulting from the extension of E Street will be less than significant.

### **6.1.18 Potential Significant Impact (6.5-18)**

To accommodate traffic from the Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard, which would contribute to a significant cumulative impact to the intersection of E Street and Bay Boulevard, given that without sufficient mitigation, the intersection would experience LOS F conditions during the PM peak hour.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

#### **Facts in Support of Finding**

In Phase III Conditions with Extension of E Street, the intersection of E Street and Bay Boulevard would operate at LOS F in the PM peak hour which would be considered a significant impact. In order to mitigate for impacts to E Street/Bay Boulevard intersection, prior to issuance of a certificate of occupancy for any Phase III project, the Port shall construct southbound left- and right-turn lanes at the intersection of E Street and Bay Boulevard. The lanes shall be constructed to the satisfaction of the City Engineer. The additional turn lanes would facilitate the flow of Project traffic at the intersection. Incorporation of Mitigation Measure 6.5-7 would ensure that the intersection will operate at an acceptable LOS and impacts to the intersection of E Street and Bay Boulevard resulting from the extension of E Street will be less than significant.

### **6.1.19 Potential Significant Impact (6.5-19)**

To accommodate traffic from the Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard, which would contribute to a significant cumulative impact to the intersection of J Street and Bay Boulevard, given that without sufficient mitigation, the intersection would experience LOS E conditions during the PM peak hour.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**Facts in Support of Finding**

In Phase III Conditions with Extension of E Street, the intersection of J Street and Bay Boulevard would operate at LOS E in the PM peak hour which would be considered a significant impact. In order to mitigate for impacts to J Street/Bay Boulevard intersection, prior to issuance of a certificate of occupancy for any Phase III project, the Port shall construct an exclusive eastbound right-turn lane at the intersection of J Street and Bay Boulevard. The lane shall be constructed to the satisfaction of the City Engineer. The additional turn lane would facilitate the flow of Project traffic at the intersection. Incorporation of Mitigation Measure 6.5-8 would ensure that the intersection would operate at an acceptable LOS and impacts to the intersection of J Street and Bay Boulevard resulting from the extension of E Street will be less than significant.

**6.1.20 Potential Significant Impact (6.5-20)**

To accommodate traffic from the Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard, which would contribute to a significant cumulative impact to the intersection of J Street and the I-5 northbound ramps, given that without sufficient mitigation, the intersection would experience LOS E conditions during both the AM and PM peak hours.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**Facts in Support of Finding**

In Phase III Conditions with Extension of E Street, the intersection of J Street and I-5 northbound ramps would operate at LOS E in the AM and PM peak hour which would be considered a significant impact. In order to mitigate for impacts to J Street/I-5 northbound ramp intersection, prior to issuance of a certificate of occupancy for any Phase III project, the Port shall construct an exclusive westbound right-turn lane at the intersection of J Street and I-5 NB ramps. The lane shall be constructed to the satisfaction of the City Engineer. The additional turn lane would facilitate the flow of Project traffic at the intersection. Incorporation of Mitigation Measure 6.5-9 would ensure that the intersection would operate and an acceptable LOS and impacts to the intersection of J Street and I-5 northbound ramps resulting from the extension of E Street will be less than significant.



### **6.1.21 Potential Significant Impact (6.5-21)**

To accommodate traffic from the Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard, which would contribute to a significant cumulative impact during Phase III to the freeway segment of I-5 between SR-54 to E Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions northbound in the AM peak hour and LOS F conditions southbound during the PM peak hour.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), additional such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 6.5-1, the Proposed Project's cumulative impacts to freeway segments would not be reduced to below a level of significance and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 6.5-1 above also apply to Potential Significant Impact 6.5-21. As part of the traffic analysis, cumulative impacts were identified if the project contributed to a roadway, intersection or freeway segment that operated at level of service (LOS) E or LOS F. All of the segments of I-5 between SR-54 and Palomar Street currently operate at LOS F (except for SR-54 to E Street, which operates at LOS D in the AM peak hour and LOS E in the PM peak hour), and all phases of the Proposed Project would contribute traffic to each of these segments.

Under Phase III Conditions with the Extension of E Street, the following I-5 freeway segments would experience congestion that would be considered significant:

- SR-54 to E Street (LOS F, NB, AM and LOS F, SB, PM)
- E Street to H Street (LOS F, NB, AM and LOS F, SB, PM)
- H Street to J Street (LOS F, NB, AM and LOS F, SB, PM)

- J Street to L Street (LOS F, NB, AM and LOS F, SB, PM)
- L Street to Palomar Street (LOS F, NB, AM and LOS F, SB, PM)

As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Again, as discussed under Potential Significant Impact 6.5-1 above and Mitigation Measure 6.5-1, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Accordingly, the Proposed Project's cumulative impacts to freeway segments would not be reduced to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **6.1.22 Potential Significant Impact (6.5-22)**

To accommodate traffic from the Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard, which would contribute to a significant cumulative impact during Phase III to the freeway segment of I-5 between E Street to H Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions northbound in the AM peak hour and LOS F conditions southbound during the PM peak hour.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), additional such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because

implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 6.5-1, the Proposed Project's cumulative impacts to freeway segments would not be reduced to below a level of significance and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impacts 6.5-1 and 6.5-21 above also apply to Potential Significant Impact 6.5-22. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Again, as discussed under Potential Significant Impact 6.5-1 above and Mitigation Measure 6.5-1, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Accordingly, the Proposed Project's cumulative impacts to freeway segments would not be reduced to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **6.1.23 Potential Significant Impact (6.5-23)**

To accommodate traffic from the Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard, which would contribute to a significant cumulative impact during Phase III to the freeway segment of I-5 between H Street to J Street given that, despite all feasible mitigation, the roadway segment

would continue to experience congested LOS F conditions northbound in the AM peak hour and LOS F conditions southbound during the PM peak hour.

### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), additional such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 6.5-1, the Proposed Project's cumulative impacts to freeway segments would not be reduced to below a level of significance and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impacts 6.5-1 and 6.5-21 above also apply to Potential Significant Impact 6.5-23. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Again, as discussed under Potential Significant Impact 6.5-1 above and Mitigation Measure 6.5-1, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Accordingly, the Proposed Project's cumulative impacts to freeway segments would not be reduced to below a level of significance. This significant unavoidable

cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **6.1.24 Potential Significant Impact (6.5-24)**

To accommodate traffic from the Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard, which would contribute to a significant cumulative impact during Phase III to the freeway segment of I-5 between J Street to L Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions northbound in the AM peak hour and LOS F conditions southbound during the PM peak hour.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), additional such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 6.5-1, the Proposed Project's cumulative impacts to freeway segments would not be reduced to below a level of significance and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impacts 6.5-1 and 6.5-21 above also apply to Potential Significant Impact 6.5-24. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best

efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Again, as discussed under Potential Significant Impact 6.5-1 and Mitigation Measure 6.5-1 above, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Accordingly, the Proposed Project's cumulative impacts to freeway segments would not be reduced to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **6.1.25 Potential Significant Impact (6.5-25)**

To accommodate traffic from the Project and to provide another route to I-5, E Street is proposed to be extended in Phase III from the RCC Driveway to west of Bay Boulevard, which would contribute to a significant cumulative impact during Phase III to the freeway segment of I-5 between L Street to Palomar Street given that, despite all feasible mitigation, the roadway segment would continue to experience congested LOS F conditions northbound in the AM peak hour and LOS F conditions southbound during the PM peak hour.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR; and pursuant to CEQA Guidelines section 15091(a)(2), additional such changes are within the responsibility and jurisdiction of Caltrans, not the Port, and such changes can and should be adopted by Caltrans. However, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure 6.5-1, the Proposed Project's cumulative impacts to freeway segments would not be reduced to below a level of significance and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impacts 6.5-1 and 6.5-21 above also apply to Potential Significant Impact 6.5-25. As discussed, the Port and the City shall participate in a multijurisdictional effort conducted by Caltrans and SANDAG to assist in developing a

detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River. Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on nexus as well as other mechanisms. The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.

Again, as discussed under Potential Significant Impact 6.5-1 and Mitigation Measure 6.5-1 above, because implementation of the physical improvements needed to reduce significant impacts to the affected freeway segments is within the jurisdiction and control of Caltrans and not the Port or the City, the Port and the City cannot ensure that the necessary improvements will be constructed as needed. Accordingly, the Proposed Project's cumulative impacts to freeway segments would not be reduced to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

#### **6.1.26 Potential Significant Impact (6.5-26)**

The development of the Proposed Project would result in a significant cumulative impact during Phase IV to the intersection of H Street and Woodlawn Avenue, given that without sufficient mitigation, the intersection would experience LOS F conditions during both the AM and PM peak hours.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

#### **Facts in Support of Finding**

Under Phase IV Conditions, the intersection of H Street and Woodlawn Avenue would operate at LOS F in the AM and PM peak hour which would be a significant impact. In order to mitigate for the impact, prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port shall construct an eastbound and westbound through-lane along H Street (as part of roadway segment mitigation) and a westbound right-turn lane at the intersection of H Street and Woodlawn Avenue. The additional lanes shall be constructed to the satisfaction

of the City Engineer. The additional turn lanes would facilitate the flow of Project traffic at the intersection. Incorporation of Mitigation Measure 6.5-10 would ensure that cumulative impacts to H Street and Woodlawn Avenue under Phase IV conditions would be less than significant.

**6.1.27 Potential Significant Impact (6.5-27)**

The development of the Proposed Project would result in a significant cumulative impact during Phase IV to the intersection of H Street and Broadway, given that without sufficient mitigation, the intersection would experience LOS F conditions during the PM peak hour.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**Facts in Support of Finding**

Under Phase IV Conditions, the intersection of H Street and Broadway would operate at LOS F in the PM peak hour which would be a significant impact. In order to mitigate for the impact, prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port shall construct a westbound through- and right-turn lane along H Street at the intersection of H Street and Broadway. The lane shall be constructed to the satisfaction of the City Engineer. With mitigation, this intersection would still operate at LOS E during the PM peak hour. This is consistent with the result from the Chula Vista Urban Core traffic study, which concluded that no additional mitigation is desired at this location. Therefore, incorporation of Mitigation Measure 6.5-11 would ensure that cumulative impacts to H Street and Broadway under Phase IV conditions would be less than significant.

**6.1.28 Potential Significant Impact (6.5-28)**

The development of the Proposed Project would result in a significant cumulative impact during Phase IV to the intersection of J Street and the I-5 northbound ramps, given that without sufficient mitigation, the intersection would experience LOS E conditions during the PM peak hour.

**Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.



### **Facts in Support of Finding**

Under Phase IV Conditions, the intersection of J Street and I-5 northbound ramps would operate at LOS E in the PM peak hour which would be a significant impact. In order to mitigate for the impact, prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port shall construct a dual eastbound left-turn lane along J Street at the intersection of J Street and I-5 northbound ramps. The additional lanes shall be constructed to the satisfaction of the City Engineer. Incorporation of Mitigation Measure 6.5-12 would ensure that the intersection operates at an acceptable LOS and impacts to the intersection of J Street and I-5 northbound ramps under Phase IV conditions will be less than significant.

## **6.2 Aesthetics/Visual Quality**

### **6.2.1 Potential Significant Impact (6.6-1)**

The cumulative analysis in the General Plan Update EIR, which relied on the Regional Comprehensive Plan EIR, concluded that “the loss of views of significant landscape features and landforms would incrementally increase with implementation of the Regional Comprehensive Plan and general plans within the region.” Because the Regional Comprehensive Plan is a regional plan, the Urban Core Specific Plan intensifies this impact, and the Proposed Project would additionally impact landscape features and landforms in the region, the effects of which are cumulatively significant.

### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR, but not to below a level of significance; therefore, despite the incorporation of all feasible mitigation measures, the Project’s impacts to public view are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

The Proposed Project would add to the intensification of land use and would further change the character of the area. The cumulative analysis in the General Plan Update EIR, which relied on the Regional Comprehensive Plan EIR, concluded that “the loss of views of significant landscape features and landforms would incrementally increase with implementation of the Regional Comprehensive Plan and general plans within the region.” Because the Regional Comprehensive Plan is a regional plan, the Urban Core Specific Plan intensifies this impact, and the Proposed

Project would additionally impact landscape features and landforms in the region, the effects of which are cumulatively significant.

In order to mitigate for impacts to existing landscape features and landforms in the region as a result of project implementation, the Port and City will implement Mitigation Measure 6.6-1, to include the following:

**View Protection:** As a condition for issuance of Coastal Development Permits, buildings fronting on H Street shall be designed to step away from the street. More specifically, design plans shall protect open views down the H Street Corridor by ensuring that an approximate 100-foot ROW width (curb–curb, building setbacks, and pedestrian plaza/walkway zone) remains clear of buildings, structures, or major landscaping. Visual elements above 6 feet in height shall be prohibited in this zone if the feature would reduce visibility by more than 10%. Placement of trees should take into account potential view blockage. This mitigation should not be interpreted to not allow tree masses; however, trees should be spaced in order to assure “windows” through the landscaping. Trees should also be considered to help frame the views, and they should be pruned up to increase the views from pedestrians and vehicles, underneath the tree canopy. In order to reduce the potential for buildings to encroach into view corridors, and to address the scale and massing impact, buildings shall step back at appropriate intervals or be angled to open up a broader view corridor at the ground plane to the extent feasible. All plans shall be subject to review and approval by the Port. All future development proposals shall conform to Port design guidelines and standards to the satisfaction of the Port.

**Height and Bulk:** Prior to issuance of Coastal Development Permits for projects within the Port’s jurisdiction, the Project developer shall ensure that design plans for any large-scale projects (greater than two stories in height) shall incorporate standard design techniques, such as articulated facades, distributed building massing, horizontal banding, stepping back of buildings, and varied color schemes, to separate the building base from its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for large project components to diminish imposing building edges, monotonous facades, and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the Port.

Prior to design review approval for properties within the City’s jurisdiction, the Project developer shall ensure that design plans for any large-scale projects (greater than two stories in height) shall incorporate standard design techniques, such as articulated facades, distributed building massing, horizontal banding, and varied color schemes, to separate the building base from its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for the large project components

to diminish imposing building edges, monotonous facades, and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the City of Chula Vista Planning Director.

**Landscaping:** Prior to final approval of Phase I infrastructure design plans, the Port and City shall collectively develop a master landscaping plan for the project's public components and improvements. The plan shall provide sufficient detail to ensure conformance to streetscape design guidelines and that future developers/tenants, as applicable, provide screening of parking areas.

Streetscape landscaping shall be designed to enhance the visitor experience for both pedestrians and those in vehicles. Specifically, detailed landscaping plans shall be developed to enhance Marina Parkway, a designated scenic roadway, and shall provide, where appropriate, screening of existing industrial uses and parking areas until such time as these facilities are redeveloped.

Street landscaping design shall be coordinated with a qualified biologist or landscape architect to ensure that proposed trees and other landscaping are appropriate for the given location. For instance, vegetation planted adjacent to open water/shoreline areas must not provide raptor perches. Landscaping shall be drought tolerant or low water use, and invasive plant species shall be prohibited.

Prior to approval of a tentative map or site development plan for future residential development, the Project developer shall submit a landscaping design plan for on-site landscaping improvements that is in conformance with design guidelines and standards established by the City of Chula Vista. The plan shall be implemented as a condition of project approval.

**Gateway Plan:** Concurrent with the preparation of Phase I infrastructure design plans for "E and H" Street, a Gateway plan shall be prepared for "E and H" Streets. Prior to issuance of occupancy for any projects within the Port's jurisdiction in Phase I, the "E and H" Street Gateway plan shall be approved by the Port and City's Directors of Planning and Building. The "E and H" Street Gateway plan shall be coordinated with the Gateway plan for J Street.

Concurrent with development of Parcels H-13 and H-14, the applicant shall submit a Gateway plan for "J" Street for City Design Review consideration. Prior to issuance of any building permits, the "J" Street Gateway plan shall be approved by the Director of Planning and Building in coordination with the Port's Director of Planning. The "J" Street Gateway plan shall be coordinated with the Gateway plan for "E and H" Streets.

Despite incorporation of Mitigation Measure 6.6-1, Potential Significant Impact 6.6-1 would remain significant and unmitigated. Impacts to view quality resulting from a change in scale and character and substantial view blockage associated with the Pacifica Residential and Retail Project would not be reduced to below a level of significance. No feasible mitigation beyond

redesign of the Project as identified as a Project alternative would reduce the impacts to view quality associated with the Pacifica Residential and Retail Project. See *Section 4.4, Aesthetics/Visual Quality* and *Chapter 5, Alternatives* in the FEIR, for further discussion. Accordingly, the Proposed Project's cumulative impacts to view quality would not be reduced to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### **6.3 Air Quality**

#### **6.3.1 Potential Significant Impact (6.8-1)**

Because of the air basin's non-attainment status for ozone, PM<sub>2.5</sub>, and PM<sub>10</sub> and the construction activities associated with the Proposed Project, the Project would contribute to cumulative construction air quality impacts.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR. Although changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR, there are no feasible mitigation measures which can mitigate this impact to below a level of significance. Despite the incorporation of all feasible mitigation measures, the Project's impacts to air quality are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The cumulative assessment of air quality impacts relies on the current RAQS. In order to meet federal air quality standards in California, the California Air Resources Board (CARB) required each air district to develop its own strategy for achieving the National Ambient Air Quality Standards (NAAQS). The San Diego Air Pollution Control District (APCD) prepared the 1991/1992 RAQS in response to the requirements set forth in the California Clean Air Act. The RAQS set forth the steps needed to accomplish attainment of state and federal ambient air quality standards.

The RAQS addresses air effects from industrial sources, area-wide sources, and mobile sources. It also considers transportation control measures and indirect source review. Industrial sources are stationary air pollution sources for which APCD has control responsibility. Area-wide sources include such things as consumer products, small utility engines, hot water heaters, and

furnaces. Both the CARB and the APCD have authority to regulate these sources. Mobile sources are principally emissions from motor vehicles. The CARB establishes emission standards for motor vehicles and regulates other motor-vehicle-related activities, such as aftermarket parts certification and fuel standards.

The components of the RAQS that are most directly related to the Proposed Project fall within the transportation control measures and indirect source control. Transportation control measures include measures to reduce vehicle trips, use, miles traveled, and traffic congestion. Indirect sources are those facilities that generate or attract mobile sources that can result in emissions of pollutants for which there is a state ambient air standard. These uses include shopping centers, schools, residential uses, etc. These measures involve actions by the City and Port as they pertain to planning, zoning, and development activities.

In 1992, SANDAG adopted Transportation Control Measures (TCM) for the Air Quality Plan, which set forth 11 tactics aimed at reducing traffic congestion and motor vehicle emissions in the San Diego Air Basin (SDAB). For each of these tactics, the TCM evaluated the potential emissions reduction on a region-wide basis. These tactics are presented in the air quality section of this report (see *Section 4.6* of the FEIR).

The tactic that is most applicable to the current proposal is the Indirect Source Control Program. The TCM plan identified job-housing balance, mixed-use, and transit corridor development as criteria for indirect source control. As part of job-housing balance, SANDAG indicates that land use policies and programs shall be established to attract appropriate employers to residential areas and to encourage appropriate housing in and near industrial and business areas. Mixed-use development should be designed to maximize walking and minimize vehicle use by providing housing, employment, education, shopping, recreation, and any support facilities within convenient proximity. Finally, transit corridor development specifies that the City and the Port land use plans and development policies shall be designed to foster the use of transit. Further, high residential development densities shall be encouraged within walking distance of major transit routes with development having convenient access to transit.

As described in *Section 4.6, Air Quality* in the FEIR, while the proposed land use changes would be different from the former General Plan upon which growth projections used for the RAQS and State Implementation Plan (SIP) were based, the RAQS and SIP do account for air emissions associated with the current adopted General Plan. Emissions from area sources and energy use would be similar to the uses proposed in the former General Plan. The main source of emissions associated with the Proposed Project would be vehicles. According to the Analysis of Intersections with Significant Chula Vista Bayfront Traffic (Kimley-Horn and Associates 2008), land uses in the existing Chula Vista GPU for the CVBMP area were projected to generate 152,654 Average Daily Traffic (ADT). The Proposed Project, as currently proposed, would

generate 79,317 ADT, a reduction of 73,337 ADT. Given that the amount of traffic and associated vehicular emissions assumed in the Chula Vista GPU is higher than the current Proposed Project traffic and emissions, the Proposed Project would not be inconsistent with either the General Plan that served as the basis of the RAQS or with the growth assumptions in the RAQS, and therefore would not result in a significant impact. The SDAB is non-attainment for federal and state ozone standards, state PM<sub>10</sub> and state PM<sub>2.5</sub> standards. As indicated in *Section 4.6, Air Quality* of the FEIR, construction activities would result in significant air quality impacts for each criteria pollutant except carbon monoxide and sulfur dioxide during Phase I. During Phases II through IV, construction activities would result in significant air quality impacts for each criteria pollutant except sulfur dioxide.

Several cumulative projects that are within the current project boundary but are not part of the Proposed Project would not contribute to the cumulative air analysis. The Bayshore Bikeway does not represent an air pollution contribution. Because the demolition of the former Goodrich South Campus would occur before Phase I is initiated, it would not factor into the cumulative analysis for the Proposed Project.

In addition to the projects in Planning District 7, there are five projects being considered or recently approved in or adjacent to Planning District 5 of the PMP. They include the National City Aquatic Center, the National City Marina Improvement, National City Marine Terminal Capacity Enhancement and Wharf Extension projects, the Coronado Yacht Club, and the Glorietta Bay Marina Project at the western shore of Glorietta Bay.

The *Draft Mitigated Negative Declaration for South Bay Boatyard Improvements Project* (Port 2005b) indicated that the South Bay Boatyard would not obstruct implementation of the applicable air quality plan or violate air quality standards. As such, construction of the improvements at the existing South Bay Boatyard does not contribute to the cumulative air quality condition. As with the operation of the SBPP, the operation of the Boatyard is ongoing and the air emissions are part of the ambient air conditions.

Because of the air basin's non-attainment status for ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, the potential increase in residential units, and the construction activities associated with the Proposed Project, the project would contribute to both cumulative construction and operational air quality impacts.

The following mitigation measure would be required to mitigate Potential Significant Impact 6.8-1, which would result from the project's incremental contribution to construction-related cumulative air quality impacts:

Prior to the issuance of any grading permit, the following measures shall be placed as notes on all grading plans, and shall be implemented during grading of each phase of the project to minimize construction emissions. These measures shall be completed to the satisfaction of the

Port and the Director of Planning and Building for the City of Chula Vista (these measures were derived, in part, from Table 11-4 of Appendix 11 of the South Coast AQMD CEQA Air Quality Handbook (SCAQMD 1999)):

- Where practicable, use low pollutant-emitting equipment.
- Where practicable, use catalytic reduction for gasoline-powered equipment.
- Use injection timing retard for diesel-powered equipment.
- Water the grading areas a minimum of twice daily to minimize fugitive dust.
- Stabilize graded areas as quickly as possible to minimize fugitive dust.
- 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 mph.
- Cover/water on-site stockpiles of excavated material.
- 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.

Although Mitigation Measure 6.8-1 would reduce the air quality impacts of the Proposed Project, construction emissions would not be reduced to a level below the standard established by the SCAQMD and used in this document by the City and Port. Therefore, despite incorporation of mitigation measure 6.8-1, Potential Significant Impact 6.8-1 will remain significant and

unmitigated. Accordingly, the Proposed Project's cumulative impacts to air quality would not be reduced to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below

### **6.3.2 Potential Significant Impact (6.8-2)**

Because of the air basin's non-attainment status for ozone, PM<sub>2.5</sub>, and PM<sub>10</sub> and the potential increase in residential units and traffic, the Project would contribute to cumulative operational air quality impacts.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR. Although changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect identified in the FEIR, there are no feasible mitigation measures which can mitigate this impact to below a level of significance. Despite the incorporation of all feasible mitigation measures, the Project's impacts to air quality are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **Facts in Support of Finding**

The facts in support of the finding for Potential Significant Impact 6.8-1 above also apply to Potential Significant Impact 6.8-2. In order to mitigate for impacts to air quality resulting from operation generated emissions, the Port and City shall implement Mitigation Measure 6.8-1, to include the following:

For residential as well as mixed-use/commercial development within the City's jurisdiction, the applicants shall submit an Air Quality Improvement Plan (AQIP) with any Tentative Maps submitted to the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the project have been implemented to the satisfaction of the Director of Planning and Building for the City of Chula Vista. This plan shall demonstrate "the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles traveled." There are two options to meet the AQIP requirement. The applicant shall either evaluate the project in accordance with the computer modeling procedures outlined in the City's AQIP Guidelines, including any necessary site plan modifications.



Prior to the issuance of building permits, the applicant shall demonstrate that the Proposed Project shall comply with Title 24 for Residential and Nonresidential buildings. These requirements, along with the following measures, shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:

- Use of low-NO<sub>x</sub> emission water heaters
- Installation of energy efficient and automated air conditioners when air conditioners are provided
- Energy efficient parking area lights
- Exterior windows shall be double paned.

Although these measures would reduce the air quality impacts of the Proposed Project, they would not bring area and operations emissions to a level below the standard established by the SCAQMD and used in this document by the City and Port. Therefore, despite the incorporation of Mitigation Measure 6.8-1, the cumulative air quality impacts remain significant and unmitigated. Accordingly, the Proposed Project's cumulative impacts to air quality would not be reduced to below a level of significance. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

### **6.3.3 Potential Significant Impact (6.8-3)**

The program-level components of the Chula Vista Bayfront Master Plan would potentially contribute to a conflict with the goals or strategies of AB 32 or related Executive Orders related to greenhouse gasses and climate change, which would be considered a cumulatively significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

#### **Facts in Support of Finding**

A forecast for Greenhouse gas (GHG) emissions in the SDAB or in California is not currently available. As noted in *Section 4.6, Air Quality* of the FEIR, it is estimated that California produces about 7% of U.S. GHG emissions, with about 41% of those emissions related to transportation and about 22% related to electricity. In December 2007, CARB finalized 1990 emissions at 427 million metric tons of CO<sub>2</sub> equivalent emissions and established mandatory

GHG reporting regulations for certain sectors of the economy. CARB's regulations address approximately 94% of the industrial and commercial stationary sources of emissions. Regulated entities include electricity generating facilities, electrical retail providers, oil refineries, hydrogen plants, cement plants, cogeneration facilities, and industrial sources that emit over 25,000 metric tons of CO<sub>2</sub> from stationary source combustion.

Implementation of the Proposed Project would result in GHG emissions as documented in *Section 4.6, Air Quality*, of the FEIR. Climate change is a global issue caused by GHG emissions worldwide. The State of California adopted the Global Warming Solutions Act of 2006 (referred to as AB 32) to reduce statewide GHG emissions and halt the state's contribution to further or catastrophic global climate change. The state also has related legislative orders addressing the statewide emissions of GHG, including Executive Order S-3-05. The GHG emission reduction goals of AB 32 and related Executive Orders consist of reducing GHG emissions to 2000 levels by 2010; to 1990 levels by 2020; and to 80% below 1990 levels by 2050.

Because of the cumulative nature of the problem of global climate change, the Proposed Project's GHG emissions were evaluated on a cumulative level in *Section 4.6, Air Quality*. The project-level components would emit 20% less GHG emissions above existing conditions than would occur with development consistent with "business as usual." As discussed in *Section 4.6, Air Quality*, "business as usual" is considered to be development in compliance with energy efficiency standards established by Title 24. Through the implementation of GHG-reducing project design features, project-level components in Phase I of the Proposed Project would not contribute to a conflict with or obstruction of the goals or strategies of AB 32 or related Executive Orders (see *Section 4.6, Air Quality* in the FEIR). Furthermore, Phase I project-level components of the Proposed Project would also comply with all applicable federal, state, and local programs designed to reduce GHG emissions in effect at the time of issuance of permits.

Program-level components of the Proposed Project have not reached the design stage that enables the development of Project Design Features (PDFs). As such, specific PDFs have not been assigned to Phase I through IV components of the Proposed Project (other than the Pacifica Residential and Retail Development). Program-level developments, including the RCC, will be required as conditions of approval to adopt GHG emission reduction measures similar to those adopted by the Pacifica Residential and Retail Development and to reduce anticipated consumption of energy pursuant to Mitigation Measures 4.16-1 and 4.16-2. New, more effective design features may become available prior to the initiation of these program-level components, however, and would be required of the projects and identified in subsequent environmental analyses.

Although specific PDFs for the RCC project will be determined at a later date, a selection of potential PDFs that may be proposed by the RCC applicant are presented in *Table 4.6-27* in the

FEIR, along with certain requirements for energy and water efficiency. Development of the RCC will be required to include a wide range of PDFs, including energy efficiency, water conservation and efficiency, recycling, and development of mixed uses that are intended to be consistent with the goals and strategies of AB 32 and related Executive Orders. The selection of PDFs discussed in the FEIR and provided in *Table 4.6-27* in the FEIR have been included in order to provide a menu of potential options that may be considered by the RCC applicant to reduce GHG emissions by 20% below business as usual. The potential PDFs identified in *Table 4.6-27* in the FEIR shall be considered by the Port when a project-specific development is proposed for the RCC on Parcel H-3. With implementation of GHG emission reduction measures included in *Table 4.6-27*, and outlined in Mitigation Measures 4.6-6, 4.16-1 and 4.16-2, the RCC is expected to achieve a 20% reduction in water use and exceed Title 24 energy efficiency standards by 15%; therefore, the RCC development would not be considered to contribute substantially to a cumulatively significant global climate change impact or contribute to a conflict with or the obstruction of AB 32 or related Executive Orders.

In the absence of PDF commitments, the level of efficiency of the program phases cannot be established. Therefore, the program-level components of the Project would potentially contribute to a conflict with the goals or strategies of AB 32 or related Executive Orders, which would be considered a cumulatively significant impact to global climate change. In order to mitigate for the program-level components of the Proposed Project's potential to conflict with the goals or strategies of AB 32 and/or related Executive Orders, the Port and City will implement Mitigation Measure 6.8-3, to include the following:

Development of program-level components of the Chula Vista Bayfront Master Plan (Phases I through IV) shall implement measures to reduce GHG emissions. Specific measures may include but are not limited to the following:

***Energy Efficiency***

- Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping, and sun screens to reduce energy use.
- Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.
- Install light colored "cool" roofs, cool pavements, and strategically placed shade trees.
- Provide information on energy management services for large energy users.
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems.
- Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting.

- Limit the hours of operation of outdoor lighting.
- Use solar heating, automatic covers, and efficient pumps and motors for pools and spas.
- Provide education on energy efficiency.

### *Renewable Energy*

- Install solar and wind power systems, solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives.
- Install solar panels on carports and over parking areas.
- Use combined heat and power in appropriate applications.

### *Water Conservation and Efficiency*

- Create water-efficient landscapes.
- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
- Use reclaimed water for landscape irrigation in new developments and on public property where appropriate. Install the infrastructure to deliver and use reclaimed water.
- Design buildings to be water-efficient. Install water-efficient fixtures and appliances.
- Use gray water. (Gray water is untreated household wastewater from bathtubs, showers, bathroom wash basins, and water from clothes washing machines.) For example, install dual plumbing in all new development, allowing gray water to be used for landscape irrigation.
- Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- Restrict the use of water for cleaning outdoor surfaces and vehicles.
- Implement low-impact development practices that maintain the existing hydrologic character of the site to manage stormwater and protect the environment. (Retaining stormwater runoff on site can drastically reduce the need for energy-intensive imported water at the site.)
- Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.
- Provide education about water conservation and available programs and incentives.

***Solid Waste Measures***

- Reuse and recycle construction and demolition waste (including but not limited to soil, vegetation, concrete, lumber, metal, and cardboard).
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.
- Recover by-product methane to generate electricity.
- Provide education and publicity about reducing waste and available recycling services.

***Transportation and Motor Vehicles***

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

The measures identified above and in Mitigation Measure 4.16-2, will substantially reduce GHG emissions, achieving reductions of at least 20% below “business as usual.” Furthermore, better technology is rapidly developing and may provide further measures in the near future that will avoid conflict with the goals or strategies of AB 32 or related Executive Orders. Once projects

are defined within the program phases, further environmental review will be required, at which time the most current measures will be identified and required to be consistent with this mitigation measure and any additional regulations in effect at the time. Implementation of Mitigation Measure 6.8-3, therefore, will avoid a contribution to a cumulatively significant impact and will result in a less than significant impact to global climate change.

## **6.4 Marine Biological Resources**

### **6.4.1 Potential Significant Impact (6.11-1)**

The Proposed Project would have a significant cumulative impact on eelgrass habitat during construction of the pier and realignment of the access channel occurring in the South Bay.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

#### **Facts in Support of Finding**

The mitigated negative declaration for the existing South Bay Boatyard project (Port 2005b) indicated that the site did not contain any sensitive species or provide part of a corridor for wildlife movement. It did indicate that driving of pilings into the seabed would temporarily generate noise vibrations that could impact the marine habitat, but that mobile fish and turtle species would avoid the area and return upon completion of construction. Because this project would be completed prior to the initiation of construction for Phase I, this would not represent a cumulative effect.

The National City Marina and National City Aquatic Center are located at the south end of Tidelands Avenue adjacent to Pepper Park north of the Sweetwater River. The boat basin has been constructed and did not impact open water. Excavation of the basin involved excavation of dry material behind a berm. Because the National City projects do not involve the loss of open water habitat, they do not contribute to a cumulative effect, as it relates to marine biological resources.

The Glorietta Bay Marina project is the only cumulative project where marine biological resource impacts have been identified and quantified. Improvements to the Glorietta Bay Marina were evaluated by Merkel and Associates. That study concluded that the project “impacts to eelgrass habitat are the only significant adverse impact to water resources anticipated from the project” (Merkel 2006). The Merkel report indicates that the project would impact 4,922 square

feet (0.1 acre) of eelgrass. The project identifies mitigation measures that would reduce the effects on eelgrass. This is accomplished through the creation of eelgrass habitat. The analysis by Merkel and Associates indicates that, according to standards for mitigation of this resource as outlined in the Southern California Eelgrass Mitigation Policy (SCEMP) (NMFS 1991, rev. Jan. 18, 2005) requirements for impacts to this resource, a compensatory mitigation for the impacts will require a successful replacement of 1.2:1 (replacement to impact) or 5,906 square feet of eelgrass.

The National City Terminal Wharf Extension may also impact eelgrass habitat. Impacts have not been analyzed or quantified, but may be significant.

The 0.1 acre of impact from the Glorietta Bay project combined with the 45.9 acres of impacts resulting from the construction of the pier and the realignment of the access channel amounts to a total of 46.0 acres of impact. These impacts to eelgrass, combined with potential impacts from the Wharf Extension project, would be cumulatively considerable.

In order to mitigate for cumulative impacts to eelgrass habitat in the South Bay resulting from the Proposed Project, the Port will implement Mitigation Measure 6.11-1, to include the following:

Prior to construction of any program-level components of the project that impact eelgrass, a pre-construction eelgrass survey shall be conducted by a qualified biologist to confirm the exact extent of the impact at the time of pile driving operations. The pre-construction survey must be conducted during the period of March through October and would be valid for a period of no more than 60 days, with the exception that surveys conducted in August through October would be valid until the following March 1.

Prior to the construction of any program-level components of the project that impact eelgrass, the Port shall establish and implement a plan to create new eelgrass habitat at a ratio of 1.2:1. The Port shall create new eelgrass habitat by removing the existing eelgrass currently located in the impacted areas and transplanting it at the new location. Identification and planting of the restoration site shall be completed to the satisfaction of the Port prior to commencement of construction.

Subsequent to construction of any program-level components of the project that impact eelgrass, a post-construction eelgrass survey shall be conducted by a qualified biologist. The post-construction survey shall be conducted within 30 days of the cessation of construction activities to confirm the exact amount of eelgrass affected. The difference between the pre-construction and post-construction eelgrass surveys shall determine the amount of required additional mitigation. In addition, the Port shall:

- Conduct transplant reports following construction (Initial Report). It would take 1 to 2 years for all of the fine sediment to dissipate in the water column for the movement of such a large amount of sediment. Based on this, eelgrass transplant success would not be possible for 1 to 2 years. Mitigation would be required for additional time delays.
- Conduct monitoring reports at 6, 12, 24, 36, 48, and 60 months post-transplant. Specific milestones and criteria for success are directed in the SCEMP along with guidelines for remedial actions if the success criteria are not met, which would require (based on the absence of other mitigating environmental considerations) a Supplementary Transplant Area to be constructed and monitored for an additional 5 years.
- Initiate any potential additional mitigation within 135 days of project inception; projects requiring more than 135 days to be completed may result in further additional mitigation.

If an appropriate mitigation site is not available at the time of construction of the program components which would impact eelgrass, mitigation habitat shall be created through fill or appropriate habitat in the Bay. Any delays to eelgrass planting after the impact occurs would require additional mitigation of 7% per month of additional eelgrass.

As discussed above, prior to construction of any program-level components of the Project that impact eelgrass, a pre-construction eelgrass survey shall be conducted by a qualified biologist. The survey will identify and confirm the exact extent of impacts at the time of pile driving operations. Once the extent of impacts to eelgrass habitat and identified, the Port shall then establish and implement a plan to create new eelgrass habitat at a ratio of 1.2:1. The new habitat will be created through the transplanting of the existing eelgrass habitat located in impact areas. Additionally, a post-construction eelgrass survey shall be conducted in order to identify the success of project mitigation. With incorporation of Mitigation Measure 6.11-1, cumulative impacts to eelgrass habitat in the South Bay resulting from the Proposed Project will be less than significant.

## **6.5 Public Services and Utilities**

### **6.5.1 Potential Significant Impact (6.15.2-1)**

The Proposed Project would increase the demand for sewage treatment, which would create a short-fall for the City by the year 2030 and represents a cumulatively significant impact.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.



### Facts in Support of Finding

Wastewater services are addressed in the City's General Plan. Based on recent flow analysis performed by City staff, it is estimated that, by the year 2030, approximately 26.2 MGD of sewage would be generated within the City. Additional capacity would be needed to meet this demand.

The City of San Diego Metropolitan Sewerage System (Metro) is in the process of allocating additional capacity rights to participating agencies. As the City's sewage generation approaches its capacity rights, the City is working with Metro to take appropriate steps to facilitate acquisition of additional treatment capacity to meet the City's build-out needs.

The EIR for the Urban Core Specific Plan indicated that development of the Urban Core Specific Plan would contribute incrementally to impacts to sewer systems serving the region. That EIR noted that the Urban Core Specific Plan, "as well as future development, would be required to adhere to the City's Threshold Standards Policy." This policy requires the City to provide the San Diego Metropolitan Sewer Authority with a 12- to 18-month forecast, to request confirmation that the projection is within the City's purchased capacity rights, and to provide an evaluation of their ability to accommodate the forecast growth. The Urban Core Specific Plan EIR concluded that adherence to the City policies would ensure that cumulative impacts are less than significant.

Chula Vista discharges approximately 17.0 MGD into the Metro system. As part of the recent Wastewater Master Plan Update which was done concurrently with the GPU, the City has projected that, by 2030, the City would be generating approximately 26.2 MGD of sewage. As indicated in *Section 4.14, Public Utilities* in the FEIR, projected demand for sewage treatment would exceed the remaining available capacity in the year 2030 by 5.33 MGD.

The Project adds a peak demand of 2.578 MGD. Considering the identified demand shortfall in the GPU and the SBRP, this additional demand is cumulatively considerable. As identified in *Section 4.14, Public Utilities* in the FEIR, the Proposed Project would increase the demand for sewage treatment. While the City currently has adequate capacity available in the Metro system, by the year 2030 there would be a short-fall and therefore the Proposed Project represents a cumulatively considerable contribution to that short-fall.

In order to mitigate for cumulative impacts associated with increased demand for sewage treatment services, the Port and City will implement Mitigation Measure 6.15.2-1 to require that prior to the approval of a building permit for any development in all phases of the Proposed Project, the City shall verify that it has adequate sewer capacity to serve the proposed development. In the event the City does not have adequate sewer capacity to serve the proposed development, no building permit shall be approved for the proposed development until the City

has acquired adequate sewer capacity to serve the proposed development. In accordance with Section 15130(a)(3) of the State CEQA Guidelines, a significant cumulative impact would be rendered less than cumulatively considerable, and thus is not significant when the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The requirement for the contribution to provide a fair-share contribution to the provision of the needed sewer service mitigates the cumulative impact to below significance.

Incorporation of Mitigation Measure 6.15.2-1 will ensure that adequate sewer capacity exists for development prior to the approval of a building permit for said development. If adequate sewer capacity does not exist, the no building permit shall be approved until the City has acquired adequate sewer capacity to serve the development in question. Mitigation Measure 6.15.2-1 will ensure that the cumulative increased demand for sewer treatment services resulting from the Proposed Project will be less than significant.

#### **6.5.2 Potential Significant Impact (6.15.6-1)**

Because the schools that serve the Proposed Project are currently at or near capacity, the additional students created by the Proposed Project, the Urban Core Specific Plan, and the other specific plans called for in the GPU would result in significant cumulative impacts to the existing school districts.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

#### **Facts in Support of Finding**

The EIR for the GPU indicated that build-out under the adopted General Plan would generate an estimated 27,576 K through 6 students, which would result in the need for one Chula Vista Elementary School District (CVESD) school in the northwest and none in the southwest. In the east, the adopted General Development Plan identifies seven CVESD-operated schools planned for future construction, two of which are currently under construction; build-out under the adopted General Plan would not require additional CVESD schools in the east beyond those currently planned.

In western Chula Vista, the GPU would result in increased school enrollment. In eastern Chula Vista, one Sweetwater Union High School District (SUHSD) high school and two middle schools have already been planned for construction to meet growing demand. SUHSD provided a

report based on the current student generation rate, which indicates that an additional high school would be needed to meet the projected increase in the number of high school students with adoption of the proposed GPU.

The Urban Core Specific Plan is in conformance with the General Plan and does not include a general plan amendment. At build-out, the Urban Core Specific Plan is expected to generate a net increase of approximately 3,877 students between elementary, middle school, and high school grades. As identified in *Section 4.13.4* of the FEIR, development of the Proposed Project would result in 1,500 new multifamily units, which would increase the demand on elementary, middle, and high schools in the area by approximately 1,092 students.

Because the schools that serve the Proposed Project are currently at or near capacity, the additional students created by the Proposed Project, the Urban Core Specific Plan, and the other specific plans called for in the GPU would result in significant cumulative impacts to the existing school districts. This would be a significant cumulative impact.

In order to mitigate for impacts associated with increased demand on existing school districts, the Port and City will implement Mitigation Measure 6.15.6-1 to require that prior to the issuance of a building permit, the applicant shall pay all required school mitigation fees. Payment of statutory school fees would ensure that project impacts to school services remain below a level of significance. As indicated above, the fees set forth in Government Code Section 65996 constitute the exclusive means of both “considering” and “mitigating” school facilities impacts of projects (Government Code Section 65996(a)). Once the statutory school mitigation fee or “developer fee” is paid, the impact would be deemed mitigated as a matter of law. Therefore, this mitigation measure would reduce the cumulative impact to schools to a less than significant level.

### **6.5.3 Potential Significant Impact (6.15.7-1)**

The Proposed Project would increase demands on the existing library services in the Project area, which would be considered a cumulatively significant impact on library facilities.

#### **Finding**

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. However, due to existing library deficiency and inability to demonstrate that fees would fully mitigate the cumulative impacts caused by the Proposed Project, implementation of Mitigation Measure 6.15.7-1 would not reduce the significant impact to library services to below a level of significance. Despite the incorporation of all feasible mitigation measures, the Project’s impacts to air quality are considered significant

and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

### **Facts in Support of Finding**

The EIR for the GPU indicated that build-out under the adopted General Plan would require 51,942 square feet of additional library space to meet the forecasted population growth. This includes the approximately 9,159 square feet of library facilities and 54,954 books that are projected to be needed by the Urban Core Specific Plan.

Based on a population rate of 2.159 persons per multifamily unit, the 1,500 dwelling units would result in a total population of approximately 3,239 people. As a result of this expected population increase, the project would require approximately 1,620 square feet of library facilities.

There are currently three full-service libraries in the City: the Civic Center Branch, the South Chula Vista Branch, and the East Lake Branch. The three facilities comprise a total of 102,000 square feet of library space, including 14,000 square feet of administrative facility space. In addition to the three full-service libraries, the Chula Vista Heritage Museum is part of the Chula Vista Public Library System and a Chapter of the Friends of the Library. The Library's 1998 Facilities Master Plan calls for two additional branch libraries to be constructed prior to 2020 to serve the eastern side of the City. These facilities include a 31,500 square feet full-service library in Rancho del Rey, to be completed by the summer of 2007, and an approximately 30,000 square feet library in the Eastern Urban Center in the Otay Ranch.

Development of the Proposed Project would increase demands on the existing library services in the project area to serve its residents. As identified in *Section 4.13.5* of the FEIR, the Project would contribute an incremental demand on libraries and would be a significant impact.

In order to mitigate for cumulative impacts associated with increased demands on library services, the City shall require that for Phase I residential project, prior to the approval of a building permit, the applicant(s) shall pay a PFDIF or other equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance. While implementation of Mitigation Measure 6.15.7-1 would provide funds that can be used to construct new facilities to meet the need resulting from Project development, due to existing library deficiencies in services and the inability to demonstrate that fees would fully mitigate the impact, implementation of the measure would not reduce the significant impact to library services to a less than significant level. Therefore, the cumulative impact to library services would remain significant and unmitigated. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

## 6.6 Energy

### 6.6.1 Potential Significant Impact (6.17-1)

Due to the uncertain nature of long-term energy supplies, energy impacts associated with the long-term energy needs of the Proposed Project are considered to be cumulatively significant.

#### Finding

Pursuant to State CEQA Guidelines section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. However, due to the uncertainty of the future supply of energy, which is within the responsibility and control of SDG&E and not the Port or the City, implementation of Mitigation Measure 6.17-1 would not reduce the cumulative impact regarding long-term energy supplies to a less than significant level. Despite the incorporation of all feasible mitigation measures, the Project's impacts to cumulative long-term energy needs are considered significant and unmitigated and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### Facts in Support of Finding

The cumulative assessment of energy impacts relies on the SANDAG Regional Comprehensive Plan and the GPU. The Regional Comprehensive Plan concluded that future population growth in the Southern California/Northern Baja California, Mexico region would result in an increase in the need for energy resources, which would be considered to have a cumulatively significant energy impact. The General Plan Update EIR concluded that, because there is no assurance of a long-term supply of energy in the future, the increased projected energy demand results in a cumulative significant impact.

The General Plan Update EIR indicates that the adopted General Plan will create a demand of 1,212 million kWh of electricity and 65.5 million therms of natural gas (not including the gas consumed by the SPBB). As indicated in *Section 4.16, Energy* of the FEIR, SDG&E has indicated that, without an increased import capacity of at least 500 MW, there would be a long-term grid reliability deficiency (Brown 2004). As population increases, demand for energy also increases.

The largest consumer of natural gas in the City is the SBPP. The current facility has a maximum fuel gas demand of 177 standard cubic feet per day. The General Plan Update EIR indicated that the SBPP represented approximately two-thirds of the natural gas used in the City. This demand is not reflected in the forecast demand of 65.5 million therms projected by the City for the General Plan.

To address long-term energy needs, SDG&E has filed a resource plan with CPUC, which proposes a mix of conservation, demand response, generation, and transmission to provide reliable energy for the next 20 years ([http://www.sdenergy.org/uploads/7-9-04SDG&E\\_LTRP.pdf](http://www.sdenergy.org/uploads/7-9-04SDG&E_LTRP.pdf)). In addition to SDG&E's long-term strategy, the City of Chula Vista has objectives and policies contained in the General Plan that promote the use of non-polluting and renewable alternatives to vehicle travel and seek to reduce energy consumption by optimizing traffic flow, directing higher-density housing within walking distance of transit facilities; this would reduce energy demand. Implementation of the policies and objectives contained in the General Plan will aid in reducing adverse energy impacts.

As noted in *Section 4.16, Energy* of the FEIR, efficiency programs average-year annual energy needs are substantially met by existing SDG&E resources and renewable purchases through 2010. In a high-demand year, the additional energy would come from additional purchases from the market and from local generation added primarily for grid reliability. By 2011, approximately 25% of average-year energy would come from resource addition, including additional renewable purchases, on- and off-system generation, and purchases for the market, facilitated by the additional import capability provided by the added transmission interconnection (SDG&E 2003). SDG&E is currently processing a project to bring an additional 500 MW import capacity into the area. Mitigation measures detailed in *Section 4.16, Energy* of the FEIR include design measures that reduce energy consumption in building design, along with the SDG&E efforts for long-term energy supply as outlined in their filing with the CPUC; however, due to the uncertain nature of long-term energy supply, energy impacts are cumulatively significant.

In order to mitigate for energy impacts associated with the long-term energy needs of the Proposed Project, the Port and City shall encourage compact development featuring a mix of uses that locate residential areas within reasonable walking distance to jobs, services, and transit. Additionally, the Port and City shall promote and facilitate transit system improvements in order to increase transit use and reduce dependency on the automobile and Encourage innovative energy conservation practices and air quality improvements in new development and redevelopment projects consistent with the City's AQIP Guidelines or their equivalent, pursuant to the City's Growth Management Program.

However, despite the fact that the Project would result in adoption of these conservation measures, the cumulative impact relative to energy supply would remain significant and unmitigated because of the of the uncertainty of the future supply of energy, which is within the responsibility and control of SDG&E and other entities responsible for arranging electric energy supplies, not the Port or the City. Therefore, even with incorporation of Mitigation Measure 6.17-1, Significant Impact 6.17-1 will remain significant and unmitigated. This significant unavoidable cumulative impact is considered acceptable when balanced against the specific benefits of the Project set forth in the Statement of Overriding Considerations below.

INTENTIONALLY LEFT BLANK

## 7.0 FINDINGS REGARDING PROJECT ALTERNATIVES

CEQA requires an EIR to evaluate feasible mitigation measures and alternatives that would avoid or substantially lessen any of the significant environmental impacts of the proposed project. In preparing and adopting findings pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to below a level of significance solely by the adoption of mitigation measures, the lead agency has no obligation in its findings to consider the feasibility of alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the findings concerning alternatives for the Proposed Project, the Port considers only those significant environmental impacts of the Project that cannot be avoided or substantially lessened through mitigation.

Where a project will result in some unavoidable significant environmental impacts even after the incorporation of all feasible mitigation measures identified in an EIR, the lead agency must consider the feasibility of alternatives to the project that could avoid or substantially lessen the unavoidable significant environmental impacts. "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social, and technological factors (Pub. Res. Code section 21061.0; CEQA Guidelines section 15364). The concept of "feasibility" also encompasses the ability of an alternative to accomplish the objectives of a project and the desirability of an alternative from a policy standpoint, to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.

While an EIR evaluates whether alternatives are potentially feasible, the lead agency's decision-making body considers in its findings whether the alternatives are actually feasible. A lead agency may not approve a project if there are feasible alternatives that would avoid or substantially lessen unmitigated significant impacts. If there are no feasible alternatives, the lead agency may approve a project if it determines that the benefits of the project outweigh its unavoidable environmental risks and the lead agency adopts a Statement of Overriding Considerations (CEQA Guidelines section 15093).

The FEIR concluded that the Proposed Project may result in the following significant impacts, which would not be mitigated to below a level of significance even after the incorporation of all feasible mitigation measures:

- The Pacifica project would result in significant direct impacts on Land/Water Use Compatibility because it would be inconsistent with the City of Chula Vista General Plan



- objectives regarding aesthetics and visual resources (LUT 11) and library services and facilities (PFS 11).
- The Project would result in the following significant direct and cumulative impacts on Traffic and Circulation:
    - The addition of traffic from all phases of the Project would result in significant direct and cumulative impacts to freeway segments of I-5 between SR-54 and Palomar Street during both a.m. and p.m. peak hours
    - The addition of traffic from the Project would result in a significant direct impact in that E Street and H Street intersections affected by an at-grade trolley crossing would experience additional delay along the arterial and at adjacent intersections
    - The addition of traffic from Phase III of the Project would result in a significant cumulative impact on the roadway segment of H Street between Street A and the I-5 ramps
    - The addition of traffic from Phase III of the Project with the extension of E Street would result in a significant cumulative impact on the intersection of H Street and I-5 southbound ramps during the p.m. peak hours and the intersection of J Street and I-5 northbound ramps during the p.m. peak hours.
  - The Project would result in the following significant direct and cumulative impacts on Aesthetics/Visual Quality:
    - The Pacifica project would result in significant direct impacts in that its proposed buildings will exceed the scale of the existing waterfront development and will block existing views of San Diego Bay for motorists on portions of I-5
    - The Project would result in a significant cumulative impact in that it would add to the intensification of land uses and further change the character of the area and result in the loss of views of significant landscape features and landforms.
  - The Project would result in the following significant direct and cumulative impacts on Air Quality:
    - Emissions from construction activities in all phases would result in a significant direct impact because they would exceed the federal and state standards for criteria pollutants
    - Emissions from Project operations in all phases would result in a significant direct impact because they would exceed the federal and state standards for certain criteria pollutants
    - Construction activities associated with the program-level components of all phases would result in a significant direct impact because sensitive receptors located on site

would be exposed to emissions that would exceed federal and state standards for criteria pollutants

- Construction activities and project operations in all phases of the Project would result in significant cumulative impacts on air quality because of the San Diego Air Basin's existing non-attainment status for the federal 8-hour ozone standard and the state ozone, PM<sup>10</sup>, and PM<sup>2.5</sup> standards.
- The Pacifica project would result in significant direct and cumulative impacts on Public Services (Library Services) in that it would worsen the existing shortfall in library square footage and books per capita until new library facilities are constructed or existing facilities are expanded in the City of Chula Vista.
- The Project would result in a significant cumulative impact on Energy because of uncertainty regarding long-term energy supply.

The FEIR examined a reasonable range of alternatives that could avoid or substantially lessen one or more of the Project's significant impacts. The alternatives considered in the FEIR are the No Project Alternative, the Harbor Park Alternative, the No Land Trade Alternative, the Reduced Overall Density Alternative, and the Alternate L-Ditch Remediation Alternative. Attachment 1 to these findings is *Table 5.1-1, Comparison of Impacts between Proposed Project and Project Alternatives*, of the FEIR, which identifies the significant environmental impacts of the Project and indicates whether these impacts would be greater than, similar to, or less than the Project under each alternative.

In considering the feasibility of the alternatives, the Port examined the Project objectives and weighed the ability of each alternative to meet these objectives. The Project purposes and objectives are set forth in *Section 2.2, Purpose and Need of the Project* and *Section 2.2.1, Project Objectives*, of the FEIR. They are consolidated as Project Objectives and are numbered consecutively below in order to facilitate reference to them in the discussion of the feasibility of each alternative:

1. Create a vibrant, active, unified waterfront with strong connections to the rest of the City and region;
2. Create new public access, recreational amenities, and shoreline enhancements;
3. Protect biological resources in the vicinity of the Proposed Project;
4. Stimulate economic growth for the Port, the City, the South Bay area, and the San Diego region;

5. Improve land use compatibility (shift the power distribution facilities from active use areas and relocate residential development away from resources in the Sweetwater Marsh National Wildlife Refuge);
6. Develop economically feasible land uses throughout the Bayfront to serve the local community and region as well as serving the public trust purposes;
7. Develop property in a manner that minimizes environmental impacts and reinforces the public realm in a manner befitting the setting and regional significance of the area;
8. Balance the cost of public improvements with private development so that public costs can be paid for by the increased revenues from the private development;
9. Consistency with tidelands trust requirements and restrictions;
10. Broad community input into the planning process and support of the master plan;
11. Development of a master plan that protects and enhances environmental resources;
12. Seamless integration with adjoining properties;
13. Development of a visionary master plan that is economically sustainable, provides revenue generation, and will encourage private sector participation;
14. Development of a plan that creates future market opportunities and defines the market rather than simply responding to the existing market;
15. Development of a plan that eliminates or reduces barriers linking the Bayfront to the rest of western Chula Vista;
16. Development of a plan that enhances a culturally diverse community and integrates the Bayfront with the rest of Chula Vista;
17. Development of a comprehensive funding program; and
18. Development of a master plan that includes recreational, public art, and open space opportunities as significant components of the plan.

In addition, the following design principles were used to provide a framework in developing the initial land use concepts for the Bayfront during the master planning process:

1. Create one Chula Vista Bayfront
2. Celebrate the serenity and Hispanic culture of Chula Vista's Bayfront setting
3. Extend Chula Vista all the way to the Bayfront
4. Take advantage of deep water at the harbor to create an active boating environment

5. Create a Bayfront park system that marries ecological habitats and recreational needs of the community
6. New development should reinforce the sense of place at the Bayfront.

The findings below describe the alternatives examined in *Chapter 5.0* of the FEIR, discuss their ability to avoid or substantially lessen any of the unavoidable significant impacts of the Project, and determine whether they are feasible. Pursuant to CEQA Guidelines section 15093(a)(3) and based on the substantial evidence contained in the record of these proceedings, the Port hereby finds that the alternatives analyzed in the FEIR that would avoid or substantially lessen any of the unavoidable significant impacts of the Project are infeasible for the reasons set forth below.

## 7.1 No Project Alternative

### 7.1.1 Description of Alternative

The “no project” alternative is a default alternative required to be considered by CEQA Guidelines section 15126.6(e). Under the No Project Alternative, the land use plans would not be amended and the project site would retain its existing land and water use designations. No land trade would occur between the Port and the private developer, and no action by the California State Lands Commission would be required. Lands held under private ownership in the Sweetwater District would remain in the City’s jurisdiction. No land use designation changes would occur, and no amendment to the PMP or LCP would be approved. Public trust lands in the Harbor and Otay districts would remain in the Port’s jurisdiction.

Under this alternative, development is assumed to be in conformance with the adopted land use plans and zoning designations. CCC action on development of privately held lands in the Sweetwater District would not be required, provided such development conforms to the adopted LCP, which includes the Land Use Plan. CCC action may be required for development of Port lands in accordance with the PMP.

For Port lands, the Precise Plan for Planning District 7 would be retained, expanded, or upgraded consistent with goals and policies as allowed by the plan. Permitted uses would include existing marine sales and service, commercial recreation, industrial business park and marine-related industrial, public recreation and conservation areas, and public facilities.

For public and private lands under the City’s jurisdiction, including the Midbayfront property in the Sweetwater District, current adopted planning designations would apply. In some cases, the amount and location of development would create impacts more severe than those of the Proposed Project.

The existing LCP Land Use Plan anticipates high-intensity development of the Sweetwater District, including development of up to 1,000 residential units, 1,906,000 square feet of commercial/hotel use (including 1,860 hotel rooms), 60,000 square feet of office use, 75,000 square feet of cultural arts facilities, and 34 acres of parks. In addition, development in the City's jurisdiction within the Harbor and Otay districts permits industrial development at a floor area ratio of 0.50 and commercial development at a floor area ratio of 0.25. Given the acreage presented in the adopted land use plan, this plan could result in about 5,700,000 square feet of industrial use.

The existing plan provides for a central resort district and park and recreation uses. Designated visitor and visitor/highway commercial, professional/administrative, and public/quasi-public uses (including an existing railroad ROW), as well as research, limited industrial, general industrial, and open space/parks, comprise remaining uses in the City's jurisdiction. The F & G Street Marsh component of the Sweetwater Marsh NWR is one of three designated open space areas. Permitted building heights in the Sweetwater District would range from a maximum height of 229 feet for high-rise residential sites in the northeastern area to a maximum 30 feet in the area generally adjacent to the Sweetwater Marsh NWR. Building heights in the Harbor and Otay districts would be limited to 44 feet.

### **7.1.2 Ability of Alternative to Avoid or Substantially Reduce Significant Unmitigated Impacts**

If no development were to occur and the project site continued in its existing condition, the No Project Alternative would avoid or substantially reduce all of the unmitigated significant impacts of the Project, because there would be no significant adverse impacts on the environment in the absence of development. However, if development were to occur in the foreseeable future in accordance with current plans and consistent with available infrastructure and community services, the No Project Alternative would not avoid or substantially reduce the unmitigated significant impacts of the Project. In light of the development allowed under the Midbayfront LCP and the current PMP, the No Project Alternative would result in increased development densities and increased potential impacts, especially in the Sweetwater District, a highly sensitive biological area. Under this scenario, development currently allowed under existing Port and City plans would result in increased impacts to Land/Water Use Compatibility, Air Quality, Noise, Traffic, Terrestrial and Marine Biological Resources, Public Services (Fire Protection), and Public Utilities (Water Supply).

### **7.1.3 Feasibility of Alternative and Relationship to Project Objectives**

The Port finds that the No Project Alternative, in which development would occur in accordance with current plans, infrastructure, and community services, would not achieve many of the

important objectives of the Project. The Port further finds that the No Project Alternative, in which no development would occur and the Project site would remain in its existing condition, would not achieve any of the objectives of the Project.

The Port finds that all significant impacts of the Project will be mitigated by the design of the Project and the adoption of the mitigation measures set forth in the MMRP, except the direct and cumulative significant impacts on Land/Water Use Compatibility, Traffic and Circulation, Aesthetics/Visual Quality, Air Quality, Public Services (Library Services), and Energy described in *Section 7.0* of this document. The Port finds that the No Project Alternative, in which foreseeable development would occur under current plans, would not avoid or lessen the unmitigated significant impacts of the Project. The Port further finds that the No Project Alternative, in which no development would occur and the project site would remain in its existing condition, would not avoid or substantially lessen the unmitigated significant impacts of the Project. Therefore, pursuant to CEQA Guidelines section 15093(a)(3), the Port also finds that this alternative is infeasible because it would not attain any of the Project objectives; would not provide the Port, the City, and the region with any of the benefits of the Project described in the Statement of Overriding Considerations; and is undesirable from a policy standpoint. For the impacts of the Project that remain significant even after the incorporation of all feasible mitigation measures and alternatives, the Port adopts the Statement of Overriding Considerations set forth in *Section 8.0* of this document, pursuant to CEQA Guidelines section 15093.

## **7.2 Harbor Park Alternative**

### **7.2.1 Description of Alternative**

The Harbor Park Alternative was developed in conjunction with the community as one of three design options (including the Proposed Project) that is discussed in greater detail in the FEIR. At build-out, the proposed Harbor Park Alternative would result in a project impact area slightly less than that of the Proposed Project, by not developing the triangular parcel south of HP-11 and east of the proposed E Street Extension/Marina Parkway Realignment. The Harbor Park Alternative provides less-intensive land uses, such as a signature park, along the shoreline between G Street and H Street via location of an RCC on Parcel H-23, away from the shoreline. The Harbor Park alternative also entails location of a resort hotel on Parcel H-1 and cultural uses on Parcel H-3. The Harbor Park Alternative combines Parcels HP-1 and H-3 under the Proposed Project to establish one parcel, HP-1, which would be developed as a 35-acre signature park adjacent to the San Diego Bay, within walking distance of proposed cultural, retail, residential, and marina uses. In addition, modifications to Parcels H-18, S-2, S-1, and H-8/H-9, and E Street Extension/Marina Parkway alignment are proposed under the Harbor Park Alternative, as described below.

The Harbor Park Alternative is different than the Proposed Project in the following respects:

- An RCC would be located on a smaller, 24-acre Parcel H-23 in the Harbor District, which is further away from the Bayfront.
- A Signature Park would be integrated with the existing Bayside Park on Parcel HP-1 in the Harbor District, bringing the park closer to the water's edge on a larger, 35-acre parcel.
- Adjacent to the signature park on Parcel H-3, up to 400,000 square feet of cultural/retail would be built in Phase III.
- The interim surface parking lot on Parcel H-18 would be constructed in Phase II, instead of in Phase I as with the Proposed Project.
- A maximum 400-room conference hotel with a maximum height of 60 feet would be constructed on Parcel S-2 in Phase II, instead of a Signature Park in the Sweetwater District in Phase I.
- Mixed-use office/commercial/recreation/cultural uses with a maximum height of 60 feet would replace the 750-room resort hotel with a maximum height of 100 feet on Parcel S-1 in the Sweetwater District. Specifically, up to 300,000 square feet of mixed-use office/commercial recreation and 50,000 square feet of cultural would be built on Parcel S-1.
- A 500-room resort hotel with a maximum height of 65 feet and a 200-slip marina would replace the community boating center on Parcel H-1 in the Harbor District.
- Up to 100,000 square feet of retail would be built around the northern portion of the harbor on Parcels H-8/H-9, instead of up to 50,000 square feet of retail as with the Proposed Project.
- The E Street Extension/Marina Parkway alignment within the Sweetwater District would be modified to direct traffic easterly as the road enters the Harbor District. The Marina Parkway segment between Goodrich and Parcel H-3 would be a primary public access road. Under the Proposed Project, this road traverses west as it enters the Harbor District, connecting to the end of H Street.
- No fire station would be proposed on Parcel H-17, as is proposed under the Proposed Project. This parcel would remain in the Port's jurisdiction and would be designated for Industrial Business Park use.
- Parcel SP-3 would be constructed in Phase IV, instead of in Phase I as proposed under the Proposed Project.

### **7.2.2 Ability of Alternative to Avoid or Substantially Reduce Significant Unmitigated Impacts**

The Harbor Park Alternative would be similar to the Proposed Project in many areas due to the similarity of the project features and level of development. However, the Harbor Park Alternative would have greater impacts than the Proposed Project on Traffic and Circulation, Aesthetics/Visual Quality, Noise, Terrestrial Biological Resources, Cultural Resources, Public Services (Fire Protection), and Public Utilities (Sewers) (see Attachment 1, *Table 5.1.1.*). This is primarily due to the fact that the majority of the development under this alternative would be located in a very sensitive and undeveloped area, thereby situating increased visitors and patrons to sensitive resources in the Sweetwater District. It would also not allow for the development of a fire station in the Harbor District to help maintain established levels of service on the west side of Chula Vista. For these reasons, the Harbor Park Alternative would not avoid or substantially lessen any of the unmitigated significant impacts of the Project.

### **7.2.3 Feasibility of Alternative and Relationship to Project Objectives**

The Port finds that all significant impacts of the Project will be mitigated by the design of the Project and the adoption of the mitigation measures set forth in the MMRP, except the direct and cumulative significant impacts on Land/Water Use Compatibility, Traffic and Circulation, Aesthetics/Visual Quality, Air Quality, Public Services (Library Services), and Energy described in *Section 7.0* of this document. The Port further finds that the Harbor Park Alternative would not avoid or substantially lessen the unmitigated significant impacts of the Project. For the impacts of the Project that remain significant even after the incorporation of feasible mitigation measures and alternatives, the Port adopts the Statement of Overriding Considerations set forth in *Section 8.0* of this document, pursuant to CEQA Guidelines section 15093.

## **7.3 No Land Trade Alternative**

### **7.3.1 Description of Alternative**

The No Land Trade Alternative was selected for consideration to provide a development alternative that would not require an exchange of public trust land under Port jurisdiction in the Harbor District for private land in the Sweetwater District. Under this alternative, the proposed land trade would not take place, which would avoid the need for approval by the California State Lands Commission. All tidelands trust properties in the project area would remain within the Port's jurisdiction, and all parcels held under option by private developers would remain within the City's jurisdiction.

Under the No Land Trade Alternative, the Project would not include any development within the Sweetwater District. Therefore, this alternative would consist of only the Harbor and Otay



districts, for a project area of approximately 409 acres. However, current land entitlements approved under the Midbayfront LCP would allow high-density residential units and a hotel and ancillary retail and commercial uses in the Sweetwater District. Although this alternative is geographically smaller, it takes into account the potential cumulative impacts should the approved Midbayfront LCP be developed. In a worst-case scenario, build-out of the Sweetwater District in accordance with the approved LCP would include 1,000 dwelling units, 1,906,000 square feet of commercial/hotel use (including 1,860 hotel rooms), 60,000 square feet of office, 75,000 square feet of cultural arts facilities, and nearly 34 acres of parks.

### **7.3.2 Ability of Alternative to Avoid or Substantially Reduce Significant Unmitigated Impacts**

The No Land Trade Alternative would result in an increase in the significant impacts with respect to Land/Water Use Compatibility, Traffic and Circulation, Aesthetics/Visual Quality, Air Quality, Terrestrial Biological Resources, Public Services (Fire Protection), Public Utilities (Sewers), and Energy (see Attachment 1, *Table 5.1.1*). This alternative would also not include the development of a fire station in the Harbor District to help maintain established levels of service on the west side of Chula Vista. In all other impact areas, the impacts of the No Land Trade Alternative would be equal to that of the Project. For these reasons, the No Land Trade Alternative would not avoid or substantially lessen the unmitigated significant impacts of the Project.

### **7.3.3 Feasibility of Alternative and Relationship to Project Objectives**

The Port finds that all significant impacts of the Project will be mitigated by the design of the Project and the adoption of the mitigation measures set forth in the MMRP, except the direct and cumulative significant impacts on Land/Water Use Compatibility, Traffic and Circulation, Aesthetics/Visual Quality, Air Quality, Public Services (Library Services), and Energy described in *Section 7.0* of this document. The Port further finds that the No Land Trade Alternative would not avoid or substantially lessen any of the unmitigated significant impacts of the Project. In addition, the No Land Trade Alternative would be infeasible because it would not achieve several of the major objectives of the Project, including Project Objectives Nos. 3, 5, 7, 10, 11, which relate to the intent to minimize adverse impacts on sensitive natural resources by relocating residential development from the Sweetwater District to the Harbor District. Because this alternative would not implement the land exchange concept, it would not attain these Project objectives and is undesirable from a policy standpoint. For the impacts of the Project that remain significant even after the incorporation of feasible mitigation measures and alternatives, the Port adopts the Statement of Overriding Considerations set forth in *Section 8.0* of this document, pursuant to CEQA Guidelines section 15093.

## 7.4 Reduced Overall Density Alternative

### 7.4.1 Description of Alternative

The Reduced Overall Density Alternative consists of the same development plan as the Project, but provides for a 30% overall reduction in the intensity and density of development throughout the Project area. This alternative would allow the development of only 1,050 residential units in the Pacifica project and would reduce the square footage of other proposed development by 30%. The Reduced Overall Density Alternative was selected for consideration in the FEIR to analyze whether a development alternative that would reduce overall development intensity would avoid or substantially reduce any of the significant impacts of the Project.

### 7.4.2 Ability of Alternative to Avoid or Substantially Reduce Significant Unmitigated Impacts

In general, the Reduced Overall Density Alternative would reduce the significant impacts of the Project in the following impact areas or certain aspects thereof: Traffic and Circulation, Aesthetics/Visual Quality, Hydrology/Water Quality (Stormwater), Air Quality, Noise, Public Services (Police Protection, Parks and Recreation, Schools, Library Services), Public Utilities, Energy, and Population and Housing. This alternative would have impacts equal or similar to the Project in the following impact areas or certain aspects thereof: Land/Water Use Compatibility, Traffic and Circulation, Hydrology/Water Quality, Air Quality, Terrestrial Biological Resources, Marine Biological Resources, Cultural Resources, Paleontological Resources, Hazards and Hazardous Materials/Public Safety, Seismic/Geologic Hazards, and Population and Housing. This alternative would have impacts greater than the Project with respect to Public Services (Fire Protection) because it would not provide for construction of a new fire station in the Harbor District (see Attachment 1, FEIR *Table 5.1.1.*).

The Reduced Overall Density Alternative would not avoid the unmitigated significant impacts of the Project. However, this alternative would lessen all of the unmitigated significant impacts to a degree commensurate with the overall 30% reduction in development mass and intensity provided by this alternative. Although this alternative would substantially lessen (i.e., by 30%) the unmitigated significant impacts of the Project, several of these impacts would remain significant and unmitigated even with the overall 30% reduction in development mass and intensity provided by this alternative, including the impacts to: Traffic and Circulation, in which impacts to freeway segments will occur with or without the Project, and the necessary mitigation for delay associated with freeway segments and at-grade crossings is within the jurisdiction and control of other agencies and not the Port or the City; Aesthetics/Visual Quality, Air Quality, and Public Services (Library Services), in which the impacts of this alternative also would be

significant; and Energy, in which the mitigation for impacts to long-term energy supply is within the jurisdiction and control of another agency and not the Port or the City.

#### 7.4.3 Feasibility of Alternative and Relationship to Project Objectives

The Port finds that all significant impacts of the Project will be mitigated by the design of the Project and the adoption of the mitigation measures set forth in the MMRP, except the direct and cumulative significant impacts on Land/Water Use Compatibility, Traffic and Circulation, Aesthetics/Visual Quality, Air Quality, Public Services (Library Services), and Energy described above. The Port further finds that although the Reduced Overall Density Alternative would avoid or substantially lessen the unmitigated significant impacts of the Project, the unmitigated significant impacts to Traffic and Circulation, Aesthetics/Visual Quality, Air Quality, Public Services (Library Services), and Energy would remain significant even if this alternative were adopted. The Port further finds that the Reduced Overall Density Alternative is infeasible because it would not achieve the major objectives of the Project discussed below and is undesirable from a policy standpoint.

The Reduced Overall Density Alternative would not achieve Project Objectives Nos. 3, 5, and 7, which relate to protecting biological resources, improving land use compatibility, and minimizing environmental impacts, because it would not implement the proposed land exchange concept that is central to the development of the Project and the corresponding attainment of these major Project objectives. *Section 1.3* of the FEIR states the following with respect to the importance of the land exchange in accomplishing the major objectives of the Project: “In the course of adopting these Project objectives, it became evident that the current jurisdictional lines would have to be redrawn and that it would be desirable for the Port to exchange some of its public trust property with Pacifica Companies. Without such a land exchange, the land use potential of the project planning area could not be optimized.” Because the land exchange is a purely voluntary transaction, it requires a willingness on the part of Pacifica to exchange the land it owns in the Sweetwater District for land owned by the Port in the Harbor District. In evaluating the merits of the proposed land exchange, Pacifica assumed a certain residential density on the property it would receive as part of the exchange in order to determine if it was willing to participate. Pacifica concluded that it would be willing to participate if it could develop 1,500 residential units on the parcels it would receive in the land exchange. Pacifica informed the Port that, if the Reduced Overall Density Alternative were selected, Pacifica would not participate in the land exchange.

Adoption of the Reduced Overall Density Alternative would also fail to achieve Project Objective No. 10, which seeks to implement “[b]road community input into the planning process and support of the master plan,” and Project Objective No. 11, which seeks “development of a master plan that protects and enhances environmental resources.” The CAC endorsed the land

exchange concept because it would shift high density residential land uses from the more environmentally sensitive Sweetwater District to the centrally located Harbor District. Pacifica's refusal to participate in the land exchange if the Reduced Overall Density Alternative were selected would mean that the Project objectives of honoring community input and enhancing environmental resources by preserving a higher percentage of the more environmentally sensitive land currently owned by Pacifica would not occur. Rather, development would have to proceed in the manner described in the No Land Trade Alternative, which does not require implementation of the proposed land exchange and allows for more intensive development adjacent to the Sweetwater Marsh NWR.

Adoption of the Reduced Overall Density Alternative also would make it impossible to achieve two major economic objectives of the Project: Project Objective No. 8, which seeks to "balance the cost of public improvements with private development" so that public costs can be paid for by the increased revenues from the private development"; and Project Objective No. 17, which seeks "development of a comprehensive funding program" for the Bayfront. The comprehensive funding program developed for the Bayfront is based on the tax increment revenues, development impact fees, infrastructure construction, and other monetary contributions identified in the Land Exchange Agreement. This funding program assumes development of 1,500 dwelling units and the commercial and retail development described in the Project. A 30% reduction in dwelling units and overall density would result in a substantial reduction in the revenues, fees, and other monetary contributions anticipated for the comprehensive funding programs, which are intended to pay for the public infrastructure needed to accommodate the proposed development and to pay for the mitigation measures provided in the MMRP. The Port has received and considered an analysis of the impact of the Reduced Overall Density Alternative on project economics prepared by Economic & Planning Systems, Inc., which indicates that, although the amount of development would be reduced by 30% under this alternative, the amount of public infrastructure needed to support the development would be reduced by only 2%. As a result, although the cost of providing the infrastructure needed to support development would remain approximately the same, the Reduced Overall Density Alternative would substantially reduce the revenue available to pay for such costs.

A substantial reduction in project revenues also would obstruct achievement of Project Objective Nos. 2 (Create new public access, recreational amenities, and shoreline enhancements) and Project Objective No. 18 (Development of a master plan that includes recreational, public art, and open space opportunities as significant components of the plan), which were intended to be implemented through provision of the public park, recreational, and cultural amenities described in the FEIR and desired by the community. The adverse impact of the Reduced Overall Density Alternative on project revenues would impede the establishment of a "comprehensive funding program" at a level that would sustain the infrastructure and allow for development of the public

amenities incorporated in the Project through the “broad community input into the planning process.”

The Reduced Overall Density Alternative also is infeasible because it would prevent or impede the achievement of Project Objective No. 7, which seeks to develop the project area “in a manner that minimizes environmental impacts and reinforces the public realm in a manner befitting the setting and regional significance of the area.” The reduction in density by 450 residential units and 30% of the hotel rooms and floor area ratio of other commercial and retail uses would diminish the Project’s effectiveness in reducing air pollutants and GHG emissions that result from higher density mixed-use projects. SANDAG has projected that the City will grow by approximately 115,000 by the year 2030.<sup>1</sup> The same demographics show that to accommodate that growth, the City will need approximately 35,000 additional residential units between 2000 and 2030. Because the Reduced Overall Density Alternative would reduce the number of units available in the region, those units would need to be built in other locations to accommodate the additional growth projected by SANDAG. Those units would likely be displaced to suburban areas, which would increase the vehicle miles traveled and result in increased air pollutants and GHG emissions. The displacement of residential development to outlying areas also could lead to the consumption of open space, degradation in water quality, and other environmental impacts discussed below.

Section 4.3 of the Land Use and Transportation Element of the City’s General Plan embraces smart growth principles that encourage the development of projects that “provide a mix of compatible land uses,” “take advantage of compact building design,” and “create walkable neighborhoods.” The smart growth principles are more easily accomplished in infill projects with higher densities and a mix of land uses. Higher densities in the Bayfront also will contribute to the vibrancy of what is intended to be a world-class waterfront. The reductions in density provided in the Reduced Overall Density Alternative would impede the implementation of smart growth principles in the project area.

To implement smart growth principles, the City has embraced a “villages” strategy as a preferred land use form. This strategy seeks to direct growth into mixed-use activity centers that are pedestrian-friendly districts linked to an improved regional transit system. A village typically is defined as a mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated. Villages are intended to be pedestrian friendly and characterized by inviting, accessible, and attractive streets and public spaces. Public spaces should consist of well-designed public parks or plazas that bring people together. Individual villages will offer a variety of housing types affordable for people with different incomes and needs. The importance of the villages’ strategy to successful growth has been validated by

---

<sup>1</sup> San Diego Association of Governments Fast Facts San Diego.  
[http://www.sandag.org/resources/demographics\\_and\\_other\\_data/demographics/fastfacts/chul.htm](http://www.sandag.org/resources/demographics_and_other_data/demographics/fastfacts/chul.htm)

planning professionals throughout the United States. The Urban Land Institute's report *Higher-Density Development, Myth and Fact*, developed in conjunction with the Sierra Club, National Multi Housing Council, and American Institute of Architects, notes that, "New compact developments with a mix of uses and housing types throughout the country are being embraced as a popular alternative to sprawl. At the core of the success of these developments is density, which is the key to making these communities walkable and vibrant." The Project embodies the villages planning strategy by creating a mixed-use village with high-density housing, which will provide pedestrian connections from residential areas to parks, transit and commercial work and shopping areas. Reducing the density of the Project through the Reduced Overall Density Alternative would serve to weaken the ability for the mixed-use development to succeed, thereby undermining the implementation of the villages' strategy.

According to SANDAG's 2006 white paper, *Homes for All San Diegans, The State of Housing Affordability in the Region*, "[o]ver the next 30 years, SANDAG's 2030 Regional Growth Forecast projects that the region's population will increase by about a million people and a half-million jobs—both growing at about the same rate. Even though housing in the 1970s and 1980s grew at about the same rate as population and employment, in the 1990s home production began to fail to keep pace with demand. The 2030 Regional Growth Forecast also shows the region exporting almost 90,000 households to Riverside and Imperial Counties, and Baja California, although at least one household member continues to work in San Diego County. This reflects the region's relative lack of planning for residential development." The Project provides a significant new supply of housing to deal with the jobs housing imbalance shown in the SANDAG report. The new supply of housing will serve to provide affordable alternatives to single-family residential neighborhoods. The SANDAG report "recommends a smart growth approach to improving housing choice. Vacant land for new construction is disappearing quickly and is nonexistent in some cities, which means that most new housing development will occur through redevelopment and infill, and mixed use development. SANDAG's Smart Growth Concept Map identifies where this type of development should be located—along transit corridors and near transit stations." As noted above, the Project site is located adjacent to an Urban Center on the Smart Growth Concept Map, and the Project is a high-density mixed-use project, consistent with the growth pattern adopted by SANDAG. The Reduced Overall Density Alternative would not produce the optimum number of housing needed to help curb the jobs-housing imbalance in the region, and could contribute to that imbalance by placing housing further away from job centers. The Reduced Overall Density Alternative is therefore infeasible because its inconsistency with the smart growth policies of the City and the region render it undesirable from a policy standpoint.

The link between infill development and reduced vehicle miles traveled (VMT), congestion, and cost to public infrastructure is the subject of the U.S. Environmental Protection Agency (EPA), Economic Development Division's report on *The Transportation and Environmental Impacts of*

*Infill Versus Greenfield Development*, which used case studies (including one from San Diego) to determine the effects of locating similar developments in infill areas versus “Greenfield” areas. The results of the San Diego case study found that locating the project in the infill area would reduce single occupancy vehicle trips by 48%, congestion would be 75% lower within 1 mile of the infill site, travel costs would be 42% lower with the infill site, and per capita VMT would be reduced by 48% with the infill site. As noted above, the 450-unit reduction in the Reduced Overall Density Alternative would need to be accommodated elsewhere in the County or beyond, and would likely be accommodated in a Greenfield area. The Reduced Overall Project Alternative would therefore not provide the benefits of infill development shown in the EPA report that are created by the infill nature of the Project.

High-density infill development also allows people to work and recreate closer to where they live, reducing fuel use and therefore saving energy and reducing air pollution and GHG emissions. SANDAG’s Regional Comprehensive Plan notes that “separation of land uses (e.g., when jobs are far from housing) and low density development inevitably lead to longer trip distances. As discussed in the Transportation chapter of the [Regional Comprehensive Plan], these are among the most important reasons vehicle miles traveled are increasing faster than the region’s population. This, in turn, is putting demands on the road network that are increasingly difficult to meet, and is reducing the benefits anticipated from cleaner vehicles.” Therefore the mixing of land uses (putting housing near jobs and shopping) allows for a reduction in VMT, and for the City to capture the benefits of cleaner burning vehicles. The 30% reduction in density and intensity of development at this infill location would run counter to Regional Comprehensive Plan policies, which encourage people to work and recreate closer to where they live.

The role of high-density projects in reducing traffic congestion, fuel consumption, air pollution, and GHG emissions is well documented. The CEC’s May 2005 report, *The Effect of Land Use Choices on Transportation Fuel Demand*, which was written to support the 2005 integrated policy report, finds that “improved land use planning can reduce the number and length of automobile trips and improve travel via transit and non-motor mobility options. The net result would be fewer vehicle miles traveled (VMT) in the state and reduced fuel demand.” GHG emissions are predominantly from two sources: automobile trips and energy use. Automobile trips and energy production typically require the burning of fossil fuels, which in turn creates carbon dioxide as a byproduct. Carbon Dioxide is implicated as a major contributor to global climate change, and the Intergovernmental Panel on Climate Change has stated that “the primary source of the increased atmospheric concentration of carbon dioxide since the pre-industrial period results from fossil fuel use.” The CEC has stated that “transportation accounts for 41% of California’s 2004 total greenhouse emissions; gasoline use alone accounts for 27% of the 2004 total.” The Project has calculated the GHG emissions anticipated from buildout of the Project. Using conservative assumptions, the Project will emit less per capita emissions than that estimated by AB 32, California’s landmark GHG legislation. Therefore, according to the CEC,

the reduction in VMT is a primary goal for how to reduce GHG emissions in the state. The Reduced Overall Density Alternative would reduce the opportunity to achieve such a reduction in VMT by encouraging development to occur at other locations that may not be able to achieve such a reduction.

The CEC's June 2007 report, *The Role of Land Use in Meeting California's Energy and Climate Change Goals*, states, "most urban growth over the last 30 years has been characterized by travel-inducing features; low-density, a lack of balance and accessibility between housing, jobs and services" and, "density may have the most profound effect on travel and transportation outcomes, with higher density reducing vehicle miles traveled." The report further states, "Controlling for other factors, the difference between low and high density U.S. metropolitan areas is more than 40% daily per capita VMT...and that doubling of neighborhood density can be expected to result in approximately a 5% reduction in both vehicle trips and VMT per capita." The Urban Lands Institute made similar findings in its report, *Growing Cooler: The Evidence on Urban Development and Climate Change*, which states, "based on the urban planning literature reviewed in this publication, it appears that compact development has the potential to reduce VMT per capita by anywhere from 20% to 40% relative to sprawl."

A higher density provides an ability for housing to be built in close proximity to mass transit, commercial development and job centers, thus lowering commute times and providing transportation. The Bayfront represents an infill opportunity to locate housing in close proximity to jobs. The Project is significantly denser than the traditional single-family residential projects developed over the last several decades in San Diego and provides recreational, entertainment, and commercial amenities within the community that typically require vehicle trips to access. As stated in the CEC report, "According to the National Household Travel Survey 2001 Highlights Report, 45% of daily trips were made for family and personal reasons, such as shopping and running errands, 27% were made for social and recreational purposes, and 15% were made for commuting to work." Therefore, the link between reductions in VMT is related to the mixing of commercial and residential land. As noted in the National Household Travel Survey cited by CEC, 45% of trips are made for family or personal reasons while 15% of trips are made for work. Due to the mixing of residential with retail and recreational uses and job centers, the Project is poised to capture the maximum number of trips, because most of the reasons for car use are found within the Project or in close proximity. Because the Project has the characteristics of an infill project, overall car trips can be reduced or eliminated through transit, bicycle, and pedestrian opportunities, which are not as available in a more traditional suburban development.

The VMT reduction benefits of high-density urban infill development are further addressed by the EPA's report, *Measuring the Air Quality and Transportation Impacts of Infill Development*. The report "quantifies the air quality benefits of regional growth scenarios that increase development on brownfield and other infill sites." The report notes, "The three case studies



demonstrate—across a range of scenarios and regional contexts—that redirecting development to more walkable, transit accessible areas reduces driving and emissions. Shifting 5% to 10% of a region’s homes and jobs to infill locations was estimated to produce 2% to 5% less vehicle travel and a 3% to 8% reduction in emissions.” The report found that, “compared with other policies adopted to meet regional air quality goals, these reductions are both significant and cost effective.” As it relates to the balance between growth and air quality concerns in cities, the EPA report also states, “this report shows that directing new growth into reclaimed brownfield and infill sites can help meet their need for growth while addressing regional air quality issues.” The Reduced Overall Density Alternative would provide less of these benefits due to the reduction in density and need to recapture that growth in suburban areas, and is therefore found infeasible as a matter of public policy.

The City is a signatory to the U.S. Mayors’ Climate Protection Agreement, which commits signatory cities to implement GHG reductions in the Kyoto Accords. One of the key strategies sited in the agreement is the reduction of sprawl and the reduction in vehicle miles traveled. Therefore as a matter of public policy and in accordance with City’s participation in the U.S. Mayors’ Climate Protection Agreement, the Port finds that the Reduced Overall Density Alternative is infeasible because it would not meet the public policy objectives of the City.

In addition, higher density housing also provides efficient use of land that avoids the consumption of open space that contains trees and other vegetation that act as carbon sinks for GHG emissions. According to the Urban Land Institute, “Compact urban design reduces driving and smog and preserves the natural areas that are assets of the community: watersheds, wetlands, working farms, open space, and wildlife corridors.” The Project’s efficient use of land for needed housing will preserve open space and reduce the destruction of GHG-absorbing vegetation. Placing the same level of growth, or accommodating the units lost by the Reduced Overall Density Alternative in a suburban area, would consume significantly more land in an area not already disturbed. The Reduced Overall Density Alternative would displace development into these Greenfield areas and is therefore undesirable from a policy standpoint.

The Reduced Overall Density Alternative also would result in the construction of fewer affordable housing units on the Project site because the City’s affordable housing requirement is based on the total number of residential units associated with a project. The Pacifica project component plans to develop 1,500 residential units on Parcels H-13 and H-14, of which 150 units would be devoted to affordable housing. The Redevelopment Agency will cause the production of the remaining 75 affordable units to meet statutory requirement for new affordable housing production of 15%, resulting in a Redevelopment Agency requirement for 225 affordable units.

Under the Reduced Overall Density Alternative, which would reduce the density of the Pacifica project from 1,500 units to 1,050 units, only 157 units would be devoted to affordable housing, instead of 225 units. However, based on Pacifica's intention not to proceed with the land exchange if the Reduced Overall Density Alternative is adopted, that alternative would result in the loss or delayed development elsewhere of 68 affordable housing units. Based on the need for affordable housing within the City, the Port hereby finds that the reduction of affordable housing units on site renders the Reduced Overall Density Alternative infeasible for "social" or "other reasons."

For the economic, social, technological, and other reasons discussed above, the Port finds that, pursuant to CEQA Guidelines section 15093(a)(3), the Reduced Overall Density Alternative is infeasible because it would not achieve several of the most important objectives of the Project, would impede other Project objectives, and would be inconsistent with local, regional, and statewide policies, thereby making it undesirable from a policy standpoint. Accordingly, for the impacts of the Project that remain significant even after the incorporation of feasible mitigation measures and alternatives, the Port adopts the Statement of Overriding Considerations set forth in *Section 8.0* of this document, pursuant to CEQA Guidelines section 15093.

## **7.5 Alternate L-Ditch Remediation Alternative**

### **7.5.1 Description of Alternative**

The L-Ditch is an approximately 4.43-acre, 50-foot-wide L-shaped drainage ditch with approximately 1.15 acres of wetland habitat on Parcel HP-5. The L-Ditch extends adjacent to Street C from Marina Parkway to Street A, and adjacent to Street A from Street C to Marina Parkway. The L-Ditch is contaminated with hazardous materials and is subject to Cleanup and Abatement Order No. 98-08, issued by the RWQCB in a separate proceeding. The Cleanup and Abatement Order requires the existing contamination to be remediated pursuant to a remedial action plan (RAP) approved by the RWQCB.

At the time the Revised DEIR was made available for public and agency review, the RAP had not yet been prepared by the Port or approved by the RWQCB. Accordingly, the Revised DEIR considered two scenarios for the RAP and subsequent development of Parcel HP-5. The Proposed Project incorporated the first scenario, which assumed that the existing contamination would be remediated by removal from the L-Ditch. Under the Proposed Project, therefore, the L-Ditch would not be developed and would contain an average 50-foot-wide buffer from the delineated wetland edge on either side, which would protect against encroachment into the L-Ditch, other than for the proposed bridge crossing to provide access between Parcels H-13 and H-14 and Street A. The Alternate L-Ditch Remediation Alternative considered the second scenario, which assumed that the existing contamination would be remediated in place by filling

the L-Ditch. Under this alternative, Parcel HP-5 would no longer contain wetlands and could be developed.

The Alternate L-Ditch Remediation Alternative involves changes to development plans proposed for Parcels HP-5, H-13, and H-14 of the Proposed Project. Under this alternative, the remediation and fill of approximately 8.0 acres of Parcel HP-5 would distribute the residential development for the Pacifica project over 23 acres, in lieu of the 14 acres within Parcels H-13 and H-14 available for development under the Proposed Project. This increase in land area will allow for a reduction in height, bulk, and development density while simultaneously affording an increase in useable public open space as compared to the proposed Pacifica project. Because the wetlands would have been removed as a result of the remediation and fill required by the Cleanup and Abatement Order, the 50-foot wetland buffer surrounding HP-5 would no longer be necessary.

The overall land use of Parcels H-13 and H-14 under the Alternate L-Ditch Remediation Alternative would be the same as for the Pacifica project component of the Proposed Project, including a maximum of 1,500 residential units with various mid-rise and high-rise components, and retail as described in the FEIR. Under this alternative, although the number of residential units and area of ancillary uses would remain the same, the development would include the developable area of Parcel HP-5, resulting in an increased building footprint of approximately 30%. This increase in ground coverage will allow for an overall reduction in height and bulk of the proposed towers, as well as a reduction in development density as compared to the proposed Pacifica project. Under the Alternate L-Ditch Remediation Alternative, the same number of towers would be constructed but would be spread over a larger area. Building heights under this alternative would range from 4 to 17 stories, with a maximum building height of 200 feet, as opposed to 220 feet under the proposed Pacifica project.

A site plan for the development proposed on Parcels H-13, H-14 and HP-5 under the Alternate L-Ditch Remediation Alternative is shown in *Figure 5.7-1* of the FEIR. The differences between the Alternate L-Ditch Remediation Alternative and the proposed Pacifica project are summarized in *Table 5.7-1* of the FEIR. The Alternate L-Ditch Remediation Alternative is similar to the proposed Pacifica project except for the differences shown in the table. As with the Pacifica project component of the Proposed Project, the Alternate L-Ditch Remediation Alternative would include a PMP Amendment, General Plan Amendment, and LCP Amendment to address areas located entirely within the coastal zone. These amendments would be required to address the necessary modifications to policies that would result from the Alternate L-Ditch Remediation Alternative.

### **7.5.2 Ability of Alternative to Avoid or Substantially Reduce Significant Unmitigated Impacts**

The Alternate L-Ditch Remediation Alternative involves an alternative development approach to the Pacifica project, which is a project-level component of the project. This alternative development approach would allow the Pacifica project to be spread out over a somewhat larger footprint on Parcels H-13, H-14 and HP-5, but does not otherwise change the nature or extent of the proposed Pacifica project. As a result, the Alternate L-Ditch Remediation Alternative would have essentially the same type and intensity of impacts as that of the proposed Pacifica project, except with respect to the impacts on Aesthetics/Visual Resources. By spreading the proposed development over a somewhat larger footprint, the size and bulk of the residential buildings will be reduced from 19 stories (220 feet) to 17 stories (200 feet), which would result in a reduction in development density and would afford an increase in useable public open space as compared to the proposed Pacifica project. Although the Alternate L-Ditch Remediation Alternative would reduce the unavoidable significant impacts of the Pacifica project on Aesthetics/Visual Resources, these impacts would not be avoided or reduced to below a level of significance. This alternative does not propose any changes to the program-level components of the Project and thus would not avoid or substantially reduce any of the unavoidable significant impacts of the program-level components of the Project.

### **7.5.3 Feasibility of Alternative and Relationship to Project Objectives**

On March 2, 2010, the Port approved a RAP that proposes to remediate the existing contamination in place by filling the L-Ditch, as considered in the Alternate L-Ditch Remediation Alternative. The Port has submitted the RAP to the RWQCB for approval in the separate proceedings concerning remediation of the existing contamination on Parcel HP-5. Accordingly, the Port hereby finds that the Alternate L-Ditch Remediation Alternative is feasible and hereby adopts the Alternate L-Ditch Remediation Alternative and incorporates it into the Project as the development plan for Parcels H-13, H-14 and HP-5, in place of the plan for the development of those parcels described in the FEIR in *Chapter 3.0, Project Description (Section 3.4.4.1(b)(i) Project Description: Harbor District Project Level (Phase I) Components)*.

INTENTIONALLY LEFT BLANK

## 8.0 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA provides that a lead agency should not approve a project as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project. CEQA further provides, however, that, in the event specific economic, social, or other conditions make infeasible such project alternatives or mitigation measures, a project may be approved in spite of one or more significant impacts thereof (Pub. Res. Code section 21002). A lead agency which wishes to carry out or approve a project that has one or more unavoidable significant impacts is required to balance the unavoidable adverse environmental risks of the project against its economic, legal, social, technological, or other benefits, including region-wide and statewide environmental benefits. If the specific benefits of the project outweigh its unavoidable adverse environmental risks, the adverse environmental risks may be considered "acceptable." The lead agency may then approve the project and adopt a "Statement of Overriding Considerations," which states in writing the specific reasons to support the lead agency's action based on the FEIR and other information in the record (CEQA Guidelines section 15093).

The Port has found that the Proposed Project would have the following unavoidable significant environmental impacts: direct significant impacts on Land/Water Use Compatibility, Traffic and Circulation, Aesthetics/Visual Quality, Air Quality, and Public Services (Library Services); and cumulative significant impacts on Traffic and Circulation, Aesthetics/Visual Quality, Air Quality, Public Services (Library Services), and Energy. The Port has adopted all feasible mitigation measures with respect to these unavoidable significant impacts. The Port also has considered a reasonable range of alternatives to the Project, including the No Project Alternative, the Harbor Park Alternative, the No Land Trade Alternative, the Reduced Overall Density Alternative, and the Alternate L-Ditch Remediation Alternative. The Port has determined that none of these alternatives is feasible except the Alternate L-Ditch Remediation Alternative, which the Port has adopted in place of the plan for development of Parcels H-13, H-14, and HP-5 set forth in Section 3.0 *Project Description* of the FEIR.

Because of these unavoidable significant impacts, the Port must adopt a Statement of Overriding Considerations pursuant CEQA Guidelines section 15093 in order to approve the Project. Although the Port is not required to adopt a Statement of Overriding Considerations for significant impacts that will be mitigated to below a level of significance, certain significant impacts identified in the FEIR and proposed mitigation measures and alternatives may be the subject of differing opinion among persons who have commented on the Project. Accordingly, the Port wishes to make clear its view that the benefits of the Project, described below, are of such importance to the community as to outweigh all significant environmental impacts described in the FEIR or suggested by participants in the public review process.

Pursuant to CEQA Guidelines section 15093, the Port hereby finds that the Project would have the following benefits:

**Community Planning and Development**

- The Project advances the goals articulated in the Port’s mission statement: “While protecting the Tidelands Trust resources, the Port will balance economic benefits, community services, environmental stewardship, and public safety on behalf of the citizens of California.”
- The Project will fulfill the overall objective of the Chula Vista Bayfront Master Plan by establishing the Chula Vista Bayfront as an active, accessible, vibrant area, with attractions that draw people to and celebrate the waterfront experience, while protecting and enhancing environmental resources.
- The Project will be consistent with the tidelands trust requirements and restrictions and will incorporate broad community input into the planning process and support of the master plan after significant public outreach and participation.
- The Project will provide an overall improvement of land use compatibility to fulfill desired goals of an active recreational and commercial area, while providing enhanced environmental resources.

**Recreation, Open Space, Public Access, and Connectivity**

- The Project will link the Bayfront to the downtown Chula Vista Urban Core and provide a network of trails and open space along the shoreline.
- The Project will create new public access, recreational amenities, and shoreline enhancements, while still protecting biological resources in the Project vicinity, and will create a park system that considers ecological habitats and recreational needs of the community.
- The Project will extend Chula Vista’s traditional grid of streets to ensure pedestrian, vehicle, bicycle, transit, and water links, and will provide a continuous open space system, fully accessible to the public, that will connect the Sweetwater, Harbor, and Otay districts through components such as a continuous shoreline promenade or baywalk and a continuous bicycle path linking the parks and ultimately creating greenbelt linkages.
- The Project will provide many features to encourage pedestrian, bicycle, and transit use within the Bayfront area, including a pedestrian circulation plan of approximately 54,000 linear feet comprising shoreline promenade, trails, and sidewalks, as well as an approximately 12-foot-wide meandering pedestrian trail interwoven throughout the Signature Park, which will maximize public visual and physical access to the water.

- The Project will improve public access and recreational opportunities by creating new public parks that will provide space for passive and active public recreation in the park and other open space areas in each of the three districts, including a Signature Park and the creation of an active commercial harbor with public space at the water's edge.
- The Project will improve the public's right to access the San Diego Bay by improving the link between western Chula Vista along H Street, E Street, and J Street.
- The Project will facilitates direct public access to the shoreline via E Street, H Street, J Street, and Marina Parkway and will provide parks and public uses between these roads and the San Diego Bay.
- The Project will preserve open space in the Project area, with approximately 238 acres (43%) of the Project site designated as open space, either in the form of natural habitat or public passive- or active-use parks. The City's Land Use Plan (LUP) designates approximately 28 acres of public and quasi-public areas and parks and recreation adjacent to the Bay and nature preserve, thereby enhancing public access to the coastal resources. The public, park, and open space lands would be permanently dedicated and maintained to assure future access.

**Economic and Social Sustainability**

- The Project will stimulate economic growth for the Port, City of Chula Vista, the South Bay area, and the overall region and will develop economically feasible land uses in the Project area. The plan will be economically sustainable, will generate revenue, and will encourage private sector participation.
- One time tax and other revenues generated by Project development for the City will exceed approximately \$8.8 million.
- Through build-out of the Project, development is expected to result in more than \$11.5 million per year in local tax revenues, including property taxes, tax increment for redevelopment properties, transient occupancy taxes, sales taxes, utility user's taxes and business taxes.
- Economic impacts of developing the Project in the San Diego regional economy equal approximately \$1.3 billion.
- The Project will result in a capital investment of approximately \$120 million in improvements and expansion of public infrastructure, including street, sewer, and water system improvements throughout the Project area.
- The Project will generate substantial additional revenues to the Port, the City, the RDA and the region from tax and other revenues generated directly by construction and



operation of the individual projects and indirectly from regional and local businesses which supply the projects with goods and services..

- The Project will increase employment opportunities within the region directly by providing thousands of new full-time and part-time permanent jobs in the residential, hotel, retail, cultural, and other site-specific projects expected to be developed in the project area, including approximately 2,000 jobs at the RCC, over the course of Project build-out, and indirectly among new and existing local businesses which will supply goods and services to the Project, such as food and beverage, temporary labor, building maintenance and repair services, landscaping services, vending machines, furniture and equipment, vehicle repair and servicing, and advertising specialty products. In addition, the Project is expected to provide an estimated 6,500 construction jobs over the course of Project build-out.
- The Pacifica project will increase employment opportunities within the region by directly providing over 200 permanent jobs and an average of 390 temporary jobs per year over the Project's 20-year build-out period (with the greatest numbers of jobs provided when hotel and residential construction coincide). In addition, the Pacifica project is expected to result in approximately 600 indirect project-related community jobs over the Project's 20-year build-out period.
- The Project will increase the supply of affordable housing in western Chula Vista by providing 225 additional units in the Pacifica Project and the project area.

#### **Public Facilities Planning**

- The Project will provide facilities that can be used as community meeting space.
- In addition to the existing facilities provided within the Bayfront, the Project will provide new low-cost visitor and recreational facilities in all three of the districts, including a Signature Park in both the Sweetwater and Harbor districts, a community boating center or recreational marina of approximately 10,000 to 20,000 square feet in the Harbor District, and ancillary retail establishments, such as restaurants, shops, and shared public plazas.
- The Project will provide for increased recreational boating opportunities and enhanced facilities by providing a new community boating center or recreational marina on Parcel H-1, which could include an aquatic center, boating opportunities, and dock-and-dine facilities, and by improving the navigation channel and a ferry terminal and providing a new pier.
- The Project will include a fire station as a Phase I project-level component, which will enhance fire protection services in the Project area and in the western portion of the City.

**Environmental Stewardship**

- The Project will minimize impacts of residential development to on-site and adjacent sensitive biological habitat by precluding residential uses in the Otay District and moving residential and other intensive uses away from the Sweetwater District, the Sweetwater NWR, and the F & G Street Marsh, in order to protect environmentally sensitive habitat areas from disruption.
- The Project will concentrate more intense development in the Harbor District, which is most directly accessible to downtown Chula Vista and will provide a significant link from the City to the Bayfront.
- The Project will implement measures designed to increase energy efficiency. Project-level components proposed for Phase I incorporate project features to ensure efficient use of energy, and program-level components for all phases will be required to reduce energy consumption by 30%.
- The Project will provide for the protection of sensitive natural resources and increased public participation through the creation, implementation, and enforcement of an NRMP and good faith efforts to enter into cooperative management agreements with USFWS or other appropriate agencies.

The Port has balanced the specific economic, legal, social, technological, and other benefits of the Proposed Project, including region-wide and statewide environmental benefits, against its unavoidable significant environmental risks in determining whether to approve the Project. For the foregoing reasons, the Port hereby finds that, pursuant to CEQA Guidelines section 15093, the benefits of the Project outweigh its significant adverse environmental impacts and, therefore, such impacts are considered acceptable. The Port further finds that each of the benefits and the fulfillment of the objectives of the Project is determined to be a separate and independent basis for overriding the unavoidable significant impacts of the Project. Accordingly, the Port hereby adopts this Statement of Overriding Considerations.

INTENTIONALLY LEFT BLANK

# **ATTACHMENT 1**

*Table 5.1-1*

*Comparison of Impacts between Proposed Project  
and Project Alternatives*

**Table 5.1-1  
Comparison of Impacts between Proposed Project and Project Alternatives**

Environmental Issue	Proposed Project Significance After Mitigation	No Project	Harbor Park	No Land Trade	Reduced Overall Density	Alternate L-Ditch Remediation
<b>4.1 Land/Water Use Compatibility</b>						
1. The Proposed Project would have a significant impact if it conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the General Plan, Specific Plan, local coastal program, master plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.	Significant and unmitigable	Greater	Equal	Equal	Equal	Equal
2. The Proposed Project would have a significant impact if it conflicts with any applicable Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP).	Less than significant	Less	Equal	Greater	Equal	Equal
3. The Proposed Project would have a significant impact if it creates a substantial or extreme land/water use incompatibility with adjacent or nearby existing and proposed land uses, resulting in significant incompatibility or nuisance impacts.	Less than significant	Equal	Equal	Greater	Equal	Equal
4. The Proposed Project would have a significant impact if it is inconsistent or conflicts with an adopted PMP water use designation where substantial indirect or secondary environmental impacts would occur.	Less than significant	Equal	Equal	Equal	Equal	Equal
<b>4.2 Traffic and Circulation</b>						
1. The Proposed Project would have a significant impact on traffic circulation if it substantially increases hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)	Less than significant	Equal	Equal	Equal	Equal	Equal
2. The Proposed Project would have a significant impact on traffic circulation if it conflicts with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)	Less than significant	Equal	Equal	Equal	Equal	Equal
3. The Proposed Project would have a significant impact if changes to the land use and the circulation plans would result in the following: For non-Chula Vista Urban Core circulation element roadways (Expressway, Prime Arterial, Major Street, Town Center Arterial, Class I Collector): a) A roadway segment that currently operates at LOS C or better and with the proposed changes would operate at LOS D or worse at General Plan build-out. b) A roadway segment that currently operates at LOS D or E and with the proposed changes would operate at LOS E or F at General Plan build-out (respectively), or which operates at LOS D, E, or F and would worsen by 5 percent or more at General Plan build-out. For Chula Vista Urban Core Circulation Element roadways (Gateway Street, Urban Arterial, Commercial Boulevard, and Downtown Promenade): a) A roadway segment that currently operates at LOS D or better and with the proposed changes would operate at LOS E or F at General Plan build-out. b) A roadway segment that currently operates at LOS F and would worsen by 5 percent or more at General Plan build-out.	Significant and unmitigable	Greater	Greater	Greater	Less	Equal
4. The Proposed Project would have a significant impact if changes to the land use and circulation plans would affect signalized and unsignalized intersections as follows: a) An intersection that currently operates at LOS D or better and with proposed changes would operate at LOS E or worse at General Plan build-out. b) An intersection that currently operates at LOS E or F and the project trips generated comprise 5 percent or more of the entering volume. Entering volumes are the total approach volumes entering an intersection. c) A cumulative impact would occur if the operations at intersection are at LOS E or F only.	Less than significant	Greater	Greater	Equal	Less	Equal
<b>4.3 Parking</b>						
1. The Proposed Project would have a significant impact if it causes the parking supply to be less than the generated demand or if it exacerbates an existing parking shortage.	Less than significant	Equal	Equal	Equal	Less	Equal
2. The Proposed Project would have a significant impact if it results in parking shortfalls during major events within the Chula Vista Bayfront area.	Less than significant	Equal	Equal	Equal	Less	Equal
3. The Proposed Project would have a significant impact if it removes parking lots designated for public use that are heavily utilized and not replaced.	Less than significant	Equal	Equal	Equal	Less	Equal
<b>4.4 Aesthetics/Visual Quality</b>						
1. <i>View Quality</i> : The Proposed Project would have a significant impact if it has a substantially adverse effect on a scenic vista, public view, or public resource (such as a symbol or landmark).	Significant and unmitigable	Less	Greater	Greater	Less	Equal
2. <i>Visual Quality</i> : The Proposed Project would have a significant impact if it substantially degrades the existing visual character or quality of the site and its surroundings.	Less than significant	Less	Equal	Greater	Less	Equal
3. <i>Light and Glare</i> : The Proposed Project would have a significant impact if it creates a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	Less than significant	Equal	Equal	Equal	Less	Equal
4. <i>Visual Character</i> : The Proposed Project would have a significant impact if it conflicts with urban design guidelines in adopted plans and policies.	Less than significant	Equal	Equal	Greater	Less	Equal
<b>4.5 Hydrology/Water Quality</b>						
1. The Proposed Project would have a significant impact if it substantially depletes groundwater or interferes substantially with groundwater recharge.	Less than significant	Equal	Equal	Equal	Equal	Equal
2. The Proposed Project would have a significant impact if it alters an existing 100-year floodplain or would place structures within a 100-year flood hazard area which would impede or redirect flood flows.	Less than significant	Equal	Equal	Equal	Equal	Equal

Table 5.1-1 (Cont.)

Environmental Issue	Proposed Project Significance After Mitigation	No Project	Harbor Park	No Land Trade	Reduced Overall Density	Alternate L-Ditch Remediation
3. The Proposed Project would have a significant impact if it exposes people or structures to a significant risk of loss, injury, or death involving flooding, and/or exposes people or structures to inundation by seiche, tsunami, or mudflow.	Less than significant	Equal	Equal	Equal	Equal	Equal
4. The Proposed Project would have a significant impact if it substantially alters the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site.	Less than significant	Equal	Equal	Equal	Equal	Equal
5. The Proposed Project would have a significant impact if it degrades water quality or would violate any water quality standards or waste discharge requirements, resulting from a substantial increase in the rate or amount of polluted surface runoff.	Less than significant	Equal	Equal	Equal	Less	Equal
6. The Proposed Project would have a significant impact if it creates or contributes runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	Less than significant	Equal	Equal	Equal	Less	Equal
7. The Proposed Project would have a significant impact if it results in pollution or contamination that may have an impact on human health and the environment, including the aquatic habitat, or impacts on biological communities.	Less than significant	Equal	Equal	Equal	Equal	Equal
8. The Proposed Project would have a significant impact if it results in substantial erosion and subsequent sedimentation of water bodies.	Less than significant	Equal	Equal	Equal	Equal	Equal
<b>4.6 Air Quality</b>						
1. The Proposed Project would have a significant impact if it conflicts with or obstructs implementation of the applicable air quality plan (e.g., RAQS).	Less than significant	Greater	Equal	Equal	Less	Equal
2. The Proposed Project would have a significant impact if it violates any air quality standard or contributes substantially to an existing or projected air quality violation.	Less than significant	Greater	Equal	Equal	Less	Equal
3. The Proposed Project would have a significant impact if it results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).	Significant and unmitigable	Greater	Equal	Equal	Less	Equal
4. The Proposed Project would have a significant impact if it exposes sensitive receptors to substantial pollutant concentrations.	Significant and unmitigable	Greater	Equal	Greater	Less	Equal
5. The Proposed Project would have a significant impact if locates residential housing within 1,000 feet of a plant or any other toxic air emitting facility.	Less than significant	Less	Equal	Equal	Equal	Equal
6. The Proposed Project would have a significant impact if it creates objectionable odors affecting a substantial number of people.	Less than significant	Equal	Equal	Equal	Equal	Equal
7. The Proposed Project would have a significant impact if conflicts with or obstructs goals or strategies of the California Global Warming Solutions Act of 2006 (AB 32) or related Executive Orders.	Less than significant	Greater	Equal	Equal	Equal	Equal
8. The Proposed Project would have a significant impact if it results in substantially increased exposure of the project from the potential adverse effects of global warming identified in the California Global Warming Solutions Act of 2006 (AB 32).	Less than significant	Greater	Equal	Equal	Equal	Equal
<b>4.7 Noise</b>						
1. The Proposed Project would have a significant impact if it exposes persons to or generates noise levels in excess of standards established in the City of Chula Vista General Plan or noise ordinance, or applicable standards of other agencies.	Less than significant	Greater	Equal	Equal	Less	Equal
2. The Proposed Project would have a significant impact if it exposes persons to or generates excessive groundborne or waterborne vibrations or noise levels.	Less than significant	Equal	Equal	Equal	Less	Equal
3. The Proposed Project would have a significant impact if it results in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	Less than significant	Greater	Equal	Equal	Less	Equal
4. The Proposed Project would have a significant impact if it results in substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	Less than significant	Equal	Greater	Equal	Less	Equal
<b>4.8 Terrestrial Biological Resources</b>						
1. The Proposed Project would have a significant impact if it has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFG or USFWS.	Less than significant	Greater	Equal	Greater	Equal	Equal
2. The Proposed Project would have a significant impact if it has a substantial adverse effect on federally or state protected wetlands as defined by Sections 401 and 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.), and Section 1600 of the CDFG Code through direct removal, filling, hydrologic interruption, or other means.	Less than significant	Greater	Equal	Equal	Equal	Equal
3. The Proposed Project would have a significant impact if it interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites.	Less than significant	Greater	Equal	Equal	Equal	Equal
4. The Proposed Project would have a significant impact if it conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Less than significant	Greater	Equal	Equal	Equal	Equal
5. The Proposed Project would have a significant impact if it conflicts with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan.	Less than significant	Greater	Greater	Equal	Equal	Equal
<b>4.9 Marine Biological Resources</b>						
1. The Proposed Project would have a significant impact if it has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFG or USFWS.	Less than significant	Greater	Equal	Equal	Equal	Equal

Table 5.1-1 (Cont.)

Environmental Issue	Proposed Project Significance After Mitigation	No Project	Harbor Park	No Land Trade	Reduced Overall Density	Alternate L-Ditch Remediation
2. The Proposed Project would have a significant impact if it interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites.	Less than significant	Greater	Equal	Equal	Equal	Equal
3. The Proposed Project would have a significant impact if it has a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFG or USFWS.	Less than significant	Greater	Equal	Equal	Equal	Equal
4. The Proposed Project would have a significant impact if it has a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrologic interruption, or other means.	Less than significant	Equal	Equal	Equal	Equal	Equal
5. The Proposed Project would have a significant impact if it conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Less than significant	Greater	Equal	Equal	Equal	Equal
6. The Proposed Project would have a significant impact if it conflicts with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan.	Less than significant	Greater	Equal	Equal	Equal	Equal
<b>4.10 Cultural Resources</b>						
1. The Proposed Project would have a significant impact if it causes a substantial adverse change in the significance of a historical or archaeological resource as defined in CEQA Guidelines Section 15064.5, including resources that are eligible for the California Register of Historic Resources (CRHR) and the National Register of Historic Places and resources that are locally designated as historically significant, or the City of Chula Vista finds the resource historically significant based on substantial evidence.	Less than significant	Equal	Equal	Equal	Equal	Equal
2. The Proposed Project would have a significant impact if it disturbs any human remains, including those interred outside of formal cemeteries.	Less than significant	Equal	Greater	Equal	Equal	Equal
<b>4.11 Paleontological Resources</b>						
1. The Proposed Project would have a significant impact if it directly or indirectly destroys a unique paleontological resource or site or unique geologic feature.	Less than significant	Equal	Equal	Equal	Equal	Equal
<b>4.12 Hazards and Hazardous Materials/Public Safety</b>						
1. The Proposed Project would have a significant impact if it creates a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Less than significant	Equal	Equal	Equal	Equal	Equal
2. The Proposed Project would have a significant impact if it creates a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	Less than significant	Equal	Equal	Equal	Equal	Equal
3. The Proposed Project would have a significant impact if it emits hazardous emissions or handles hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.	Less than significant	Equal	Equal	Equal	Equal	Equal
4. The Proposed Project would have a significant impact if it is located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, a significant hazard to the public or the environment would be created.	Less than significant	Equal	Equal	Equal	Equal	Equal
5. The Proposed Project would have a significant impact if it is located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport and would result in a safety hazard for people residing or working in the project area.	Less than significant	Equal	Equal	Equal	Equal	Equal
6. The Proposed Project would have a significant impact if it impairs implementation of or physically interferes with an adopted emergency response plan or emergency evacuation plan.	Less than significant	Equal	Equal	Equal	Equal	Equal
<b>4.13 Public Services</b>						
<b>Fire Protection</b>						
1. The Proposed Project would have a significant impact if it reduces the ability to respond to calls throughout the City within the City's threshold standard to respond to calls within 7 minutes in 80 percent of the cases.	Less than significant	Greater	Greater	Greater	Greater	Equal
2. The Proposed Project would have a significant impact if it results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the fire protection and emergency services.	Less than significant	Greater	Greater	Greater	Greater	Equal
<b>Police Protection</b>						
1. The Proposed Project would have a significant impact on police protection services if it: <ul style="list-style-type: none"> <li>Reduces the ability to respond to calls within the City's threshold standard for Priority One emergency calls within 7 minutes in 81 percent of the cases and maintain an average response time to all Priority One calls of 5.5 minutes or less.</li> <li>Reduces the ability to respond to calls within the City's threshold standard for Priority Two urgent calls, within 7 minutes in 57 percent of cases, and maintain an average response time to all Priority Two calls of 7.5 minutes or less.</li> </ul>	Less than significant	Equal	Equal	Equal	Less	Equal
2. The Proposed Project would have a significant impact if it results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities and/or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services.	Less than significant	Equal	Equal	Equal	Less	Equal

Table 5.1-1 (Cont.)

Environmental Issue	Proposed Project Significance After Mitigation	No Project	Harbor Park	No Land Trade	Reduced Overall Density	Alternate L-Ditch Remediation
<b>Parks and Recreation</b>						
1. The Proposed Project would have a significant impact if it results in the inability for the City to provide an adequate level of service in accordance with the Chula Vista Municipal Code Chapter 17.10.040 Parklands and Public Facilities.	Less than significant	Less	Equal	Equal	Less	Equal
2. The Proposed Project would have a significant impact if it results in substantial adverse physical impacts associated with the provision of new or physically altered governmental or recreational facilities and/or the need for new, expanded, or physically altered governmental or recreational facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for park services.	Less than significant	Less	Equal	Equal	Less	Equal
3. The Proposed Project would have a significant impact if it increases the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	Less than significant	—	—	—	—	—
<b>Schools</b>						
1. The Proposed Project would have a significant impact if the CVESD and SUHSD do not have the necessary school facilities to meet the needs of the students in new development areas in a timely manner.	Less than significant with mitigation	Less	Equal	Equal	Less	Equal
2. The Proposed Project would have a significant impact if it results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities and/or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for school services.	Less than significant	Less	Equal	Equal	Less	Equal
<b>Library Service</b>						
1. The Proposed Project would have a significant impact if it exceeds the population ratio, which requires that 500 square feet (gross) of adequately equipped and staffed libraries be provided per 1,000 populations.	Significant and unmitigable	Less	Equal	Equal	Less	Equal
2. The Proposed Project would have a significant impact if it results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities and/or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for library services.	Less than significant	Less	Equal	Equal	Less	Equal
<b>4.14 Public Utilities</b>						
<b>Water Supply and Water Availability</b>						
1. The Proposed Project would have a significant impact if sufficient water supplies are not available to serve the project from existing entitlements and resources, or results in the need for new or expanded entitlements.	Less than significant	Greater	Equal	Equal	Less	Equal
2. The Proposed Project would have a significant impact if the project requires or results in the construction of new water treatment facilities or expansion of existing facilities and services, the construction of which could cause significant environmental effects.	Less than significant	Greater	Equal	Equal	Less	Equal
3. The Proposed Project would have a significant impact if it the Proposed Project is inconsistent with the assumptions used in the San Diego County Water Authority (SDCWA) Urban Water Management Plan (UWMP).	Less than significant	Equal	Equal	Equal	Equal	Equal
<b>Sewer</b>						
1. The Proposed Project would have a significant impact if it results in a determination by the wastewater treatment provider that serves or may serve the project that it does not have adequate planned capacity to serve projected demand in addition to the provider's existing commitments.	Less than significant	Equal	Greater	Equal	Less	Equal
2. The Proposed Project would have a significant impact if it requires or results in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	Less than significant	Equal	Equal	Equal	Less	Equal
<b>Solid Waste Management</b>						
1. The Proposed Project would have a significant impact if the project was served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs.	Less than significant	Equal	Equal	Equal	Less	Equal
2. The Proposed Project would have a significant impact if it does not comply with federal, state, and local regulations related to solid waste.	Less than significant	Equal	Equal	Equal	Less	Equal
<b>4.15 Seismic/Geologic Hazards</b>						
1. The Proposed Project would have a significant impact if the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, or strong seismic ground shaking occurred.	Less than significant	Equal	Equal	Equal	Equal	Equal
2. The Proposed Project would have a significant impact if seismic-related ground failure, including liquefaction, occurred, or if it is located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.	Less than significant	Equal	Equal	Equal	Equal	Equal
3. The Proposed Project would have a significant impact if it is located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating a substantial risk to life or property.	Less than significant	Equal	Equal	Equal	Equal	Equal
4. The Proposed Project would have a significant impact if there is the potential for tsunamis.	Less than significant	Equal	Equal	Equal	Equal	Equal
<b>4.16 Energy</b>						
1. The Proposed Project would have a significant impact if it increases the demand for energy resources to exceed the City's available supply or causes a need for new and expanded facilities.	Significant and unmitigable	Equal	Equal	Greater	Less	Equal



Table 5.1-1 (Cont.)

Environmental Issue	Proposed Project Significance After Mitigation	No Project	Harbor Park	No Land Trade	Reduced Overall Density	Alternate L-Ditch Remediation
<b>4.17 Population and Housing</b>						
1. The Proposed Project would have a significant impact if it induces substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	Less than significant	Equal	Equal	Equal	Equal	Equal
2. The Proposed Project would have a significant impact if it displaces substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere.	Less than significant	Equal	Equal	Equal	Less	Equal

INTENTIONALLY LEFT BLANK

2010-78

**EXHIBIT B**

**MITIGATION MONITORING AND  
REPORTING PROGRAM**

**for the**

**CHULA VISTA BAYFRONT MASTER PLAN**

**UPD #83356-EIR-658**

**SCH #2005081077**

*Prepared for:*

**SAN DIEGO UNIFIED PORT DISTRICT**

3165 Pacific Highway  
San Diego, California 92101

*Prepared by:*

**DUDEK**

605 Third Street  
Encinitas, California 92024

**MAY 2010**

**EXHIBIT "B"**

## 1.0 INTRODUCTION

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

### Project Overview

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

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

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

The project site (also referred to as the planning area) encompasses approximately 556 acres that includes 497 acres of land area and 59 acres of water area. This planning area has been divided into three districts—the Sweetwater District, the Harbor District, and the Otay District. The Sweetwater District (approximately 130 acres) proposes the lowest intensity development of the three districts and focuses on lower scale, environmentally sensitive and environmentally themed uses, including a large ecological buffer, a signature park, bike path, pedestrian trails, other open space areas, uses such as office/retail, hotel, parking for the Chula Vista Nature Center, and roadway and infrastructure improvements.

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

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

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

The illustrative map for the Proposed Project is shown in *Figure 3-8b* of the Final EIR. Proposed development is planned to occur in four phases over an approximate 24-year period

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

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

Implementation of the Proposed Project will require discretionary approvals by State and local agencies as shown in *Table 3-1* of the Final EIR. Discretionary approvals include but are not limited to amendments to the PMP (adopted in 1981 and last amended in 2004), the Chula Vista LCP (which includes the LUP and Specific Plan), the City of Chula Vista General Plan, and the City of Chula Vista's MSCP, coastal development permits, a land exchange, and tentative maps.

### **The Final Environmental Impact Report (Final EIR)**

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

In response to public and agency comments on the Revised DEIR, the Port and the City engaged in extensive public outreach with many interested persons, organizations and agencies in a good faith attempt to address their concerns. As a result of these efforts, the Port and the City agreed

to implement a number of project design features and mitigation measures above and beyond those which are required to avoid or reduce the Proposed Project's significant impacts below a level of significance. Although these additional project design features and mitigation measures are not required by CEQA or any other applicable law or regulation, the Port and the City agreed to include them in this MMRP to facilitate their implementation and monitoring.

## **2.0 MITIGATION MONITORING AND REPORTING PROGRAM**

### **Program Procedural Guidelines**

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

### **Actions in Case of Noncompliance**

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

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

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

### 3.0 MITIGATION MONITORING PROGRAM TABLE

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



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

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

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

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

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

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

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.2-7	<p>Prior to the issuance of certificates of occupancy for development on H-3 or building permits on H-13 or H-14 for any development in Phase I, the Port, Port tenants, or applicants, as appropriate, shall construct a traffic signal at the intersection of I-5 southbound ramps and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-10 and 4.2-16 to below a level of significance</p> <p>*Applies to Significant Impacts 4.2-10 and 4.2-16.</p>	<p>Port, Port Tenants, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-9	<p>Prior to the issuance of certificates of occupancy for any development on H-3 in Phase I, the Port or Port tenant, as appropriate, shall construct a westbound lane along H Street/RCC Driveway, which would result in widening H Street west of Marina Parkway to a three-lane Class II Collector. This mitigation would reduce Significant Impact 4.2-13 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-13.</p>	<p>Port or Port Tenant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-11	<p>Prior to the issuance of certificates of occupancy for development on H-23 in Phase I, the Port or Port tenant, as appropriate, shall construct Street A between H Street to Street C as a two-lane Class III Collector, and shall construct Street C between Marina Parkway and Street A as a two-lane Class II Collector. Implementation of this mitigation measure would reduce Significant Impact 4.2-20 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-20.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-12	<p>Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall widen H Street between Street A and I-5 Ramps to a five-lane Major Street, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-21 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-21.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-13	<p>Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall widen J Street between Street A to I-</p>	<p>Port, Port Tenant, or Applicant</p>	City Engineer		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	5 Ramps to a six-lane Major Street, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-22 to below a level of significance.  *Applies to Significant Impact 4.2-22.	-Prior to First Certificate of Occupancy			
MM 4.2-14	Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall widen Street A between Street C and J Street to a four-lane Class I Collector or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-23 to below a level of significance.  *Applies to Significant Impact 4.2-23.	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-15	Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal and add an exclusive left-turn lane at each approach at the intersection of H Street and RCC Driveway, or secure such construction to the satisfaction of the City Engineer. The traffic signal and left-turn lanes shall be built to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-24 to below a level of significance.  *Applies to Significant Impact 4.2-24.	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-16	Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall construct a westbound and eastbound through lane along J Street at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-25 to below a level of significance.  *Applies to Significant Impact 4.2-25.	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-17	Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal at the intersection of H Street and Street A, or secure such construction to the satisfaction of the City Engineer. The traffic signal shall be constructed and operate to the satisfaction of	Port, Port Tenant, or Applicant -Prior to First Certificate of	City Engineer		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>the City Engineer. This mitigation would reduce Significant Impact 4.2-26 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-26.</p>	Occupancy			
MM 4.2-18	<p>Prior to the issuance of certificates of occupancy for any development in Phase II of the development, the developer shall construct a traffic signal at the intersection of J Street and Marina Parkway. The traffic signal shall be constructed and operate to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-27 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-27.</p>	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-19	<p>Prior to the issuance of certificates of occupancy for any development in Phase II, the Port, Port tenant, or applicant, as appropriate, shall construct a traffic signal at the intersection of J Street and Street A and add an exclusive westbound right-turn lane along J Street and an exclusive southbound right-turn lane along Street A, or secure such construction to the satisfaction of the City Engineer. The traffic signal and turning lanes shall operate and be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-28 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-28.</p>	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-20	<p>Prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, or applicant, as appropriate shall construct the segment of Street A that would continue south from J Street, connecting to the proposed Street B in the Otay District, as a two-lane Class III Collector. In addition, prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, as appropriate shall construct the segment of Street B that would connect to the proposed Street A, bridge over the Telegraph Canyon Creek Channel, and continue south to Bay Boulevard, as a 2-lane Class III Collector. This mitigation would reduce Significant Impact 4.2-31 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-31.</p>	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.2-21	<p>Prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, or applicant, as appropriate, shall widen Street A between H Street and Street C to a four-lane Class I Collector, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-32 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-32.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-22	<p>Prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, or applicant, as appropriate, shall construct an exclusive eastbound right-turn lane along J Street at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The turning lane shall be built to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-33 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-33.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-23	<p>Prior to the issuance of certificates of occupancy for any development in Phase III of the development, the Port, Port tenants, or applicant, as appropriate, shall construct an exclusive westbound right-turn lane along J Street at the intersection of J Street and I-5 NB Ramps, or secure such construction to the satisfaction of the City Engineer. The turning lane shall be built to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-34 to below a level of significance</p> <p>*Applies to Significant Impact 4.2-34.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-24	<p>Prior to the issuance of certificates of occupancy for any development in Phase III, the Port, Port tenants, or applicant, as appropriate, shall construct E Street from the RCC Driveway to Bay Boulevard as a two-lane Class III Collector. This mitigation would reduce Significant Impact 4.2-38 to below a level of significance</p> <p>*Applies to Significant Impact 4.2-38.</p>	<p>Port, Port Tenants, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-25	<p>Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct a new F Street segment between the proposed terminus of the existing F Street and the proposed E Street</p>	<p>Port, Port Tenant, or Applicant -Prior to First</p>	City Engineer		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>extension, ending at the SP-3 Chula Vista Nature Center parking lot, as a two-lane Class III collector street, which shall also contain a Class II bike lane on both sides of the street. This mitigation would reduce Significant Impact 4.2-39 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-39.</p>	Certificate of Occupancy			
MM 4.2-26	<p>Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall widen E Street between F Street and Bay Boulevard to a four-lane Class I Collector, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. Also, the widening of this segment of E Street would facilitate the flow of project traffic on Bay Boulevard between E Street to F Street. This mitigation would reduce Significant Impacts 4.2-40 and 4.2-41 to below a level of significance.</p> <p>*Applies to Significant Impacts 4.2-40 and 4.2-41.</p>	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		
MM 4.2-27	<p>Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall widen H Street between I-5 Ramps and Broadway to a 6-lane Gateway Street. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-42 to below a level of significance. The off-site traffic improvements described in this mitigation measure for direct traffic impacts would create secondary traffic impacts. Improvements associated with these secondary impacts would be required as a result of cumulative and growth-related traffic overall, of which the Proposed Project would be a component. The Western Chula Vista TDIF identifies these improvements in a cumulative context and attributes fair share contributions according to the impact. Therefore, the Proposed Project would be responsible for a fair share contribution and would not be solely responsible for implementation of necessary secondary impact improvements.</p> <p>*Applies to Significant Impact 4.2-42.</p>	Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy	City Engineer		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.2-28	<p>Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct an eastbound through lane and an exclusive eastbound right-turn lane along E Street at the intersection of E Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-43 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-43.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-29	<p>Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct an exclusive southbound right-turn lane along Bay Boulevard at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-44 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-44.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.2-30	<p>Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct a dual southbound left-turn lane along Street A, or secure such construction to the satisfaction of the City Engineer. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-45 to below a level of significance.</p> <p>*Applies to Significant Impact 4.2-45.</p>	<p>Port, Port Tenant, or Applicant -Prior to First Certificate of Occupancy</p>	City Engineer		
MM 4.4-1	<p><b>A. View Protection:</b> As a condition for issuance of Coastal Development Permits, buildings fronting on H Street shall be designed to step away from the street. More specifically, design plans shall protect open views down the H Street Corridor by ensuring that an approximate 100-foot ROW width (curb-to-curb, building setbacks, and pedestrian plaza/walkway zone) remains clear of buildings, structures, or major landscaping. Visual elements above 6 feet in height shall be prohibited in this zone if the feature would reduce visibility by more than 10 percent. Placement of trees should take into account potential view blockage. This mitigation should not be interpreted to not allow tree masses; however, trees should be spaced in order to ensure "windows" through the landscaping. Trees should also be considered to help frame the views and they should</p>	<p>Project Developer -Prior to First Coastal Development Permit</p>	Port		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>be pruned to increase the views from pedestrians and vehicles, underneath the tree canopy. In order to reduce the potential for buildings to encroach upon view corridors, and to address the scale and massing impact, buildings shall step back at appropriate intervals or be angled to open up a broader view corridor at the ground plane to the extent feasible. All plans shall be subject to review and approval by the Port. All future development proposals shall conform to Port design guidelines and standards to the satisfaction of the Port.</p> <p><b>B. Height and Bulk:</b> Prior to issuance of Coastal Development Permits for projects within the Port's jurisdiction, the project developer shall ensure that design plans for any large scale projects (greater than two stories in height) shall incorporate standard design techniques such as articulated facades, distributed building massing, horizontal banding, stepping back of buildings, and varied color schemes to separate the building base from its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for large project components to diminish imposing building edges, monotonous facades, and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the Port.</p> <p><b>C. Height and Bulk:</b> Prior to design review approval for properties within the City's jurisdiction, the project developer shall ensure that design plans for any large scale projects (greater than two stories in height) shall incorporate standard design techniques such as articulated facades, distributed building massing, horizontal banding, and varied color schemes to separate the building base from its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for the large project components to diminish imposing building edges, monotonous facades, and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the City of Chula Vista Planning Director.</p> <p><b>D. Landscaping:</b> Prior to final approval of Phase I infrastructure design plans, the Port and City shall collectively develop a master landscaping plan for the project's public components and improvements. The plan shall provide sufficient detail to ensure conformance to streetscape design guidelines and that future developers/tenants, as applicable, provide screening of parking areas.</p>	<p>Project Developer -Prior to First Coastal Development Permit</p> <p>Project Developer -Prior to Design Review Approval</p> <p>Port and City -Prior to Final Approval of Phase I Design</p>	<p>Port</p> <p>City</p> <p>Port in Coordination with qualified Biologist or Landscape Architect</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Streetscape landscaping shall be designed to enhance the visitor experience for both pedestrians and those in vehicles. Specifically, detailed landscaping plans shall be developed to enhance Marina Parkway, a designated scenic roadway and shall provide, where appropriate, screening of existing industrial uses and parking areas until such time as these facilities are redeveloped.</p> <p>Street landscaping design shall be coordinated with a qualified biologist or landscape architect to ensure that proposed trees and other landscaping are appropriate for the given location. For instance, vegetation planted adjacent to open water/shoreline areas must not provide raptor perches. Landscaping shall be drought tolerant or low-water use, and invasive plant species shall be prohibited.</p> <p><b>E. Landscaping:</b> Prior to approval of a tentative map or site development plan for future residential development, the project developer shall submit a landscaping design plan for on-site landscaping improvements that is in conformance to design guidelines and standards established by the City of Chula Vista. The plan shall be implemented as a condition of project approval.</p> <p><b>F. Gateway Plan:</b> Concurrent with the preparation of Phase I infrastructure design plans for E and H Streets, a Gateway plan shall be prepared for E and H Streets. Prior to issuance of occupancy for any projects within the Port's jurisdiction in Phase I, the E and H Street Gateway plan shall be approved by the Port and City's Directors of Planning and Building. The E and H Street Gateway plan shall be coordinated with the Gateway plan for J Street.</p> <p><b>G. Gateway Plan:</b> Concurrent with development of Parcels H-13 and H-14, the applicant shall submit a Gateway plan for J Street for City Design Review consideration. Prior to issuance of any building permits, the J Street Gateway plan shall be approved by the Director of Planning and Building in coordination with the Port's Director of Planning. The J Street Gateway plan shall be coordinated with the Gateway plan for E and H Streets.</p> <p>*Applies to Significant Impacts 4.4-3, 4.4-4, 4.4-5, 4.4-7, and 4.4-8.</p>	<p>Project Developer -Prior to TM/SDP Approval</p> <p>Applicant -Prior to Occupancy</p> <p>Applicant -Prior to First Building Permit</p>	<p>City</p> <p>Port and City</p> <p>Port and City</p>		

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

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

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

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



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

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

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

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



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p align="center"><u>Transportation and Motor Vehicles</u></p> <ul style="list-style-type: none"> <li>• Limit idling time for commercial, non-refrigerated vehicles, including delivery and construction vehicles. Refrigerated delivery trucks may remain idling while at loading docks.</li> <li>• Use low or zero-emission vehicles, including construction vehicles.</li> <li>• Promote ride sharing programs; e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.</li> <li>• Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations).</li> <li>• Provide public transit incentives, such as free or low-cost monthly transit passes.</li> <li>• For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including, e.g., locked bicycle storage or covered or indoor bicycle parking.</li> <li>• Institute a telecommuter work program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences.</li> <li>• Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation.</li> </ul> <p>The increased efficiency demands associated with completion years beyond 2020 are not specified in terms of business as usual reductions, but would demand substantially greater reductions than 20 percent below business as usual. While the measures listed above would substantially reduce projects GHG emissions, the level to which they would achieve these reductions cannot be ascertained as they may be modified by any applicable standards that are adopted in the future. Furthermore, because of the increased demand for greater reductions for developments beyond the 2020 horizon year and the rapid development of better technology, the mechanism and technological applications that may be available and necessary to avoid conflict with the goals or</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification												
	<p>strategies of AB 32 or related Executive Orders identification of adequate and effective measures is not feasible at this time.</p> <p>*Applies to Significant Impact 4.6-7.</p>																
MM 4.7-1	<p>Construction-related noise shall be limited adjacent to the J Street Marsh during the typical breeding season of January 15 to August 31. Construction activity adjacent to these sensitive areas must not exceed 60 dB(A) Leq. at any active nest within the marsh. Prior to issuance of a building permit, the project developer shall prepare and submit to the City for review and approval an acoustical analysis and nesting bird survey to demonstrate that the 60 dB(A) Leq. noise level is maintained at the location of any active nest within the marsh. If the noise threshold is anticipated to be exceeded at the nest location, the project developer shall construct noise barriers or implement other noise control measures to ensure that construction noise levels do not exceed the threshold.</p> <p>*Applies to Significant Impact 4.7-1.</p>	<p>Project Developer -Prior to First Building Permit</p>	City														
MM 4.7-2	<p>Prior to the approval of Design Review for the Pacifica project, the applicant shall submit a site plan for the project demonstrating to the satisfaction of the Director of Planning and Building of the City that outdoor use areas are not exposed to noise levels in excess of 65 dB(A) CNEL. Applicants shall submit project plans demonstrating that outdoor usable residential areas conform to the standards set by the City of Chula Vista General Plan.</p> <p>Prior to issuance of building permits, the developer shall install noise barriers that would reduce sound levels to 65 dB(A) CNEL or below at outdoor usable areas on the Pacifica site. To preserve a view, glass or Plexiglas with a minimum density of 3.5 pounds per square foot may be substituted for other construction materials. The barrier locations, heights, and lengths for the Pacifica development, as summarized in <i>Table 4.7-15</i> and illustrated on <i>Figure 4.7-10</i>, would achieve these reductions.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="3" style="text-align: center;"><b>TABLE 4.7-15 Barrier Locations, Heights, and Lengths For Rooftop Parapet</b></th> </tr> <tr> <th style="text-align: center;">Barrier Location</th> <th style="text-align: center;">Height (ft)</th> <th style="text-align: center;">Length (ft)</th> </tr> </thead> <tbody> <tr> <td colspan="3" style="text-align: center;"><i>Rooftop Parapet</i></td> </tr> <tr> <td>HD-1B: North Façade</td> <td style="text-align: center;">5</td> <td style="text-align: center;">224</td> </tr> </tbody> </table>	<b>TABLE 4.7-15 Barrier Locations, Heights, and Lengths For Rooftop Parapet</b>			Barrier Location	Height (ft)	Length (ft)	<i>Rooftop Parapet</i>			HD-1B: North Façade	5	224	<p>Applicant -Prior to Design Review Approval</p> <p>Developer -Prior to First Building Permit</p>	<p>City</p> <p>City</p>		
<b>TABLE 4.7-15 Barrier Locations, Heights, and Lengths For Rooftop Parapet</b>																	
Barrier Location	Height (ft)	Length (ft)															
<i>Rooftop Parapet</i>																	
HD-1B: North Façade	5	224															

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

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



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>other construction materials.</p> <p>*Applies to Significant Impact 4.7-6.</p>				
MM 4.7-7	<p>To avoid significant impacts to the F &amp; G Street Marsh and reduce the noise level at habitat to 60 dB(A) or below, the developer shall install a 3-foot-high noise barrier along the east right-of-way of E Street for the extent of the habitat, as shown on <i>Figure 4.7-12</i>. The barrier must be of solid construction, with no gaps or cracks through or below the wall, and have a minimum density of 3.5 pounds per square foot. The barrier must block line-of-sight between the source and receiver and be long enough to prevent flanking around the ends.</p> <p>*Applies to Significant Impact 4.7-8.</p>	Developer - Prior to start of construction	City		
MM 4.7-8	<p>To avoid significant construction-related noise impacts, the following measures shall be followed:</p> <ul style="list-style-type: none"> <li>• Construction activity shall be prohibited Monday through Friday from 10:00 P.M. to 7:00 A.M., and Saturday and Sunday from 10:00 P.M. to 8:00 A.M., pursuant to the Chula Vista Municipal Code Section 17.24.050 (Paragraph J).</li> <li>• All stationary noise generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors, as practicable. Where practicable, noise-generating equipment shall be shielded from noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, equipment storage, staging, and warm-up areas shall be located as far from noise sensitive receptors as possible.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>	Developer -During construction	City		

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

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

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the City and/or Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the City and/or Port detailing observations made during field inspections. The bio-monitor shall also notify the City and/or Port immediately if clearing is done outside of the permitted project footprint.</p> <p>*Applies to Significant Impact 4.8-1.</p>				
MM 4.8-2	<p>Prior to construction in any areas with suitable nesting habitat for burrowing owl and, if grading or construction occurs during the breeding season for the burrowing owl (January 15 through July 31), the project developer(s) within the Port's or City's jurisdiction, as appropriate, shall retain a qualified biologist, who shall be approved by the Port or City, respectively, to conduct a pre-construction survey within all suitable habitat prior to any grading activities. The pre-construction survey must be conducted no more than 10 calendar days prior to the start of construction, the results of which must be submitted to the Port or City, as appropriate, for review and approval. If an active burrow is detected during the breeding season of January 15 to July 31, construction setbacks of 300 feet from occupied burrows shall be implemented until the young are completely independent of the nest. If an active burrow is found outside of the breeding season, or after an active nest is determined to no longer be active by a qualified biologist, the burrowing owl would be passively relocated according to the guidelines provided by CDFG (1995) and in coordination with CDFG. A bio-monitor shall be present on site during initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. Depending on the sensitivity of the resources, the City and/or Port shall define the frequency of field inspections. The bio-monitor shall send a monthly monitoring letter report to the City and/or Port detailing observations made during field inspections. The bio-monitor shall also notify the City and/or Port immediately if clearing is done outside of the permitted project footprint.</p> <p>*Applies to Significant Impact 4.8-2.</p>	<p>Developer(s) -Prior to start of construction</p>	<p>Port or City in Consultation with CDFG</p>		
MM 4.8-3	<p>If grading or construction occurs during the breeding season for migratory birds (January 15 through August 31), the project developer(s) shall retain a qualified biologist, approved</p>	<p>Developer -Prior to start of</p>	<p>Port or City in</p>		

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

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







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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Areas, habitats, or open water shall provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the habitat buffers, Preserve Areas, habitats, or open water and sensitive species from night lighting. The light structure themselves shall have shielding (and incorporate anti-raptor perching criteria); but the placement of the light structures shall also provide shielding from wildlife habitats and shall be placed in such a way as to minimize the amount of light reaching adjacent habitat buffers, Preserve Areas, habitats, or open water. This includes street lights, pedestrian and bicycle path lighting, and any recreational lighting.</p> <ul style="list-style-type: none"> <li>• All exterior lighting immediately adjacent to habitat buffers, Preserve Areas, habitats, or open water shall be low-pressure sodium lighting or other approved equivalent.</li> <li>• No sports field lights shall be planned on the recreation fields near the J Street Marsh or the Sweetwater Marsh.</li> <li>• All roadways will be designed, and where necessary edges bermed, to ensure automobile light penetration in the Wildlife Habitat Areas, as defined in Mitigation Measure 4.8-7, will be minimized, subject to applicable City and Port roadway design standards.</li> <li>• Explicit lighting requirements to minimize impacts to Wildlife Habitat Areas will be devised and implemented for all Bayfront uses including commercial, residential, municipal, streets, recreational, and parking lots. Beacon and exterior flood lights are prohibited where they would impact a Wildlife Habitat Area and use of this lighting should be minimized throughout the project. All street and walkway lighting should be shielded to minimize sky glow.</li> <li>• To the maximum extent feasible, all external lighting will be designed to minimize any impact to Wildlife Habitat Areas, and operations and maintenance conditions and procedures will be devised to ensure appropriate long-term education and control. To the maximum extent feasible, ambient light impacts to the Sweetwater or J Street Marshes will be minimized.</li> <li>• In Sweetwater and Otay District parks, lighting will be limited to that which is necessary for security purposes. Security lighting will be strictly limited to that required by applicable law enforcement requirements. All lighting proposed for the Sweetwater and Otay District parks and the shoreline promenade will be placed only where needed for human safety. Lights will be placed on low-standing bollards, shielded, and flat bottomed, so the illumination is directed downward onto the</li> </ul>				

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

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

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Invasive Plan Council (Cal-IPC) List of Exotic Pest Plants of Greatest Ecological Concern in California (<i>Appendix 4.8-7</i> of this Final EIR), the California Invasive Plant Inventory Database, Appendix N of the City's MSCP Subarea Plan, or any related updates shall be used in the Proposed Project area. Any such invasive plant species that establishes itself within the Proposed Project area will be removed immediately to the maximum extent feasible and in a manner adequate to prevent further distribution into Wildlife Habitat Areas.</p> <p>The following landscape guidelines will apply to the Proposed Project area:</p> <ul style="list-style-type: none"> <li>• Only designated native plants will be used in No Touch Buffer Areas, habitat restoration areas, or in the limited and transitional zones of Parcel SP-1 adjacent to Wildlife Habitat Areas.</li> <li>• Non-native plants will be prohibited adjacent to Wildlife Habitat Areas and will be strongly discouraged and minimized elsewhere where they will provide breeding of undesired scavengers.</li> <li>• Landscaping plans for development projects adjacent to ecological buffers and/or the MSCP Preserve shall include native plants that are compatible with native vegetation located within the ecological buffers and/or MSCP Preserve.</li> <li>• No trees will be planted in the No Touch Buffer Areas or directly adjacent to a National Wildlife Refuge, J Street Marsh, or SP-2 areas where there is no Buffer Area.</li> </ul> <p><b>G. Toxic Substances and Drainage.</b> Implementation of general water quality measures outlined in Mitigation Measures 4.5-2 through 4.5-4, identified in <i>Section 4.5, Hydrology/Water Quality</i>, would reduce impacts associated with the release of toxins, chemicals, petroleum products, and other elements that might degrade or harm the natural environment to below a level that is significant, and would provide benefits to wetland habitats. As a reference, these mitigation measures are repeated below and apply to the Port and City:</p> <ul style="list-style-type: none"> <li>• If contaminated groundwater is encountered, the project developer shall treat and/or dispose of the contaminated groundwater (at the developer's expense) in accordance</li> </ul>	<p align="center">Port/City</p>	<p align="center">Port/City in Consultation with USFWS and CDFG</p>		

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

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

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>requirements of the RWQCB. The work plan shall include but not be limited to: dredging the sediment, analyzing the nature and extent of any contamination, and allowing it to drain. Pending the outcome of the analytical results, the RWQCB and the Port shall prescribe the appropriate method for disposition of any contaminated sediment.</p> <ul style="list-style-type: none"> <li>• Prior to issuance of a grading permit for marina redevelopment on Parcels HW-1 and HW-4, the developer shall submit a work plan for approval by the RWQCB and Port/City that requires the implementation of BMPs, including the use of silt curtains during in-water construction to minimize sediment disturbances and confine potentially contaminated sediment if contaminated sediment exists. If a silt curtain should be necessary, the silt curtain shall be anchored along the ocean floor with weights (i.e., a chain) and anchored to the top with a floating chain of buoys. The curtain shall wrap around the area of disturbance to prevent turbidity from traveling outside the immediate project area. Once the impacted region resettles, the curtains shall be removed. If the sediment would be suitable for ocean disposal, no silt curtain shall be required. However, if contaminants are actually present, the applicant would be required to provide to the RWQCB and Port/City an evaluation showing that the sediment would be suitable for ocean disposal.</li> <li>• In addition, the following measures will apply: <ul style="list-style-type: none"> <li>○ Vegetation-based storm water treatment facilities, such as natural berms, swales, and detention areas are appropriate uses for Buffer Areas so long as they are designed using native plant species and serve dual functions as habitat areas. Provisions for access for non-destructive maintenance and removal of litter and excess sediment will be integrated into these facilities. In areas that provide for the natural treatment of runoff, cattails, bulrush, mulefat, willow, and the like are permissible.</li> <li>○ Storm water and non-point source urban runoff into Wildlife Habitat Areas must be monitored and managed so as to prevent unwanted ecotype conversion or weed invasion. A plan to address the occurrence of any erosion or type conversion will be developed and implemented, if necessary. Monitoring will include an assessment of stream bed scouring and habitat degradation, sediment accumulation, shoreline erosion and stream bed widening, loss of aquatic species, and decreased base flow.</li> <li>○ The use of persistent pesticides or fertilizers in landscaping that drains into</li> </ul> </li> </ul>				

CHULA VISTA BAYFRONT MASTER PLAN PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

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



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification																																																																																					
	<p>Harbor Police to report trespassing within the sensitive areas.</p> <p align="center"><b>TABLE 4.8-5</b></p> <p align="center"><b>Potential Mitigation Acreage Available for Proposed Impacts to Vegetation Communities and Land Cover Types for Chula Vista Bayfront (acres)</b></p> <table border="1" data-bbox="380 581 1205 979"> <thead> <tr> <th>Habitat</th> <th>District/Area</th> <th>Created</th> <th>Restored</th> <th>Enhanced</th> <th>Total Credits</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Coastal salt marsh</td> <td>Sweetwater</td> <td>4.87</td> <td></td> <td></td> <td>5.97</td> </tr> <tr> <td>Otay</td> <td>4.54</td> <td></td> <td></td> <td>4.54</td> </tr> <tr> <td rowspan="2">Coastal brackish marsh</td> <td>Sweetwater</td> <td></td> <td></td> <td>3.40</td> <td>1.70</td> </tr> <tr> <td>Sweetwater</td> <td></td> <td></td> <td>3.03</td> <td>1.52</td> </tr> <tr> <td rowspan="2">Riparian</td> <td>Otay</td> <td>1.99</td> <td></td> <td></td> <td>1.99</td> </tr> <tr> <td>F &amp; G Street Marsh</td> <td></td> <td>5.02</td> <td></td> <td>5.02</td> </tr> <tr> <td rowspan="2">Coastal salt marsh Wetland</td> <td>Sweetwater</td> <td></td> <td></td> <td>2.14</td> <td>1.07</td> </tr> <tr> <td colspan="2"><b>TOTAL WETLAND ACREAGE</b></td> <td><b>11.40</b></td> <td><b>5.02</b></td> <td><b>8.57</b></td> <td><b>25.00</b></td> </tr> <tr> <td colspan="2"><b>TOTAL WETLAND CREDITS<sup>1</sup></b></td> <td><b>11.40</b></td> <td><b>5.02</b></td> <td><b>4.29</b></td> <td><b>20.71</b></td> </tr> <tr> <td rowspan="3">CSS/Native Grassland Restoration</td> <td>Sweetwater</td> <td></td> <td>17.73</td> <td></td> <td>17.73</td> </tr> <tr> <td>Otay</td> <td></td> <td>1.99</td> <td></td> <td>1.99</td> </tr> <tr> <td>F &amp; G Street Marsh</td> <td></td> <td>2.49</td> <td></td> <td>2.49</td> </tr> <tr> <td colspan="2"><b>TOTAL UPLAND ACREAGE</b></td> <td><b>0</b></td> <td><b>22.21</b></td> <td><b>0</b></td> <td><b>22.21</b></td> </tr> <tr> <td colspan="2"><b>TOTAL UPLAND CREDITS<sup>1</sup></b></td> <td><b>0</b></td> <td><b>22.21</b></td> <td><b>0</b></td> <td><b>22.21</b></td> </tr> </tbody> </table> <p><sup>1</sup>Credits are based on an assumption that habitat creation and restoration will receive a 1:1 mitigation credit and enhancement will receive a 0.5:1 mitigation credit.</p> <p>Impacts to disturbed coastal sage scrub would be mitigated by the restoration of a coastal sage scrub/native grassland habitat also within this buffer. There is the potential to provide a maximum of 20.71 acres of mitigation credit for impacts to wetland habitats and 22.21 acres for impacts to upland habitats. This would exceed the required mitigation needed for impacts within the Port's and City's jurisdiction.</p> <p>A detailed coastal sage scrub (CSS) and maritime succulent scrub (MSS) restoration plan that describes the vegetation to be planted shall be prepared by a Port- or City-approved biologist and approved by the Port or City, as appropriate. The City or Port shall develop guidelines for restoration in consultation with USFWS and CDFG.</p>	Habitat	District/Area	Created	Restored	Enhanced	Total Credits	Coastal salt marsh	Sweetwater	4.87			5.97	Otay	4.54			4.54	Coastal brackish marsh	Sweetwater			3.40	1.70	Sweetwater			3.03	1.52	Riparian	Otay	1.99			1.99	F & G Street Marsh		5.02		5.02	Coastal salt marsh Wetland	Sweetwater			2.14	1.07	<b>TOTAL WETLAND ACREAGE</b>		<b>11.40</b>	<b>5.02</b>	<b>8.57</b>	<b>25.00</b>	<b>TOTAL WETLAND CREDITS<sup>1</sup></b>		<b>11.40</b>	<b>5.02</b>	<b>4.29</b>	<b>20.71</b>	CSS/Native Grassland Restoration	Sweetwater		17.73		17.73	Otay		1.99		1.99	F & G Street Marsh		2.49		2.49	<b>TOTAL UPLAND ACREAGE</b>		<b>0</b>	<b>22.21</b>	<b>0</b>	<b>22.21</b>	<b>TOTAL UPLAND CREDITS<sup>1</sup></b>		<b>0</b>	<b>22.21</b>	<b>0</b>	<b>22.21</b>				
Habitat	District/Area	Created	Restored	Enhanced	Total Credits																																																																																					
Coastal salt marsh	Sweetwater	4.87			5.97																																																																																					
	Otay	4.54			4.54																																																																																					
Coastal brackish marsh	Sweetwater			3.40	1.70																																																																																					
	Sweetwater			3.03	1.52																																																																																					
Riparian	Otay	1.99			1.99																																																																																					
	F & G Street Marsh		5.02		5.02																																																																																					
Coastal salt marsh Wetland	Sweetwater			2.14	1.07																																																																																					
	<b>TOTAL WETLAND ACREAGE</b>		<b>11.40</b>	<b>5.02</b>	<b>8.57</b>	<b>25.00</b>																																																																																				
<b>TOTAL WETLAND CREDITS<sup>1</sup></b>		<b>11.40</b>	<b>5.02</b>	<b>4.29</b>	<b>20.71</b>																																																																																					
CSS/Native Grassland Restoration	Sweetwater		17.73		17.73																																																																																					
	Otay		1.99		1.99																																																																																					
	F & G Street Marsh		2.49		2.49																																																																																					
<b>TOTAL UPLAND ACREAGE</b>		<b>0</b>	<b>22.21</b>	<b>0</b>	<b>22.21</b>																																																																																					
<b>TOTAL UPLAND CREDITS<sup>1</sup></b>		<b>0</b>	<b>22.21</b>	<b>0</b>	<b>22.21</b>																																																																																					

CHULA VISTA BAYFRONT MASTER PLAN PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

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

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p><b>Domestic Animals.</b> In all areas of the Chula Vista Bayfront, especially on the foot path adjacent to the marsh on the Sweetwater District property, mandatory leash laws shall be enforced. Appropriate signage shall be posted indicating human and domestic animal access is prohibited within the designated Preserve areas.</p> <p><b>Trash.</b> Illegal dumping and littering shall be prohibited within the Preserve areas. Throughout the Proposed Project site, easily accessible trash cans and recycling bins shall be placed along all walking and bike paths, and shop walkways. These trash cans shall be "animal-proof" and have self-closing lids, to discourage scavenger animals from foraging in the cans. The trash cans shall be emptied daily or more often if required during high use periods. Buildings and stores shall have large dumpsters in a courtyard or carport that is bermed and enclosed. This ensures that, if stray trash falls to the ground during collection, it does not blow into the Bay or marshes.</p> <p><b>Training.</b> Pursuant to permitting requirements of the Resource Agencies, pre-construction meetings will take place with all personnel involved with the project, to include training about the sensitive resources in the area.</p> <p><b>I. Boating Impacts.</b> All boating, human and pet intrusion must be kept away from F &amp; G Street channel mouth and marsh.</p> <ul style="list-style-type: none"> <li>• Water areas must be managed with enforceable boating restrictions. The Port will exercise diligent and good faith efforts to enter into a cooperative agreement with the Resource Agencies and Coast Guard to ensure monitoring and enforcement of no-boating zones and speed limit restrictions to prevent wildlife disturbances.</li> <li>• No boating will be allowed in vicinity of the J Street Marsh or east of the navigation channel in the Sweetwater District during the fall and spring migration and during the winter season when flocks of bird are present.</li> <li>• All rentals of jet-skis and other motorized personal watercraft (PWCs), as defined in Harbors and Navigations Code Section 651(s) will be prohibited in the Proposed Project area.</li> <li>• Use of PWCs will be prohibited in Wildlife Habitat Areas, subject to applicable law.</li> <li>• A five (5) mile-per-hour speed limit will be enforced in areas other than the</li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>navigation channels.</p> <ul style="list-style-type: none"> <li>• Nothing in this mitigation measure shall preclude bona fide research, law enforcement, or emergency activities.</li> </ul> <p>*Applies to Significant Impacts 4.8-6 and 4.8-7.</p>				
MM 4.8-7	<p>Mitigation Measure 4.8-7 is intended to provide additional measures to reduce further the indirect impacts to biological resources already addressed in and reduced to below a level of significance by Mitigation Measure 4.8-6. This additional measure provides for the creation, implementation, funding, and enforcement of a Natural Resources Management Plan ("NRMP"), good faith efforts to enter into a cooperative management agreement with the USFWS or other appropriate agency or organization, restoration priorities, the creation of a South Bay Wildlife Advisory Group, and education, as follows:</p> <p>A. Natural Resources Management Plan: In recognition of the sensitivity of the natural resources and the importance of protection, restoration, management and enforcement in protecting those resources, the Port, City and RDA will cause to be prepared an NRMP to be prepared in accordance with the mitigation measure. The NRMP will be designed to achieve the Management Objectives (defined below) for the Wildlife Habitat Areas (defined below). The NRMP will be an adaptive management plan, reviewed and amended as necessary by the Port and City in compliance with the process described in Section 4.8-7D of this measure.</p> <p>a. "Wildlife Habitat Areas" are defined as:</p> <ol style="list-style-type: none"> <li>i. All National Wildlife refuge lands, currently designated and designated in the future, in the South San Diego Bay and Sweetwater Marsh National Wildlife Refuge Units. National Wildlife Refuge lands are included in the definition of Wildlife Habitat Areas for the sole purpose of addressing adjacency impacts and not for the purpose of imposing affirmative resource management obligations with respect to the areas within the National Wildlife Refuge lands.</li> <li>ii. All Port designated lands and open water areas in the Conservation Land Use Designations of Wetlands, Estuary, and Habitat Replacement as depicted in the Draft Precise Plan for Planning District 7.</li> <li>iii. Parcels 1g and 2a from the City's Bayfront Specific Plan.</li> </ol>	Port -Prior to start of construction	Port		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<ul style="list-style-type: none"> <li>iv. The Wildlife Habitat Areas are depicted on Exhibit 1 to the MMRP.</li> <li>v. No Touch Buffer areas as depicted on Exhibit 2 to the MMRP.</li> <li>b. NRMP Management Objectives for Wildlife Habitat Areas: Taking into consideration the potential changes in functionality of Wildlife Habitat Areas due to rising sea levels, the NRMP will promote, at a minimum, the following objectives ("Management Objectives") for the Wildlife Habitat Areas:               <ul style="list-style-type: none"> <li>i. Long term protection, conservation, monitoring, and enhancement of:                   <ul style="list-style-type: none"> <li>1. Wetland habitat, with regard to gross acreage as well as ecosystem structure, function and value.</li> <li>2. Coastal sage and coastal strand vegetation.</li> <li>3. Upland natural resources for their inherent ecological values, as well as their roles as buffers to more sensitive adjacent wetlands. Upland areas in the Sweetwater and Otay Districts will be adaptively managed to provide additional habitat or protection to create appropriate transitional habitat during periods of high tide, taking into account future sea level rise.</li> </ul> </li> <li>ii. Preservation of the biological function of all Bayfront habitats serving as avifauna for breeding, wintering, and migratory rest stop uses.</li> <li>iii. Protection of nesting, foraging, and rafting wildlife from disturbance.</li> <li>iv. Avoidance of actions within the Proposed Project area that would adversely impact or degrade water quality in San Diego Bay or watershed areas or impair efforts of other entities for protection of the watershed.</li> <li>v. Maintenance and improvement of water quality where possible and coordination with other entities charged with watershed protection activities.</li> </ul> </li> <li>c. Implementation of NRMP Management Objectives: NRMP will include a plan for achieving Management Objectives as they related to the Buffer Areas and Wildlife Habitat Areas ("WHA's") and the Proposed Project area, which will:               <ul style="list-style-type: none"> <li>i. Ensure the Port, City and RDA are not required to expend funds for NRMP implementation until project-related revenues are identified and impacts initiated.</li> <li>ii. Require coordination with the Resource Agencies of the Port's City's and Resource Agencies' respective obligations with respect to the Buffer Areas and Wildlife Habitat Areas.</li> <li>iii. Designate "No Touch" Buffer Areas as that term is defined and described in this</li> </ul> </li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Final EIR. Such areas will contain contiguous fencing designed specifically to limit the movement of domesticated, feral, and nuisance predators (e.g. dogs, cats, skunks, opossums and other small terrestrial animals [collectively, "Predators"]) and humans between developed park and No Touch Buffer Areas and Wildlife Habitat Areas. The fence will be at a minimum 6-foot high, black vinyl chain link fence or other suitable barrier (built to the specifications described in this Final EIR). Fence design may include appropriate locked access points for maintenance and other necessary functions. Installation of the fence will include land contouring to minimize visual impacts of the fence. The installation of such fencing in the Sweetwater and Harbor Districts must be completed prior to the issuance of Certificates of Occupancy for development projects on either Parcel H-3 or H-23 and in conjunction with the development or road improvements in the Sweetwater District., with the exception of Parcel S-4 which will retain the existing fencing until that parcel is redeveloped and the fencing of the No Touch Buffer installed.</p> <p>iv. Prohibit active recreation, construction of any road (whether paved or not), within No Touch Buffer Areas, Limited Use Buffer Areas, and Transition Buffer Areas as that term is defined and described in this Final EIR, with the exception of existing or necessary access points for required maintenance.</p> <p>v. Result in the fencing of No Touch Buffer Areas including, without limitation, fencing necessary to protect the Sweetwater Marsh and the Sweetwater parcel tidal flats, the J Street Marsh next to the San Diego Bay Refuge and the north side of Parcel H-3.</p> <p>vi. Include additional controls and strategies restricting movement of humans and Predators into sensitive areas beyond the boundaries of the designated Buffer Areas.</p> <p>vii. Require the Recreational Vehicle Park to install fencing or other barriers sufficient to prevent passage of Predators and humans into sensitive adjacent habitat.</p> <p>viii. Require all dogs to be leashed in all areas of the Proposed Project at all times except in any designated and controlled off-leash areas.</p> <p>ix. Impose and enforce restrictions on all residential development to keep cats and dogs indoors or on leashes at all times. Residential developments will be required to provide education to owners and/or renters regarding the rules and restrictions regarding the keeping of pets.</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>d. Walkway and Path Design: Detail conditions and controls applicable to the walkways, paths, and overlooks near Wildlife Habitat Areas and outside of the No Touch Buffer Areas in accordance with the following:</p> <ul style="list-style-type: none"> <li>i. Alignment, design, and general construction plans of walkways and overlooks will be developed to minimize potential impacts to Wildlife Habitat Areas.</li> <li>ii. Path routes will be sited with appropriate setbacks from Wildlife Habitat Areas.</li> <li>iii. Paths running parallel to shore or marsh areas that will cause or contribute to bird flushing will be minimized throughout the Proposed Project.</li> <li>iv. Walkways and overlooks will be designed to minimize and eliminate, where possible, perching opportunities for raptors and shelter for skunks, opossums or other Predators.</li> <li>v. Walkways and overlooks that approach sensitive areas must be blinded, raised, or otherwise screened so that birds are not flushed or frightened. In general, walkway and overlook designs will minimize visual impacts on the Wildlife Habitat Areas of people on the walkways.</li> </ul> <p>e. Predator Management: The NRMP will include provisions designed to manage Predator impacts on Wildlife Habitat Areas which will include and comply with the following:</p> <ul style="list-style-type: none"> <li>i. Year-round Predator management will be implemented for the life of the Proposed Project with clearly delineated roles and responsibilities for the Port, City and Resources Agencies. The primary objective of such provisions will be to adequately protect terns, rails, plovers, shorebirds, over-wintering species, and other species of high management priority as determined by the Resource Agencies.</li> <li>ii. Predator management will include regular foot patrols and utilize tracking techniques to find and remove domestic or feral animals.</li> <li>iii. Address Predator attraction and trash management for all areas of the Proposed Project by identifying clear management measures and restrictions. Examples of the foregoing include design of trash containers, including those in park areas and commercial dumpsters, to be covered and self-closing at all times, design of containment systems to prevent access by sea gulls, rats, crows, pigeons, skunks, opossums, raccoons, and similar animals and adequate and frequent servicing of trash receptacles.</li> <li>iv. All buildings, signage, walkways, overlooks, light standards, roofs, balconies,</li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>ledges, and other structures that could provide line of sight views of Wildlife Habitat Areas will be designed in a manner to discourage their use as raptor perches or nests.</p> <p>f. Miscellaneous Additional Requirements of the NRMP: In addition to the standards described above, the NRMP will include:</p> <ul style="list-style-type: none"> <li>i. All elements which address natural resource protection in the MMRP including but not limited to those which assign responsibility and timing for implementing mitigation measures consistent with the City's MSCP Subarea Plan;</li> <li>ii. Pertinent sections of the MSCP Subarea Plan;</li> <li>iii. References to existing Port policies and practices, such as Predator management programs and daily trash collections with public areas and increase service during special events.</li> <li>iv. Establishment of design guidelines to address adjacency impacts, such as storm water, landscape design, light and noise and objectives ad discussed below;</li> <li>v. Establishment of baseline conditions and management objectives; and</li> <li>vi. Habitat enhancement objectives and priorities.</li> </ul> <p>g. Creation, Periodic Review, and Amendment of the NRMP: The NRMP will be a natural resource adaptive management and monitoring plan initially prepared in consultation with the Wildlife Advisory Group, and reviewed and amended in further consultation with the Wildlife Advisory Group one year following adoption of the NRMP and annually thereafter for the first five (5) years after adoption, after which it will be reviewed and amended as necessary every other year for the first 6 years, then once every 5 years thereafter. If the RCC is not pursued in the first five (5) years after certification of the FEIR, this schedule will be amended to ensure that NRMP is evaluated every year for five years after the development of the RCC. The periodic review of the NRMP described in the preceding sentences is hereinafter called "Periodic Review." A material revision of the NRMP is hereinafter called an "NRMP Amendment". However, nothing in this schedule will be interpreted to preclude a speedy response or revision to the NRMP if necessary to abate an emergency condition or to accommodate relevant new information or necessary management practices consistent with the NRMP management objectives. Preparation of the</p>				



CHULA VISTA BAYFRONT MASTER PLAN PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>NRMP will begin within six months of the filing of the Notice of Determination for the Final EIR by the Port and will be completed prior to the earlier of: (a) Development Commencement; (b) issuance of a Certificate of Occupancy for the residential development; or (c) three years. The adaptive management components of the NRMP Periodic Review will address, among other things, monitoring of impacts of development as it occurs and monitoring the efficacy of water quality improvement projects (if applicable) and management and restoration actions needed for resource protection, resource threats, management (i.e., sea-level rise, trash, window bird strikes, lighting impacts, bird flushing, water quality, fireworks, human-wildlife interface, education and interpretation programs, public access, involvement, and use plan, management of the human-wildlife interface, wildlife issues related to facilities, trails, roads, overlooks planning, and watershed coordination), and other issues affecting achievement of NRMP Management Objectives.</p> <p>i. The Port and City will cause the preparation, consideration negotiation and approval of the NRMP including, staff and administrative oversight and engagement of such consultants as are reasonable and necessary for their completion, approval and amendment in accordance with this mitigation measure.</p> <p>ii. The Port and City will each provide a written notice of adoption to the Wildlife Advisory Group upon their respective approval of the NRMP.</p> <p>h. DISPUTE RESOLUTION FOR PLAN CREATION AND AMENDMENT. The NRMP and any material amendments to the NRMP will require submission, review, and approval by the CCC after final adoption by the Port and City. Nonetheless, the participants would benefit if the NRMP is developed through a meaningful stakeholder process providing for the resolution of as many disagreements as possible prior to NRMP submission to the CCC. This section provides a process by which the Coalition can participate in the creation and amendment of the NRMP.</p> <p>i. PLAN CREATION AND AMENDMENT. Where this mitigation measure contemplates the creation of the NRMP following the Effective Date or an NRMP Amendment, this section will provide a non-exclusive mechanism for resolution of disputes concerning the content of the NRMP and such NRMP Amendments. The standard of review and burden of proof for any disputes arising hereunder shall be the same as those under the California Environmental Quality Act.</p> <p>1. PLAN CREATION AND AMENDMENT INFORMAL NEGOTIATIONS. Any dispute that arises with respect to the creation or amendment of the NRMP will in</p>				

CHULA VISTA BAYFRONT MASTER PLAN PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

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

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

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

CHULA VISTA BAYFRONT MASTER PLAN PROJECT  
 MITIGATION MONITORING AND REPORTING PROGRAM

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>same as those under CEQA.</p> <p>i. PLAN ENFORCEMENT INFORMAL NEGOTIATIONS. Any dispute that arises with respect to implementation or enforcement of the NRMP will in the first instance be the subject of informal negotiations between the parties to the dispute. A dispute will be considered to have arisen when one Disputing Party sends the other party a written Notice of Dispute. During the informal negotiations, the Disputing Party will send a written Notice of Dispute to the other parties specifying the aspect of the NRMP it believes is not being implemented properly and the way in which the Disputing Party believes the NRMP should be implemented according to its terms (the "Notice of Dispute"). The period for informal negotiations will not exceed forty-five (45) days from the date such Notice of Dispute is received.</p> <p>ii. PLAN ENFORCEMENT FORMAL DISPUTE RESOLUTION, PHASE I. In the event the Parties cannot resolve a dispute by informal negotiations under the preceding section, the Disputing Party may invoke a formal dispute resolution procedure by presenting the dispute to the Governing Board of the Managing Agency by providing the other parties a written statement of position on the matter in dispute, including, but not limited to, any facts, data, analysis or opinion supporting that position and any supporting documentation relied upon by the Disputing Party (the "Position Statement"). The Position Statement must be transmitted (via electronic mail or verifiable post) within thirty (30) days of the end of informal negotiations, and will be provided to the other parties, to each member of the Wildlife Advisory Group. If informal negotiations are unsuccessful, and the Disputing Party does not invoke formal dispute resolution within thirty (30) days, the Managing Agency's position will be binding on the Disputing Party subject to any periodic review and/or approval by the CCC, if required by law.</p> <ol style="list-style-type: none"> <li>1. The other parties will submit their position statements ("Opposition Statements"), including facts, data, analysis, or opinion in support thereof, to the Disputing Party, the Wildlife Advisory Group members, and the Governing Board within thirty (30) days of transmission of the Position Statement.</li> <li>2. Within forty-five (45) days after transmission of the Opposition Statement(s), the Disputing Party will provide a written notice ("MA II Notice") to the other parties, the Wildlife Advisory Group and the Governing Board. The MA II Notice will include the Position Statement, Opposition Statement, the Wildlife Advisory Group proposal, and any other information the Disputing Party desires to</li> </ol>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>include. Any supplement to the Opposition Statement will be filed with the Managing Agency within fourteen (14) days following receipt of the MA II Notice. The Governing Board will review the transmitted information and within sixty (60) days from receipt of the MA II Notice will schedule a public hearing to consider the dispute and within ten (10) days of such public hearing, render a decision. The decision of the Governing Board will be final and binding on the Managing Agency but will not bind the members of Coalition. If the members of the Coalition accept the decision of the Governing Board of the Managing Agency, the decision will dictate the manner in which the dispute is resolved in the NRMP. If any member of the Coalition disagrees with the decision of the Governing Board, it shall have the right to seek a petition for writ of mandate from the Superior Court of California, San Diego Division.</p> <p>iii. <b>WAIVER OF DEFENSE.</b> To the extent permitted by law, the Port, City and RDA agree that lack of funds shall not be a defense to any claim of failure to adequately fund implementation and enforcement of the adopted NRMP.</p> <p><b>B. Additional Habitat Management and Protection:</b></p> <p>a. The Port will exercise diligent and good faith efforts to enter into the following cooperative agreements with the USFWS or other appropriate agency or organization:</p> <p>i. An agreement providing for the long-term protection and management of the sensitive biological habitat running north from the South Bay Boatyard to the Sweetwater River Channel (known as the Sweetwater Tidal Flats) and addressing educational signage, long-term maintenance, and additional protection measures such as increased monitoring and enforcement by Harbor Police, shared jurisdiction and enforcement by District personnel with legal authority to enforce applicable rules and regulations ("District Enforcement Personnel"), shared jurisdiction and enforcement by District Enforcement Personnel and other appropriate Resource Agencies of resource regulations, and placement of enforcement signage. Subject to the cooperation of the applicable Resource Agency, such cooperative agreement will be executed prior to the Development Commencement of any projects subject to Port's jurisdiction within the Sweetwater or Harbor Districts.</p> <p>ii. An agreement for the long-term protection and management of the J Street</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Marsh and addressing additional protective measures such as educational signage, long-term maintenance, and monitoring and enforcement by District Enforcement Personnel, shared jurisdiction and enforcement of resource regulations by District Enforcement Personnel and other Resource Agencies, and placement of enforcement signage. Subject to the cooperation of the applicable Resource Agency, such cooperative agreement will be executed prior to the Development Commencement within the Otay District.</p> <p>The Port will include an analysis of the appropriate level and method for wetland and marine life habitat restoration of the intake/discharge channels associated with the South Bay Power Plant in the environmental review document for the demolition of the South Bay Power Plant.</p> <p>iii. If either of the cooperative agreements contemplated above are not achievable within three (3) years after Final EIR certification, the Port will develop and pursue another mechanism that provides long-term additional protection and natural resource management for these areas.</p> <p>b. The Port will include an analysis of the appropriate level and method for wetland and marine life habitat restoration of the intake/discharge channels associated with the South Bay Power Plant in the environmental review document for the demolition of the South Bay Power Plant.</p> <p>c. As a future and separate project, the Port will investigate, in consultation with the USFWS, the feasibility of restoring an ecologically meaningful tidal connection between the F &amp; G Street Marsh and the upland marsh on parcel SP-2 consistent with USFWS restoration concepts for the area. At a minimum, the investigation will assess the biological value of tidal influence, the presence of hazardous materials, necessary physical improvements to achieve desired results, permitting requirements, and funding opportunities for establishing the tidal connection. This investigation will be completed prior to the initiation of any physical alteration of SP-2, F Street, and/or the F &amp; G Street Marsh. In addition, once emergency access to the Proposed Project area has been adequately established such that F Street is no longer needed for public right-of-way for vehicular use, but may reserve it for pedestrian and bicycle use if ecologically appropriate.</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>C. Restoration Priorities: The following will supplement the description of the conceptual mitigation opportunities in the Final EIR (including Appendix 4.8-8 Mitigation Opportunities). The following restoration priorities will not be included in the NRMP but rather will be applicable (i) if and only to the extent that Port or City are required to restore degraded habitat in accordance with the terms of the MMRP or (ii) to establish priorities for Port's pursuit of grant funding.</p> <ul style="list-style-type: none"> <li>a. Restoration priorities for the Proposed Project are those mitigation opportunities in the Final EIR as depicted in the conceptual mitigation opportunities (Figures 4.8-23 and 4.8-26) and the projects located in the South Bay in the Port's Adopted Restoration and Enhancement Plan.</li> <li>b. With the exception of the restoration described in Section (d) below, shoreline/marsh interface restorations in the Sweetwater and Otay Districts should be natural and gradually sloped and planted with salt marsh and upland transition plants in a manner that will stabilize the bank without the need for additional riprap areas. Upland slopes should be contoured to provide a very gentle grade so as to maximize tidal elevation of mudflats, salt marsh habitat and upland transition areas. This area should be wide enough to encourage or allow wildlife to move between the Sweetwater Marsh and the F &amp; G Marsh and between the J Street and the South San Diego Bay Unit of the NWR. The shoreline should be improved and restored to facilitate a more effective upland refuge area for species during high tides and to accommodate the impacts from global sea rise.</li> <li>c. The Telegraph Creek should be improved to be a more natural channel as part of the redevelopment of the Otay District. Efforts to naturalize and revegetate the creek will be maximized as is consistent with its function as a storm water conveyance.</li> <li>d. The Port will perform an analysis of the appropriate level and method for environmental restoration of the intake/discharge channels associated with the South Bay Power Plan in the environmental review document for the demolition of the power plant.</li> </ul> <p>D. South Bay Wildlife Advisory Group: A South Bay Wildlife Advisory Group ("Wildlife Advisory Group") will be formed to advise the Port and City in the creation of the NRMP, cooperative management agreements, Adaptive Management Review</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>(defined below) and any related wildlife management and restoration plans or prioritizations. The Wildlife Advisory Group will also address management issues and options for resolution. The Wildlife Advisory Group will initiate and support funding requests to the Port and City, identify priorities for use of these funds and engage in partnering, education, and volunteerism to support the development of the Proposed Project in a manner that effectively protects and enhances the fish, wildlife, and habitats of the area and educates and engages the public.</p> <p>a. Port and City will provide such administrative and staff support to the Wildlife Advisory Group as is necessary to perform the functions and achieve the goals described herein.</p> <p>b. The Wildlife Advisory Group will be comprised of the following: one (1) representative from each the Environmental Health Coalition, San Diego Audubon Society, San Diego Coastkeeper, Coastal Environmental Rights Foundation, Southwest Wetlands Interpretative Association, Surfrider Foundation (San Diego Chapter), and Empower San Diego; two (2) representatives from the Chula Vista Natural Center (one from educational programs and one from programs/operations); up to three (3) representatives from major developers or tenants with projects in the CVBMP (including one from Pacifica Companies, which on completion, may be succeeded by a representative of its homeowner association); one (1) representative from the City's Resource Conservation Commission; one (1) from either Harborside or Mueller elementary school or the School District; Western and Eastern Chula Vista residents selected by the City (one from Northwest one from the Southwest and one from east of I-805); one (1) representative from eco-tourism based business; two (2) individuals appointed by Port; and 6 representatives from Resources Agencies (two from the USFWS, one from Refuges and one from Endangered Species and one (1) each from California Department of Fish and Game, National Marine Fisheries Service, Regional Water Quality Control Board and CCC).</p> <p>c. The Wildlife Advisory Group will meet as needed, but at a minimum of every six months for the first ten (10) years and annually thereafter. The Wildlife Advisory Group will be formed within six months of the filing of the Notice of Determination for the FEIR by the Port.</p> <p>d. The Wildlife Advisory Group will meet at the intervals described above to review</p>				



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>the NRMP to: (i) determine the effectiveness of the NRMP in achieving the Management Objectives; (ii) identify any changes or adjustments to the NRMP required to better achieve the Management Objectives; (iii) identify any changes or adjustments to the NRMP required to respond to changes in the man-made and natural environments that are affecting or, with the passage of time may affect, the effectiveness of the NRMP in achieving the Management Objectives; and (iv) review priorities relative to available funding. At its periodic meetings, the Wildlife Advisory Group may also consider and make recommendations regarding (x) implementation of the NRMP as needed, (y) Adaptive Management Review and (z) NRMP Amendments.</p> <p>e. The Wildlife Advisory Group will advise the joint powers authority (JPA) on the expenditure of the Community Benefits Fund, subject to the applicable law.</p> <p>E. Education: An environmental education program will be developed and implemented and will include the following:</p> <p>a. The program will continue for the duration of the Proposed Project and will target both residential and commercial uses as well as park visitors.</p> <p>b. The program's primary objective will be to educate Bayfront residents, visitors, tenants and workers about the natural condition of the Bay, the ecological importance of the Proposed Project area and the public's role in the restoration and protection of wildlife resources of the Bay.</p> <p>c. The program will include educational signage, regular seminars and interpretive walks on the natural history and resources of the area, regular stewardship events for volunteers (shoreline and beach cleanups, exotic plant removal, etc.).</p> <p>d. Adequate annual funding for personnel or contractor/consultant and overhead to ensure implementation of the following functions and activities in collaboration with the Chula Vista Nature Center or USFWS:</p> <p>i. Coordination of Volunteer programs and events;</p> <p>ii. Coordination of Interpretive and educational programs;</p> <p>iii. Coordination of Tenant, resident and visitor educational programs;</p> <p>iv. Docent educational; and</p> <p>v. Enhancements and restoration.</p>				

CHULA VISTA BAYFRONT MASTER PLAN PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>F. Personnel and Funding: Funding for the implementation of the NRMP will be provided by the Port, City and RDA. To meet these obligations, the Port, City and RDA will commit revenues or otherwise provide funding to a JPA formed pursuant to the California Marks-Roos Act, Articles 1, 2, 3 and 4 of Chapter 5 of Division 7 of Title 1 of the California Government Code. Port, City and RDA will ensure the JPA is specifically charged to treat the financial requirements of this Agreement as priority expenditures that must be assured as project-related revenues are identified and impacts initiated. The Port, City and RDA expressly acknowledge the funding commitments contemplated herein will include, but not be limited to, funding for personnel and overhead or contractor(s)/consultant(s) to implement and ensure the following functions and activities:</p> <ul style="list-style-type: none"> <li>a. On-site management and enforcement for parks and Wildlife Habitat Areas as necessary to enforce restrictions on human and Predator access regarding Wildlife Habitat Areas;</li> <li>b. Enforcement of mitigation measures including, but not limited to, trash collection, noise restrictions, removal of invasive plants, habitat restoration, and park use restrictions;</li> <li>c. Coordination, development, implementation and evaluation of effectiveness of education and mitigation programs, including implementation of NRMP.</li> <li>d. Evaluation of effectiveness of bird strike mitigation and design measures;</li> <li>e. Water quality protections; and,</li> <li>f. Coordination of injured animal rehabilitation activities.</li> </ul> <p>*Applies to Significant Impacts 4.8-6 and 4.8-7.</p>				
MM 4.8-8	<p>Prior to construction of the H Street Pier, the Port shall create 0.96 acre of eelgrass habitat to mitigate for the loss of surface water foraging habitat in accordance with the Southern California Eelgrass Mitigation Policy. The creation of eelgrass habitat shall be conducted in accordance with Mitigation Measures 4.9-1 and 4.9-2 in <i>Section 4.9, Marine Biological Resources</i>.</p> <p>*Applies to Significant Impact 4.8-8.</p>	Port -Prior to completion of construction	Port		
MM 4.8-9	A. Prior to completion of in-harbor work in Phase IV, the Port shall create 1.93 acres of	Port or Port	Port in		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>eelgrass habitat. The creation of eelgrass habitat shall be conducted in accordance with Mitigation Measure 4.9-2 in <i>Section 4.9, Marine Biological Resources</i>.</p> <p>B. When project-specific designs are proposed for the remaining project components affecting 1.61 acres of surface water foraging habitat and intertidal mudflats, the mitigation of impacts shall be re-evaluated by the Port during subsequent environmental review pursuant to State CEQA Guidelines Section 15168 to determine accurate net loss and mitigation for the loss of foraging habitat.</p> <p>*Applies to Significant Impact 4.8-9.</p>	<p>Tenants -Prior to start of grading</p> <p>Port -Prior to start of grading</p>	<p>Consultation with wildlife agencies</p> <p>Port in Consultation with wildlife agencies</p>		

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

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



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

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

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

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

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

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



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

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

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

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

CHULA VISTA BAYFRONT MASTER PLAN PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM

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

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

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

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

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

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

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

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

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

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

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





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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>shall be used.</p> <ul style="list-style-type: none"> <li>• No solid spot lights or intense bright lights shall be used during bird migration periods in the spring (from March to May) and Fall (from August to October). All event lighting shall be directed downward and shielded, unless such directed and shielded minimized light spills beyond the area for which illumination is required.</li> <li>• Exterior lighting shall be limited to that which is necessary and appropriate to ensure general public safety and way finding, including signage for building identification and way finding.</li> <li>• Exterior lighting shall be directed downward and shielded to prevent upward lighting and to minimize light spill beyond the area for which illumination is required.</li> <li>• Office space, residential units, and hotel rooms shall be equipped with motion sensors, timers, or other lighting control systems to ensure that lighting is extinguished when the space is unoccupied.</li> <li>• Office space, residential units, and hotel rooms shall be equipped with blinds, drapes, or other window coverings that may be closed to minimize the effects of interior night lighting.</li> </ul> <p><b>Glass and Reflection</b></p> <ul style="list-style-type: none"> <li>• Use of reflective coatings on any glass surface is prohibited.</li> <li>• Buildings shall incorporate measures to the satisfaction of the Port or the City to indicate to birds that the glass surface is solid by creating visual markers and muting reflection.</li> <li>• Project design standards will encourage window stenciling and angling.</li> </ul> <p>These measures may include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• Glass surfaces which are non-reflective</li> <li>• Glass surfaces which are tilted at a downward angle</li> <li>• Glass surfaces which use fritted or patterned glass</li> <li>• Glass surfaces which use vertical or horizontal mullions or other fenestration patterns</li> <li>• Glass surfaces which are fitted with screening, decorative grills, or louvers</li> <li>• Glass surfaces which use awnings, overhangs, bris sole, or other exterior sun-shading devices</li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<ul style="list-style-type: none"> <li>• Glass surfaces which use external films or coatings perceivable by birds</li> <li>• Artwork, drapery, banners, and wall coverings that counter the reflection of glass surfaces or block "see through" pathways.</li> </ul> <p><b>Building Articulation</b></p> <ul style="list-style-type: none"> <li>• Structure design features that reduce or avoid the potential for bird strikes, such as secondary and tertiary setbacks, stepped back building design, protruding balconies, recessed windows, and mullioned glazing systems, shall be incorporated to the extent feasible. Balconies and other elements will step back from the water's edge.</li> <li>• Design features that increase the potential for bird strikes, such as walkways constructed of clear glass and "see through" pathways through lobbies, rooms and corridors, shall be avoided to the extent feasible.</li> <li>• Buildings will be sited and designed to minimize glass and windows facing Wildlife Habitat Areas to the maximum extent possible. Design for towers on Parcel H-3 should avoid east-west monolith massing and should include architectural articulation.</li> <li>• The tallest buildings on Parcel H-3 will be located generally on the southern portion of the parcel with building heights decreasing towards the north and west. The foregoing will not be interpreted to preclude incorporating secondary and tertiary setbacks along public streets.</li> <li>• Parcels containing surface parking, such as those depicted for the Sweetwater District, will be designed with parking lots nearer Wildlife Habitat Areas. Site plans on parcels adjacent to Wildlife Habitat Areas will maximum distance between structures and such areas.</li> </ul> <p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>• Exterior trees and landscaping shall be located and glass surfaces shall incorporate measures so that exterior trees and landscaping are not reflected on building surfaces.</li> <li>• In small exterior courtyards and recessed areas, the building's edge shall be clearly defined with opaque materials and non-reflective glass.</li> <li>• Interior plants shall be located a minimum of 10 feet away from glass surfaces to avoid or reduce the potential for attracting birds.</li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p><b>Public Education</b></p> <ul style="list-style-type: none"> <li>The owner or operator of each building shall implement an ongoing procedure to the satisfaction of the Port or the City to encourage tenants, residents, and guests to close their blinds, drapes, or other window coverings to reduce or avoid the potential for bird strikes.</li> <li>The owner or operator of each building shall enroll in the Fatal Light Awareness Program's "Bird-Friendly Building Program" and shall implement ongoing tenant, resident, and guest education strategies, to the satisfaction of the Port or the City, to reduce or avoid the potential for bird strikes, such as elevator and lobby signage and educational displays, e-mail alerts and other bulletins during spring and fall migratory seasons, and other activities designed to enlist cooperation in reducing bird collisions with the building.</li> </ul> <p><b>Monitoring</b></p> <ul style="list-style-type: none"> <li>For Phase I projects, the project applicant shall retain a qualified biologist to design a protocol and schedule, in consultation with the U.S. Department of Fish and Wildlife and subject to the approval of the Port or City, as appropriate depending on jurisdiction, to monitor bird strikes which may occur during the first 12 months after the completion of construction. Within 60 days after completion of the monitoring period, the qualified biologist shall submit a written report to the Port or the City, which shall state the biologist's findings and recommendations regarding any bird strikes that occurred. Based on the findings of those reports, the Port or the City, as appropriate depending on jurisdiction, in coordination with the U.S. Department of Fish and Wildlife, will evaluate whether further action is required, which may include further monitoring.</li> <li>Bird strikes must be monitored in accordance with the NRMP and measures developed to address persistent problem areas. Nighttime lighting in tower buildings must be addressed and evaluated through adaptive management. Minimization of impacts of buildings on birds and the Wildlife Habitat Areas will be a priority in the selection of window coverings, glass color, other exterior materials, and design of exterior lighting and lighting of signs.</li> </ul> <p>*Applies to Significant Impacts 4.8-36 and 4.8-37.</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.9-1	<p>A. Prior to construction of the H Street Pier during Phases II and IV or work within Parcel HW-4, a pre-construction eelgrass survey shall be conducted by a qualified marine biologist to confirm the exact amount of eelgrass to be affected at the time of pile driving operations. The pre-construction survey must be conducted during the period of March through October and would be valid for a period of no more than 60 days, with the exception that surveys conducted in August through October would be valid until the following March 1.</p> <p>B. Prior to construction of the H Street Pier during Phases II and IV or work within Parcel HW-4, the Port shall establish and implement a plan to create new eelgrass habitat. The loss of eelgrass habitat must be mitigated at a 1.2:1 ratio as described in the SCEMP (NMFS 1991, Revision 11). Impacts to approximately 0.4 acre of eelgrass shall require the creation of approximately 0.48 acre of eelgrass to mitigate losses caused by construction of the H Street Pier.</p> <p>C. Prior to or concurrent with the completion of the H Street Pier or work within Parcel HW-4, the Port shall create new eelgrass habitat at a ratio of 1.2:1 for the actual amount of impacts. This shall be done by removing the existing eelgrass currently located at the proposed H Street Pier site and transplanting it at an appropriate location within the filled area of the existing navigation channel, to the satisfaction of a qualified marine biologist.</p> <p>D. Subsequent to construction of the H Street Pier during Phases II and IV or work within Parcel HW-4, a post-construction eelgrass survey shall be conducted by a qualified biologist. The post-construction survey shall be conducted within 30 days of the cessation of construction activities to confirm the exact amount of eelgrass affected. The difference between the pre-construction and post-construction eelgrass surveys shall determine the amount of required mitigation. In addition, the Port shall:</p> <ul style="list-style-type: none"> <li>• Conduct transplant reports following construction (Initial Report).</li> <li>• Conduct monitoring reports at 6, 12, 24, 36, 48, and 60 months post-transplant. Specific milestones and criteria for success are directed in the SCEMP along with guidelines for remedial actions if the success criteria are not met (including presence of green sea turtles based on soundings from the existing tagging program), which would require (based on the absence of other mitigating environmental considerations) a Supplementary Transplant Area to be constructed and monitored</li> </ul>	<p>Developer -Prior to construction</p> <p>Port - Prior to construction</p> <p>Developer -Prior to or concurrent with completion of construction</p> <p>Port in coordination with qualified biologist</p>	<p>Port in coordination with qualified biologist</p> <p>Port in coordination with qualified biologist</p> <p>Port in coordination with qualified biologist</p> <p>Port</p>		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>guidelines for remedial actions if the success criteria are not met (including presence of green sea turtles based on soundings from the existing tagging program), which would require (based on the absence of other mitigating environmental considerations) a Supplementary Transplant Area to be constructed and monitored for an additional 5 years.</p> <ul style="list-style-type: none"> <li>• Initiate mitigation within 135 days of project inception; projects requiring more than 135 days to complete would result in additional mitigation.</li> <li>• Coordinate with Sweetwater Authority to share monitoring reports, as necessary.</li> </ul> <p>*Applies to Significant Impact 4.9-3.</p>				
MM 4.9-3	<p>A. Prior to the commencement of harbor improvements on Parcel HW-3, which includes the placement of bulkheads, the Port or Port tenants, as appropriate, shall prepare and initiate implementation of a plan to create new habitat at a ratio of 2:1 for intertidal mudflat and 4:1 for pickleweed. Impacts to approximately 0.03 acre of intertidal mudflat shall require the in-kind creation of approximately 0.06 acre, and less than 0.001 acre of pickleweed shall require creation of approximately 0.004 acre of comparable habitat.</p> <p>B. Restoration shall occur in accordance with <i>Appendix 4.8-12</i>. At the time project specific designs are proposed for the Phase IV harbor reconfiguration, the mitigation for impacts to intertidal mudflat and pickleweed shall be re-evaluated by the Port during subsequent environmental review pursuant to State CEQA Guidelines Section 15168 to identify the total impact area and required mitigation for the loss of intertidal mudflat and pickleweed.</p> <p>C. Restoration shall occur in accordance with <i>Mitigation Opportunities, Appendix 4.8-12</i> to this report, which includes the creation of additional mudflat through the removal of riprap on the Bay shore in the Sweetwater District. As detailed in <i>Mitigation Opportunities</i>, this created habitat would be dominated by pickleweed (<i>Salicornia virginica</i>) with subdominants including saltwort (<i>Batis maritima</i>), fleshy Jaumea (<i>Jaumea carnosa</i>), alkali heath (<i>Frankenia salina</i>), and others as listed in Table 4 of <i>Appendix 4.8-12</i>. Currently, the mitigation opportunities detailed in <i>Appendix 4.8-12</i> are anticipated to be implemented during Phase I. The Port shall verify that the creation of intertidal mudflat satisfies the required mitigation once the final impacts are verified.</p>	<p>Port or Port Tenants -Prior to start of harbor improvements</p> <p>Port or Port Tenants -Prior to start of harbor improvements</p> <p>Port or Port Tenants -Prior to start of harbor improvements</p>	<p>Port</p> <p>Port</p> <p>Port</p>		





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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	*Applies to Significant Impact 4.9-7.				
MM 4.9-6	<p>Prior to issuance of Coastal Development Permits, applicants shall submit a lighting plan and photometric analysis to the Port for review and approval. Lighting of all developed areas adjacent to open water shall be directed away from the water, wherever feasible and consistent with public safety. Lighting fixtures shall provide adequate shielding to protect the aquatic habitat and marine life from night lighting. The lighting plan shall illustrate the location of the proposed lighting standards and type of shielding measures. Low-pressure sodium lighting or the equivalent shall be used if feasible and shall be subject to the approval of the Port.</p> <p>*Applies to Significant Impact 4.9-8.</p>	Applicants -Prior to First Coastal Development Permit	Port		
4.10	<p>The Port shall implement a grading, monitoring, and data recovery program to reduce potential impacts to undiscovered buried archaeological resources on the Proposed Project to the satisfaction of the Director of Land Use Planning. Elements of the program will include that only certified archaeologists and Native American monitors are accepted. The project archaeologist shall monitor all areas identified for excavation, including off-site improvements. The monitors shall be present during the original cutting of previously undisturbed deposits. In the event that a previously unidentified potentially significant cultural resource is discovered, the archaeological monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant resource. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared and approved by the County, then carried out using professional archaeological methods.</p> <p>In the event that human bones are discovered, the County coroner shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD) as identified by the Native American Heritage Commission shall be contacted by the project archaeologist to determine proper treatment and disposition of the remains. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the context shall be completed and submitted to the satisfaction of the Director of Land Use Planning.</p>				

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

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

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	*Applies to Significant Impact 4.11-1				
MM 4.12-1	<p>Prior to the issuance of any permit for excavation, demolition, grading, or construction activities in the area described in the relevant permit based on the planned future use, the following shall occur:</p> <p>A. The applicant shall contact the lead regulatory agency (RWQCB/DEH/DTSC) to discuss the appropriate course of action for the area of concern described in the permit based on the planned future site use. Remediation of contaminated soil and/or groundwater in these areas shall meet cleanup requirements established by the local regulatory agency based on the planned future use of the area and shall be protective of human health with regard to future occupants of these areas. The applicant shall submit documentation showing that contaminated soil and/or groundwater in the area covered by the permit shall have been avoided or remediated to meet cleanup requirements established by the local regulatory agencies (RWQCB/DEH/DTSC).</p> <p>B. The applicant shall obtain written authorization from the regulatory agency (RWQCB/DEH/DTSC) confirming the completion of any remediation required for development of the site, exclusive of any on-going monitoring obligations. A copy of the authorization shall be submitted to the Port and City to confirm meeting all requirements acceptable to the governing agency and that the proposed development parcel has been cleaned up or is in process to the satisfaction of the regulatory agency. In the situation where previous contamination has occurred on a site that has a previously closed case or on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the DEH shall be notified of the proposed land use.</p> <p>C. A Soil and Water Management Plan (SWMP) for Phase I activities shall be developed to provide procedures for addressing unknown contamination and subsurface equipment (i.e., pipes, tanks) or debris encountered during construction and excavation. A SWMP for subsequent phases shall be prepared prior to construction and excavation or such development. The plan shall be developed by a qualified environmental consultant and shall identify notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater) measures to avoid or reduce impacts associated with hazardous materials contamination to a less than significant impact. The SWMP shall be approved by the Port and/or City prior to commencement of</p>	<p>Applicant -Prior to First Permit for Excavation, Demolition, Grading, or Construction</p> <p>Applicant -Prior to First Permit for Excavation, Demolition, Grading, or Construction</p> <p>Applicant in coordination with a qualified environmental consultant -Prior to Construction and Excavation</p>	<p>RWQCB /DEH/ DTSC</p> <p>RWQCB /DEH/ DTSC</p> <p>Port and/or City</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>excavation, grading, demolition or construction. A qualified environmental consultant shall monitor excavations, grading, and construction activities in accordance with the plan. Any excess soil generated by construction shall be characterized to determine disposal options.</p> <p>If indications of contamination are encountered during construction, a qualified environmental consultant shall be retained to observe the contamination, consult with the regulatory oversight agency, perform environmental media (soil, soil gas, and groundwater) sampling and analysis as necessary, report the result, and provide recommendations or further action.</p> <p>In areas that have been identified as being contaminated, appropriate observation by a qualified environmental professional and sampling is required to characterize soil prior to off-site disposal. Contaminated soil shall be properly disposed of at an off-site facility. Fill soils shall be sampled to ensure that imported soil is free of contamination.</p> <p>Within one month of completion of cleanup activities, a report summarizing the results of monitoring shall be submitted by the applicant to the satisfaction of the Port and City.</p> <p>D. In the event that grading or construction activities result in the discovery of hazardous waste, the Port and/or City shall ensure compliance with State of California CCR Title 23 Health and Safety Regulation. Excavated soils impacted by hazardous materials or waste shall be characterized and disposed of in accordance with CCR Title 14 and 22. The San Diego RWQCB shall be contacted regarding provisions for possible reuse as backfill of soils impacted by hydrocarbons. Excavated soils shall be lined and covered with an impermeable material to prevent spread of contaminated material.</p> <p>The applicant must have an Industrial Hygienist registered in the State of California on site while working in areas where contamination is encountered. The responsibility of this professional would be to monitor the work site for contamination and to implement mitigation measures as needed to prevent exposure to the workers or public. These measures may include signage and dust control.</p> <p>Dewatering activities during construction shall be limited to the extent practicable and</p>	<p>Port and/or City</p> <p>Applicant</p>	<p>RWQCB /DEH/ DTSC</p> <p>RWQCB /DEH/ DTSC</p> <p>RWQCB</p> <p>Port and/or City</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>water generated by dewatering shall be tested to determine treatment and disposal options in accordance with all applicable laws and regulations.</p> <p>*Applies to Significant Impacts 4.12-1, 4.12-3, 4.12-7, 4.12-12, 4.12-13, 4.12-17, and 4.12-18.</p>	Developer	RWQCB		
MM 4.12-2	<p>Prior to construction, all contractor and subcontractor project personnel shall receive training regarding the appropriate work practices necessary to effectively comply with the applicable environmental laws and regulations, including, without limitation, hazardous materials spill prevention and response measures.</p> <p>Hazardous materials shall not be disposed of or released onto the ground, the underlying groundwater, or any surface water. Totally enclosed containment shall be provided for all trash. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials shall be removed to a hazardous waste facility permitted or otherwise authorized to treat, store, or dispose of such materials.</p> <p>The Port of San Diego shall require that a Business Emergency Plan (BEPP) is prepared for the construction of the Proposed Project, if not covered under their approved SWPPP. The plan shall identify all hazardous materials (e.g., fuels, solvents) that would be present on any portion of the construction area and project site. Contingency analysis and planning shall be presented to identify potential spill or accident situations, how to minimize their occurrence, and how to respond should they occur. The plan shall also identify spill response materials (e.g., absorbent pads, shovels) to be kept at the construction site and their locations.</p> <p>Hazardous materials spill kits shall be maintained on site for small spills.</p> <p>*Applies to Significant Impact 4.12-2.</p>	<p>Developer -Prior to start of construction</p> <p>Applicant in coordination with a qualified consultant -Prior to Construction and Excavation</p> <p>Developer</p>	<p>Port</p> <p>Port</p> <p>Port</p>		
MM 4.12-3	<p>In-water construction activities shall be conducted in accordance with Mitigation Measure 4.5-4 in <i>Section 4.5, Hydrology/Water Quality</i>.</p> <p>*Applies to Significant Impact 4.12-4</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.12-4	<p>In event of removal of USTs, the soil and groundwater within the vicinity of the USTs shall be adequately characterized and remediated, if necessary, to a standard that would be protective of water quality and human health, based on future site use. In areas to be redeveloped, a geophysical survey shall be conducted by the applicant to evaluate if there are any previously unidentified USTs or piping still existing in areas to be redeveloped.</p> <p>In the event that USTs are not identified in the HMTS or undocumented areas of contamination are encountered during grading activities (as indicated by odors, discolored soil, etc.), all work shall cease until appropriate health and safety procedures are implemented pursuant to the applicant's contingency plan. The applicant shall prepare a contingency plan to address contractor procedures for such an event, to minimize the potential for construction delays. In addition, the lead regulatory agency (DEH or RWQCB, depending on the nature of the contamination) shall be notified regarding the contamination. Each agency and program within the respective agency has its own mechanism for initiating an investigation. The applicant shall conduct contamination remediation and removal activities in accordance with pertinent local, state, and federal regulatory guidelines, under the oversight of the appropriate regulatory agency. Parcels contaminated with hazardous materials will be remediated to levels adequate to protect human health and the environment.</p> <p>*Applies to Significant Impact 4.12-5.</p>	<p>Applicant -During grading activities</p> <p>Applicant -During grading activities</p>	<p>Lead Regulatory Agency (DEH or RWQCB)</p> <p>Lead Regulatory Agency (DEH or RWQCB)</p>		
MM 4.12-5	<p>Prior to the issuance of a demolition permit for buildings scheduled for demolition that have not been surveyed to date for ACMs and LBPs, the applicant shall conduct a survey to determine the locations and amounts of ACMs and LBPs present, as well as other miscellaneous hazardous materials, such as potential mercury-containing thermostats and switches, light ballasts and switches that might contain PCBs, fluorescent light tubes that might contain mercury vapor, exit signs that might contain a radioactive source, air conditioning systems, lead-acid batteries and batteries associated with emergency lighting systems, and Freon™-containing refrigeration systems. Should ACMs, LBPs, or other miscellaneous hazardous building materials be encountered in the site structures, the applicant shall obtain a licensed abatement contractor to remove the hazardous materials in accordance with all applicable federal, state, and local laws, regulations, and permitting requirements prior to initiation of demolition activities.</p>	<p>Applicant -Prior to First Demolition Permit</p>	<p>Port in coordination with lead regulatory agency</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Prior to any proposed demolition activities, the applicant shall conduct a thorough inspection of the facilities that have permits to store hazardous materials to confirm whether a release of hazardous materials at these facilities has impacted the underlying soil and/or groundwater. The facilities that currently store hazardous materials are located at 596 Sandpiper Way, 997 G Street, and 979 G Street. If indications of contamination are encountered during demolition, a qualified environmental consultant shall be retained to observe the contamination, consult with the regulatory oversight agency, perform environmental media (soil, soil gas, and groundwater) sampling and analysis as necessary, report the result and provide recommendations for further action.</p> <p><i>*Applies to Significant Impact 4.12-6.</i></p>	<p>Applicant in coordination with qualified environmental consultant -Prior to First Demolition Permit</p>	<p>Lead Regulatory Agency (DEH or RWQCB)</p>		
MM 4.12-6	<p>Prior to construction, remediation activities for known contamination shall be performed to be protective of construction workers on the project site, as required by Mitigation Measure 4.12-1.</p> <p><i>*Applies to Significant Impact 4.12-7.</i></p>	<p>Port and City - Prior to construction</p>	<p>Port and City</p>		
MM 4.12-7	<p>Management of the parks throughout the project site must be required to comply with the Port and City's Integrated Pest Management Policies (IPM). IPM shall be used on all landscaped areas. In addition, fertilizers must be minimized and only non-toxic products used. Runoff from irrigation sprinklers into surface waters must be minimized and use of mulching and drip irrigation, where needed, maximized. Measures shall be employed to ensure that landscape chemicals and wastes do not get into surface waters or habitat areas.</p> <p><i>*Applies to Significant Impact 4.12-8.</i></p>	<p>Port and City -Ongoing management of parks</p>	<p>Port and City</p>		
MM 4.12-8	<p>For development in the Sweetwater District that would result in exposure of any soil containing pesticides/herbicides, excavation and disposal of the contaminated soils at an appropriately licensed facility shall be conducted as required by applicable law, to reduce potential for future site occupants' exposure. Otherwise, soil capping shall be implemented. Capping could be performed by placement of a clean soil fill layer over the impacted soil, which in turn could be overlain by other surface covers (i.e., turf and other vegetative cover and pavement).</p> <p><i>*Applies to Significant Impact 4.12-9.</i></p>	<p>Developer -When grading activities result in exposure of any soil containing pesticides/herbicides</p>	<p>DEH and/or RWQCB</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.12-9	<p>At the time project specific designs are proposed for any development in Phases II through IV, a site assessment must be conducted by a qualified expert satisfactory to the City and/or Port to determine concentrations of contaminants in soil, soil gas, and groundwater on the parcel proposed for development. Further site assessment may be required as part of subsequent environmental review pursuant to State CEQA Guidelines.</p> <p>A HHRA, or other means of evaluation, must be prepared for any new development in Phases II through IV, analyzing each parcel proposed for development within the Proposed Project area. If the calculated risk from the HHRA (or other means of evaluation) is considered to be significant for a receptor in a parcel, mitigation measures shall be implemented to reduce the risk to below a level of significance. These measures may include one or both of the following:</p> <ul style="list-style-type: none"> <li>• Remediating the contaminant sources and impacts in the respective media (i.e., soil, soil gas, groundwater) to levels below the health-based remediation criteria. Parcels contaminated with hazardous materials will be remediated to levels adequate to protect human health and the environment.</li> <li>• Implementing institutional and/or engineering controls to eliminate the pathway of concern or attenuate the contaminant exposure to levels below the health-based remediation criteria.</li> </ul> <p>*Applies to Significant Impact 4.12-10</p>	<p>Applicant in coordination with qualified expert -When Project specific designs are proposed</p> <p>Applicant in coordination with qualified expert</p>	<p>City and/or Port</p> <p>City and/or Port</p>		
MM 4.12-10	<p>Prior to the approval of Design Review for development on Parcels H-3, H-13, H-14, H-15, and HP-5, the applicant shall submit a design plan for the project demonstrating to the satisfaction of the City and/or Port that proposed buildings shall be designed so as to prevent a risk to human health associated with intrusion of CVOC vapors into future buildings on these parcels. Such design measures may include vapor barriers or passive vent systems.</p> <p>*Applies to Significant Impacts 4.12-11, 4.12-16, 4.12-19, and 4.12-20.</p>	<p>Applicant -Prior to Design Review Approval</p>	<p>Port and/or City</p>		
MM 4.12-11	<p>A. Remediation in soil locations identified as exceeding health-based remediation criteria shall be performed prior to redevelopment as targeted "hotspot" removal with confirmation sampling to demonstrate that the COPCs have been removed and concentrations in remaining soil are less than the remediation criteria.</p>	<p>Developer -Prior to redevelopment /construction</p>	<p>Port and/or City</p>		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>B. Remediation of the areas of HP-5 that contain COPCs at concentrations exceeding remediation criteria shall be completed prior to construction activities depending on the design of proposed development and the potential for workers to be exposed to contamination in these areas.</p> <p>C. Remediation of the areas of HP-5 that contain concentrations of CVOCs may be performed by various methods, including soil vapor extraction and treatment. Any required remediation shall be performed prior to construction activities in order to protect construction workers in these areas. This parcel shall be remediated to levels adequate to protect human health and the environment.</p> <p>*Applies to Significant Impacts 4.12-14 and 4.12-15.</p>	<p>Developer -Prior to redevelopment /construction</p> <p>Developer -Prior to redevelopment /construction</p>	<p>Port and/or City</p> <p>Port and/or City</p>		
MM 4.13.3-1	<p>Prior to reconstruction and/or reconfiguration of existing parks within the Project, the Port shall post a public notice at each affected park site at least 30 days prior to commencement of construction activity and maintain the posting throughout reconstruction of each affected park. Said public notice shall identify the duration of park closure and information related to optional locations for public park and recreational facilities.</p> <p>*Applies to Significant Impact 4.13.3-1.</p>	<p>Port -Prior to reconstruction/reconfiguration of parks</p>	Port		
MM 4.13.3-2	<p>Prior to approval of a building permit for any project within the City's jurisdiction, the applicant shall pay all applicable recreation and park fees, including those set forth in Chapters 3.50 and 17.10 in the City's Municipal Code.</p> <p>*Applies to Significant Impact 4.13.3-2.</p>	<p>Applicant -Prior to Building Permit Approval</p>	City		
MM 4.13.4-1	<p>Prior to the issuance of building permits for any residential project, the applicant shall pay required school mitigation fees. As indicated above, the fees set forth in Government Code Section 65996 constitute the exclusive means of both "considering" and "mitigating" school facilities impacts of projects (Government Code Section 65996(a)). They are "deemed to provide full and complete school facilities mitigation" (Government Code Section 65996(b)). Once the statutory school mitigation fee (sometimes referred to as a "developer fee") is paid, the impact would be deemed mitigated as a matter of law.</p>	<p>Applicant -Prior to First Building Permit</p>	City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.14.1-1	<p>*Applies to Significant Impacts 4.13.4-1 and 4.13.4-2</p> <p>To avoid significant construction-related noise impacts, the following measures shall be followed:</p> <ul style="list-style-type: none"> <li>• Construction activity shall be prohibited Monday through Friday from 10:00 p.m. to 7:00 a.m., and Saturday and Sunday from 10:00 p.m. to 8:00 a.m., pursuant to the Chula Vista Municipal Code Section 17.24.050 (Paragraph J). It should be noted, however, that construction may require connections to existing water facilities, both on- and off-site, and may need to occur between the hours of 10:00 p.m. and 6:00 a.m. in order to minimize impacts to existing customers who cannot experience flow restrictions during daytime hours.</li> <li>• All stationary noise generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors. Where practicable, noise-generating equipment shall be shielded from noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, equipment storage, staging, and warm-up areas shall be located as far from noise sensitive receptors as possible.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p>*Applies to Significant Impacts 4.14.1-1 and 4.14.1-2.</p>	Developer -During construction	City		
MM 4.14.1-2	Construction-related noise from off-site water improvements shall be limited during the typical breeding season of January 15 to August 31 adjacent to the Sweetwater Marsh	Developer -During	Port and/or City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>NWR, F &amp; G Street Marsh, and the J Street Marsh. The current accepted noise threshold is 60 dB(A) Leq; thus construction activity shall not exceed this level, or ambient noise levels if higher than 60 dB(A) during the breeding season. If construction does occur within the breeding season or adjacent to the marshes, the project developer shall prepare and submit an acoustical analysis to the Port and/or City, which shall determine whether noise barriers would be required to reduce the expected noise levels below the threshold. If noise barriers or construction activities are unable to result in a level of noise below the threshold, construction in these areas shall be delayed until the end of the breeding season.</p> <p>*Applies to Significant Impact 4.14.1-3.</p>	<p>construction or if during breeding season prior to construction</p>			
MM 4.14.1-3	<p>A. Prior to commencement of grading activities for all Phase I projects, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).</p> <p>B. Prior to commencement of grading activities for all subsequent phases, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).</p> <p>*Applies to Significant Impact 4.14.1-4.</p>	<p>Applicant(s) -Prior to start of grading</p>	<p>Port or City</p>		
MM 4.14.2-1	<p>Prior to the approval of a building permit for any development in Phases III and IV, the City shall verify that it has adequate sewer capacity to serve the proposed development. In the event the City does not have adequate sewer capacity to serve the proposed development, no building permit shall be approved for the proposed development until the City has acquired adequate sewer capacity to serve the proposed development.</p> <p>*Applies to Significant Impact 4.14.2-1.</p>	<p>City -Prior to Building Permit Approval</p>	<p>City</p>		
MM 4.14.2-2	<p>To avoid significant construction-related noise impacts, the following measures shall be followed:</p> <ul style="list-style-type: none"> <li>• Construction activity shall be prohibited Monday through Friday from 10:00 p.m. to 7:00 a.m., and Saturday and Sunday from 10:00 p.m. to 8:00 a.m., pursuant to the Chula Vista Municipal Code Section 17.24.050 (Paragraph J).</li> </ul>	<p>Developer -During construction</p>	<p>Port or City</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<ul style="list-style-type: none"> <li>• All stationary noise-generating equipment, such as pumps and generators, shall be located as far as possible from noise sensitive receptors. Where practicable, noise-generating equipment shall be shielded from noise sensitive receptors by attenuating barriers or structures. Stationary noise sources located less than 200 feet from sensitive receptors shall be equipped with noise reducing engine housings. Water tanks, and equipment storage, staging, and warm-up areas shall be located as far from noise sensitive receptors as possible.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p>*Applies to Significant Impact 4.14.2-2.</p>				
MM 4.14.2-3	<p>Construction-related noise shall be limited during the typical breeding season of January 15 to August 31 adjacent to the Sweetwater Marsh NWR, F &amp; G Street Marsh, and the J Street Marsh. The current accepted noise threshold is 60 dB(A) Leq; thus construction activity shall not exceed this level, or ambient noise levels if higher than 60 dB(A) during the breeding season. If construction does occur within the breeding season or adjacent to the marshes, the project developer shall prepare and submit an acoustical analysis to the Port and the City, which shall determine whether noise barriers would be required to reduce the expected noise levels below the threshold. If noise barriers or construction activities are unable to result in a level of noise below the threshold, construction in these areas shall be delayed until the end of the breeding season.</p> <p>*Applies to Significant Impact 4.14.2-3.</p>	Developer - During construction or if during breeding season prior to construction	Port or City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.14.2-4	<p>A. Prior to commencement of grading activities for all Phase I projects, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).</p> <p>B. Prior to commencement of grading activities for all Phase II-IV projects, the applicant(s) shall submit a traffic control plan for review and approval by the Port (for development on Port properties) and City Engineer and the Director of Public Works (for development on property and ROWs within the City's jurisdiction).</p> <p>*Applies to Significant Impact 4.14.2-4</p>	<p>Applicant -Prior to start of grading</p> <p>Applicant -Prior to start of grading</p>	<p>Port and City Engineer and Director of Public Works</p> <p>Port and City Engineer and Director of Public Works</p>		
MM 4.14.2-5	<p>A. Prior to the issuance of a Coastal Development Permit for Properties within the Port's jurisdiction and prior to the issuance of a grading permit for properties within the City's jurisdiction, the applicant shall notify the RWQCB of dewatering of contaminated groundwater during construction. If contaminated groundwater is encountered, the project developer shall treat and/or dispose of the contaminated groundwater (at the developer's expense) in accordance with NPDES permitting requirements, which includes obtaining a permit from the Industrial Wastewater Control Program to the satisfaction of the RWQCB.</p> <p>B. Prior to the discharge of contaminated groundwater for all construction activities, should flammables, corrosives, hazardous wastes, poisonous substances, greases and oils and other pollutants exist on site, a pretreatment system shall be installed to pre-treat the water to the satisfaction of the RWQCB before it can be discharged into the sewer system.</p> <p>*Applies to Significant Impact 4.14.2-5.</p>	<p>Applicant -Prior to First Coastal Development Permit (Port)/First Grading Permit (City)</p> <p>Applicant -During construction</p>	<p>Port, City and RWQCB</p> <p>RWQCB</p>		
MM 4.15-1	<p>Prior to the grading of parcels for specific developments, the applicant shall provide a comprehensive site-specific geotechnical evaluation, including subsurface exploration and laboratory testing showing that individual parcels are suitable for proposed development work and that on-site fill materials and soils can support proposed structures. The applicant shall submit a geotechnical design report to the Port or City, depending on jurisdiction, for approval showing site-specific measures to be employed. As applicable, these measures shall include:</p>	<p>Applicant -Prior to start of grading</p>	<p>Port or City</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<ul style="list-style-type: none"> <li>• Conformance to the California Building Code Seismic Zone 4 Design Parameters, as detailed in Table 1 of the geotechnical study (see Appendix 4.15-1)</li> <li>• Design capable of withstanding strong seismic accelerations</li> <li>• Earthwork procedures, including removal, moisture conditioning, and recompaction of existing fills on the site</li> <li>• Selective grading, densification of the subsurface soils, and/or deep foundations</li> <li>• Removal, moisture conditioning, and compaction of bay deposits/alluvial soils. Deep foundations shall be used for structural support in areas of relatively thick bay deposits/alluvium</li> <li>• Removal or deep burial of expansive soils during grading, moisture conditioning, or specially designed foundations and slabs</li> <li>• Removal, moisture conditioning, and compaction of the topsoil on site.</li> </ul> <p>*Applies to Significant Impact 4.15-1 through 4.15-5.</p>				
MM 4.15-2	<p>For all phases, the project applicant shall prepare a site specific geotechnical study. Mitigation of potential hazards due to liquefaction may include the densification or removal of the potentially liquefiable soil and placement of surcharge fills within building areas, or the use of deep foundation systems and mat slabs which still provide acceptable structural support should liquefaction occur. Soil densification can be accomplished by surcharging, compaction grouting, vibrocompaction, soil mixing, and deep dynamic compaction. Deep foundation systems may be used to transmit structural loads to bearing depths below the liquefiable zones and may consist of driven piles or drilled piles.</p> <p>*Applies to Significant Impact 4.15-2.</p>	<p>Applicant -Prior to First Building Permit</p>	Port or City		
MM 4.15-3	<p>Prior to the grading of parcels for the Pacifica development, the applicant shall adhere to the site-specific geotechnical evaluation prepared for the project or any amendment as approved by the Port/City (<i>Appendix 4.15-5, Geocon Preliminary Geotechnical Investigation prepared for Pacifica Companies (February 2008), Sections 7 and 8 Conclusions and Preliminary Recommendations</i>) which outlines general requirements and specific recommendations regarding soil and excavation, seismic design criteria, grading, consolidation settlement, ground improvement methods, slope stability, temporary slopes and shoring, groundwater and dewatering, shallow and deep</p>	<p>Applicant -Prior to start of grading</p>	Port or City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>foundations, subterranean structures, concrete slabs-on-grade, concrete flatwork, retaining walls and lateral loads, pavement, and drainage and maintenance.</p> <p>*Applies to Significant Impacts 4.15-3 and 4.15-4.</p>				
MM 4.15-4	<p>Prior to the grading of parcels for the RCC development, the applicant shall adhere to the site-specific geotechnical evaluation prepared for the project or any amendment as approved by the Port/City (<i>Appendix 4.15-4, Geocon Geotechnical Investigation prepared for Gaylord Hotels (January 2008), Section 6. Conclusions and Recommendations</i>), which outlines general requirements and specific recommendations regarding soil and excavation, seismic design criteria, grading, temporary slopes and shoring, groundwater and dewatering, hotel/convention center/parking structure/flex space foundation, ancillary structure foundation, concrete slabs-on-grade, retaining walls and lateral loads, preliminary pavements, and drainage and maintenance.</p> <p>*Applies to Significant Impact 4.15-5.</p>	Applicant -Prior to start of grading	Port or City		
MM 4.16-1	<p>Prior to the issuance of certificates of occupancy or building permits, the project applicant shall demonstrate that the Proposed Project complies with Title 24 of the California Energy Efficient Standards for Residential and Nonresidential Buildings. These requirements, along with the following measures, shall be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City:</p> <ul style="list-style-type: none"> <li>• Use of low NO<sub>x</sub> emission water heaters</li> <li>• Installation of energy-efficient and automated air conditioners when air conditioners are provided</li> <li>• Energy-efficient parking area lights</li> <li>• Exterior windows shall be double paned.</li> </ul> <p>Implementation of these measures along with the SDG&amp;E efforts for long-term energy supply as outlined in their filing with the CPUC that proposes a mix of conservation, demand response, generation, and transmission (<a href="http://www.sdenenergy.org/uploads/7-9-04SDG&amp;E_LTRP.pdf">http://www.sdenenergy.org/uploads/7-9-04SDG&amp;E_LTRP.pdf</a>) would reduce the potential significant impact to below a level of significance.</p> <p>*Applies to Significant Impact 4.16-1.</p>	Applicant -Prior to First Certificate of Occupancy	Port and City Director of Planning or Building		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 4.16-2	<p>The following standards are intended to be interpreted broadly and with the flexibility to adapt to new energy technology and evolving building construction and design practices. They will apply to and govern development of all individual parcels within the Proposed Project area, except Parcels HP-5, H-13, H-14, and H-15. The term "Development" will mean the development of an individual parcel within the Proposed Project area.</p> <p>A. To help reduce the need for fossil-fueled power generation, reduce greenhouse gas emissions, and support the California Energy Commission's Loading Order for Electricity Resources, all developments will achieve a minimum of a fifty (50) percent reduction in annual energy use as described below:</p> <ol style="list-style-type: none"> <li>1. Each building in each Development will perform at least fifteen (15) percent better than Title 24, Part 6 of the California Building Energy Efficiency Standards ("Title 24") in effect as of the date of this FEIR. The minimum energy efficiency performance standard adopted by the City is hereinafter described as its "Energy Efficiency Requirement" or "EER." Should revised Title 24 standards be adopted by the State of California, the City's EER that is in effect at the time a building permit application is submitted for such Development shall apply.</li> <li>2. The balance of the reduction in annual energy use required will be achieved through the use of any combination of the energy reduction measures described below. To achieve compliance, sponsors of Developments may select one of two paths. The first path is based on Title 24 ("Title 24 Path") and the second is described in Energy and Atmosphere, Credit 1 "Optimized Energy Performance" (Credit EA-/c1) in the US Green Building Council's Leadership in Energy and Environmental Design (LEED) Version 3 system ("LEED Path"). The definition of the term "Baseline" against which energy reduction will be measured will vary depending on the path selected and is further described in Exhibit 3 of the MMRP to this Agreement. Choosing the LEED Path does not require a Development to achieve LEED Certification, but simply uses the methodology of EA-/c1.               <ol style="list-style-type: none"> <li>a. Renewable Energy generated within the boundaries of the Development will be credited toward the energy reduction requirement of Section A 25.2. The term "Renewable Energy" will mean energy derived from the sources described in California Public Resources Code section 25741 (b)1.</li> <li>b. Renewable Energy generated on one or more sites ("Renewable Energy Sites")</li> </ol> </li> </ol>	<p>Applicant -Prior to Building Permit Approval</p>	<p>Port and City in Coordination with the District.</p>		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>within the boundaries of the Proposed Project by the Port, City or other third party and fed to the electrical grid or to the Development will be credited toward the energy reduction requirement described above. Aggregate energy generated on Renewable Energy Sites may be allocated to an individual Development up to the amount necessary to achieve such Development's compliance with the energy reduction requirement described above. Once allocated to a Development, the amount of energy generated by Renewable Energy Sites so allocated may not be further allocated to another development.</p> <p>c. Participation in a City of Chula Vista sponsored energy efficiency program provided that the resulting energy reduction may be calculated and verified. The methodology for calculating the amount of the credit toward the energy reduction requirement described above under the Title 24 Path and the LEED Path as described in Exhibit 3 of the MMRP.</p> <p>d. Each Development will develop, implement, and for the life of each Development, maintain a measurement and verification plan ("M&amp;V Plan"). Such participation has been shown to increase the persistence of energy efficiency ("EE") and also to provide a way of recognizing and encouraging the ongoing conservation efforts of occupants and facility managers and will be awarded a waiver for five (5) percent credit against the Baseline to determine compliance with the energy reduction requirement described above. The Port will include in all leases the requirement to perform an energy audit every three (3) years for the convention centers and hotel Developments over 300 rooms and five (5) years for all other Developments to ensure that all energy systems are performing as planned or corrective action will be taken if failing to meet EE commitments.</p> <p>e. Participation in one of SDG&amp;E's Voluntary Demand Reduction (DR) utility rates will be awarded a waiver for three (3) percent credit against the Baseline to determine compliance with the energy reduction requirement described above.</p> <p>f. Participation in one of SDG&amp;E's Mandatory Demand Reduction (DR) utility rates will be awarded a waiver for five (5) percent credit against the Baseline to determine compliance with the energy reduction requirement described above.</p> <p>g. Incorporation of natural ventilation into design such that at least 75% of the conditioned area is naturally ventilated according to the guidelines set forth in Exhibit 3 of the MMRP, and if this benefit was not included in the energy efficiency calculations, the project will be awarded either: a waiver for five (5) percent credit against the</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Baseline to determine compliance with the energy reduction requirement described above; or, a waiver for ten (10) percent credit will be awarded if the natural ventilation system is coupled with an energy or cooling system that does not draw from the grid if and when natural ventilation is not used. This may be prorated if less than 75% of the conditioned area is naturally ventilated.</p> <p>3. The parties understand and acknowledge that the energy reduction measures described above for a Development or component of a Development may be phased in over time to achieve compliance with the energy reduction provided such energy reduction measures are completed no later than thirty-six (36) months following issuance of a certificate of occupancy for such Development or such component thereof.</p> <p>4. To further incent responsible and sustainable development practices within the boundaries of the Proposed Project, the Port, the City and the Redevelopment Agency will consider voluntary commitments to levels of energy reduction in excess of the energy requirements described above commitment to achievement of a LEED Certification, and/or a "Living Building Challenge" in connection with the selection of respondents in RFP/RFQ processes for developments within the Proposed Project area.</p> <p>5. Within one year following the CCC's approval of a PMP amendment substantially consistent with the Proposed Project, the Port will in good faith consider adoption of an ordinance, in a public hearing process, that if approved by the Board of Port Commissioners, will require the following:</p> <p>a. Within six (6) months following adoption of the ordinance and every three (3) years thereafter, the Port will conduct an energy efficiency and renewable energy analysis that will:</p> <p>i. Assess the feasibility and cost-effectiveness of programs and options to reduce demand on the electric grid from all lands under Port's jurisdiction; and</p> <p>ii. Include, but not be limited to, an assessment of the potential for reduction in energy use on all land under Port's jurisdiction through increases in energy efficiency, demand response, clean renewable and distributed energy generation and other methods and technologies.</p> <p>b. Upon the completion of each analysis, the Port will consider good faith implementation of cost-effective programs and options as part of its commitment</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>to greenhouse gas reductions and global climate change prevention activities consistent with Assembly Bill 32.</p> <p>c. The results of each analysis will be published on the Port's website and received by the Port's Board of Port Commissioners in a public forum.</p> <p>*Applies to Significant Impact 4.16-1.</p>				
MM 4.17-1	<p>The Redevelopment Agency will use all Low and Moderate Income Housing funds generated from within the Bayfront Redevelopment Project Area on the production of affordable housing units, inside and/or outside of redevelopment areas, for very low, low and moderate income individuals/families only in areas located west of I-805 in the City of Chula Vista.</p> <p>* This measure is not associated with a significant impact related to population; however, it has been incorporated to ensure appropriate implementation and enforcement.</p>	Redevelopment Agency			
<b>Significant and Unavoidable Impacts</b>					
--	<p>No feasible mitigation beyond redesign of the project as identified as a project alternative would reduce this impact to view quality. See <i>Chapter 5, Alternatives</i>, for a discussion of design options that would allow for an overall reduction in height and bulk of the proposed development.</p> <p>*Applies to Significant Impact 4.1-4.</p>	--	--		
MM 4.1-3	<p>Prior to the approval of a building permit for any residential project, the applicant shall pay a PFDIF or equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance.</p> <p>*Applies to Significant Impact 4.1-5.</p>	Applicant -Prior to Building Permit Approval	City		
MM 4.2-8	<p>The Port and the City shall participate in a multi-jurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor level study that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources and phasing that would reduce congestion with Caltrans standards on the I-5 south corridor from the SR-54 interchange to the Otay River (the "I-5 South Corridor") (hereinafter, the "Plan"). Local funding sources identified in the Plan shall include fair share contributions related to private and/or public development based on the</p>	City, other cities along I-5, the Port, SANDAG, and Caltrans	Port Board of Commissioners and City Council		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>nexus established in this Draft EIR as well as other mechanisms. The Plan required by this mitigation shall include the following:</p> <ul style="list-style-type: none"> <li>a. The responsible entities (the Entities) included in this effort will include, but may not be limited to, the City, other cities along I-5, the Port, SANDAG, and Caltrans. Other entities will be included upon the concurrence of the foregoing Entities.</li> <li>b. The Plan will identify physical and operational improvements to I-5 adjacent to the project area, relevant arterial roads and transit facilities (the Improvements), that are focused on regional impacts and specific transportation impacts from the project, and will also identify the fair share responsibilities of each Entity for the construction and financing for each Improvement. The Plan will include an implementation element that includes each Entity's responsibilities and commitment to mitigate the impacts created by all phases of the Proposed Project.</li> <li>c. The Plan will set forth a timeline and other agreed upon relevant criteria for implementation of each Improvement.</li> <li>d. The Plan will identify the total estimated design and construction cost for each Improvement and the responsibility of each Entity for both implementation and funding of such costs.</li> <li>e. The Plan will include the parameters for any agreed upon fair-share funding to be implemented, that would require private and/or public developers to contribute to the costs, in a manner that will comply with applicable law.</li> <li>f. In developing the Plan, the Entities shall also consider ways in which the Improvements can be coordinated with existing local and regional transportation and facilities financing plans and programs, in order to avoid duplication of effort and expenditure; however, the existence of such other plans and programs shall not relieve the Entities of their collective obligation to develop and implement the Plan as set forth in this mitigation measure. Nothing in the Plan shall be construed as relieving any Entity (or any other entity) from its independent responsibility (if any) for the implementation of any transportation improvement.</li> <li>g. The Port shall seek adoption of the Plan before the Port Board of Commissioners and the City shall seek adoption of the Plan before the City Council upon the completion of the multi-jurisdictional effort to develop the Plan. The Port and the City shall report, to their respective governing bodies regarding the progress made to develop the Plan within 6 months of the first meeting of the entities. Thereafter, the Port and the City shall report at least annually regarding the progress of the</li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Plan, for a period of not less than 5 years, which may be extended at the request of the City Council and/or Board of Commissioners.</p> <p>h. The Plan shall also expressly include each Entity's pledge that it will cooperate with each other in implementing the Plan.</p> <p>i. Prior to issuance of certificates of occupancy or building permits for any development of individual projects within the Chula Vista Bayfront Master Plan, the Port and the City shall require project applicants to make their fair share contribution toward mitigation of cumulative freeway impacts within the City's portion of the I-5 South Corridor by participating in the City's Western Traffic Development Impact Fee or equivalent funding program.</p> <p>The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of the mitigation measure.</p> <p>*Applies to Significant Impacts 4.2-12, 4.2-17, 4.2-18, 4.2-29, 4.2-30, 4.2-35 through 4.2-37, and 4.2-46 through 4.2-50.</p>				
MM 4.2-10	<p>Prior to issuance of certificates of occupancy for parcel H-3 or building permits for any development within the City, the Port and the City shall require project applicants to make their fair share contribution toward mitigation of intersection impacts at H Street and E Street within the City's jurisdiction by participating in the City's Western Traffic Development Impact Fee or equivalent funding program.</p> <p>The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of mitigation measure.</p> <p>However, because implementation of the physical improvements needed to reduce the significant impacts to the affected intersections will require funding from other sources in addition to the WTDIF, such as local, state and federal funds, and such funding is not</p>	Applicant(s) -Prior to First Certificate of Occupancy	Port and/or City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>certain or under the control of the Port or the City, the Port and the City cannot assure the necessary improvements will be constructed as needed or that they will be constructed within any known time schedule. Accordingly, the Proposed Project's impacts to the E Street and H Street intersections affected by an at-grade trolley crossing are considered significant and unmitigated.</p> <p>*Applies to Significant Impact 4.2-19.</p>				
---	<p>No feasible mitigation beyond redesign of the project as identified as a project alternative would reduce this impact to view quality. See <i>Chapter 5, Alternatives</i>, for a discussion of design options that would allow for an overall reduction in height and bulk of the proposed towers.</p> <p>*Applies to Significant Impacts 4.4-1 and 4.4-2.</p>	—	—		
MM 4.6-1	<p>Prior to the commencement of any grading activities, the following measures shall be placed as notes on all grading plans and shall be implemented during grading of each phase of the project to minimize construction emissions. These measures shall be completed to the satisfaction of the Port and the Director of Planning and Building for the City of Chula Vista (These measures were derived, in part, from Table 11-4 of Appendix 11 of the SCAQMD CEQA Air Quality Handbook, and from SCAQMD Rule 403).</p> <p>See Mitigation Measure 4.6-1 in <i>Section 4.6, Air Quality</i> for a list of Best Available Control Measures for Specific Construction Activities.</p> <p>*Applies to Significant Impacts 4.6-1 and 4.6-6.</p>	<p>Developer -Prior to start of grading</p>	Port and City		
MM 4.6-2	<p>A. For development within the City's jurisdiction, applicants shall submit an AQIP with any Tentative Maps submitted to the City in accordance with Municipal Code Section 19.09.050B, and the applicant shall demonstrate that air quality control measures outlined in the AQIP pertaining to the design, construction, and operational phases of the project have been implemented to the satisfaction of the Director of Planning and Building for the City. This plan shall demonstrate "the best available design to reduce vehicle trips, maintain or improve traffic flow, and reduce vehicle miles traveled." There are two options to meet the AQIP requirement. The applicant shall evaluate the project in accordance with the computer modeling procedures outlined in the City's AQIP</p>	<p>Applicants -With submittal of Tentative Map</p>	City		









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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>Although these measures would reduce air quality impacts of the Proposed Project, they would not bring area and operations emissions to a level below the standard established by the SCAQMD and used in this document by the City and Port. Therefore, air quality impacts remain significant and unmitigated.</p> <p>*Applies to Significant Impact 4.6-5.</p>				
MM 4.13.5-1	<p>Prior to the approval of a building permit for any residential project, the applicant shall pay a PFDIF or equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance.</p> <p>*Applies to Significant Impacts 4.13.5-1 and 4.13.5-2.</p>	Applicant -Prior to Building Permit Approval	City and applicable school district		
<b>Cumulative Impacts</b>					
MM 6.5-1	<p>The Port and the City shall participate in a multi-jurisdictional effort conducted by Caltrans and SANDAG to assist in developing a detailed I-5 corridor-level study (hereinafter, the "Plan") that will identify transportation improvements along with funding, including federal, state, regional, and local funding sources, and phasing that would reduce congestion management with Caltrans standards on the I-5 South corridor from the SR-54 interchange to the Otay River (the "I-5 South Corridor"). Local funding sources identified in the Plan shall include fair-share contributions related to private and/or public development based on nexus as well as other mechanisms. The Plan required by this mitigation shall include the following:</p> <ol style="list-style-type: none"> <li>a. The responsible entities (the Entities) included in this effort will include, but may not be limited to, the City, other cities along I-5, the Port, SANDAG, and Caltrans. Other entities will be included upon the concurrence of the foregoing Entities.</li> <li>b. The Plan will identify physical and operational improvements to I-5 adjacent to the project area, relevant arterial roads, and transit facilities (the Improvements) that are focused on regional impacts and specific transportation impacts from the project and will also identify the fair-share responsibilities of each Entity for the construction and financing for each Improvement. The Plan will include an implementation element that includes each Entity's responsibilities and commitment to mitigate the impacts created by all phases of the Proposed Project.</li> <li>c. The Plan will set forth a timeline and other agreed upon relevant criteria for implementation of each Improvement.</li> </ol>	Port, City, CALTRANS, and SANDAG	Port and City in coordination with other cities along I-5, SANDAG, and Caltrans.		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>d. The Plan will identify the total estimated design and construction cost for each Improvement and the responsibility of each Entity for both implementation and funding of such costs.</p> <p>e. The Plan will include the parameters for any agreed upon fair-share funding to be implemented that would require private and/or public developers to contribute to the costs, in a manner that will comply with applicable law.</p> <p>f. In developing the Plan, the Entities shall also consider ways in which the Improvements can be coordinated with the financing plans and programs of existing local and regional transportation and facilities, in order to avoid duplication of effort and expenditure; however, the existence of such other plans and programs shall not relieve the Entities of their collective obligation to develop and implement the Plan as set forth in this mitigation measure. Nothing in the Plan shall be construed as relieving any Entity (or any other entity) from its independent responsibility (if any) for the implementation of any transportation improvement.</p> <p>g. The Port shall seek adoption of the Plan before the Port Board of Commissioners and the City shall seek adoption of the Plan before the City Council upon the completion of the multi-jurisdictional effort to develop the Plan. The Port and the City shall report to their respective governing bodies regarding the progress made to develop the Plan within 6 months of the first meeting of the entities. Thereafter, the Port and the City shall report at least annually regarding the progress of the Plan, for a period of not less than 5 years, which may be extended at the request of the City Council and/or Board of Commissioners.</p> <p>h. The Plan shall also expressly include each Entity's pledge that it will cooperate with each other in implementing the Plan.</p> <p>i. Prior to issuance of certificates of occupancy or building permits for any development of individual projects within the Chula Vista Bayfront Master Plan, the Port and the City shall require project applicants to make their fair-share contribution toward mitigation of cumulative freeway impacts within the City's portion of the I-5 South Corridor by participating in the City's Western Traffic Development Impact Fee or equivalent funding program.</p> <p>The failure or refusal of any Entity other than the Port or the City to cooperate in the implementation of this mitigation measure shall not constitute failure of the Port or the City to implement this mitigation measure; however, the Port and the City shall each use</p>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of this mitigation measure.</p> <p>*Applies to Significant Impacts 6.5-1, 6.5-2, 6.5-3, 6.5-4, 6.5-5, 6.5-6, 6.5-7, 6.5-8, 6.5-9, 6.5-10, 6.5-14, 6.5-15, 6.5-21, 6.5-22, 6.5-23, 6.5-24 and 6.5-25, which would remain significant after implementation.</p>				
MM 6.5-2	<p>In assessing the impact of the project on the Phase III network, it was determined that H Street between Street A and the I-5 Ramps was already widened in Phase II to accommodate growth in traffic, and it would be difficult to widen more, due to right-of-way constraints. To accommodate traffic from the project and to provide another route to I-5, the Port shall extend E Street from the RCC Driveway to west of Bay Boulevard. The segment shall be built as a two-lane Class III Collector prior to the issuance of either a building permit or final map for a Phase II project. This Mitigation would reduce Significant Impacts 6.5-11 and 6.5-12 to below a level of significance.</p> <p>*Applies to Significant Impacts 6.5-11 and 6.5-12.</p>	<p>Port -Prior to First Building Permit or Final Map for Phase II Project</p>	<p>City Engineer</p>		
MM 6.5-3	<p>Prior to issuance of a certificate of occupancy for any Phase III project, the Port shall construct an exclusive westbound right-turn lane at the intersection of J Street and I-5 NB Ramps. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-13 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-13.</p>	<p>Port -Prior to First Certificate of Occupancy for any Phase III Project</p>	<p>City Engineer</p>		
MM 6.5-4	<p>Prior to issuance of a certificate of occupancy for any Phase III project, the Port shall widen E street between the RCC Driveway and Bay Boulevard to a two-lane Class II Collector. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 6.5-16 to below a level of significance.</p> <p>*Applies to Significant Impact 6.5-16.</p>	<p>Port -Prior to First Certificate of Occupancy for any Phase III Project</p>	<p>City Engineer</p>		
MM 6.5-4	<p>Prior to issuance of a certificate of occupancy for any Phase III project, the Port shall widen Street A between H Street and Street C to a four-lane Class I Collector. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 6.5-17 to below a level of significance.</p>	<p>Port -Prior to First Certificate of Occupancy for any Phase III Project</p>	<p>City Engineer</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	*Applies to Significant Impact 6.5-17.				
MM 6.5-6	Prior to issuance of a certificate of occupancy for any Phase III project, the Port shall construct southbound left- and right-turn lanes at the intersection of E Street and Bay Boulevard. The lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-18 to below a level of significance.  *Applies to Significant Impact 6.5-18..	Port -Prior to First Certificate of Occupancy for any Phase III Project	City Engineer		
MM 6.5-7	Prior to issuance of a certificate of occupancy for any Phase III project, the Port shall construct an exclusive eastbound right-turn lane at the intersection of J Street and Bay Boulevard. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-19 to below a level of significance.  *Applies to Significant Impact 6.5-19..	Port -Prior to First Certificate of Occupancy for any Phase III Project	City Engineer		
MM 6.5-8	Prior to issuance of a certificate of occupancy for any Phase III project, the Port shall construct an exclusive westbound right-turn lane at the intersection of J Street and I-5 NB Ramps. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-20 to below a level of significance.  *Applies to Significant Impact 6.5-20.	Port -Prior to First Certificate of Occupancy for any Phase III Project	City Engineer		
MM 6.5-9	Prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port shall construct an eastbound and westbound through-lane along H Street (as part of roadway segment mitigation) and a westbound right-turn lane at the intersection of H Street and Woodlawn Avenue. The additional lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-26 to below a level of significance.  *Applies to Significant Impact 6.5-26.	Port -Prior to First Certificate of Occupancy	City Engineer		
MM 6.5-10	Prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port shall construct a westbound through- and right-turn lane along H Street at the intersection of H Street and Broadway. The lane shall be constructed to the satisfaction of the City Engineer. With mitigation, this intersection would still operate at LOS E during the PM peak hour. This is consistent with the result from the Chula Vista Urban Core traffic study, which concluded that no additional mitigation is desired at this	Port -Prior to First Certificate of Occupancy for any development in Phase IV	City Engineer		



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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for large project components to diminish imposing building edges, monotonous facades and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the Port.</p> <p><b>C. Height and Bulk:</b> Prior to design review approval for properties within the City's jurisdiction, the project developer shall ensure that design plans for any large scale projects (greater than two stories in height) shall incorporate standard design techniques such as articulated facades, distributed building massing, horizontal banding, and varied color schemes to separate the building base from its upper elevation and color changes such that vertical elements are interrupted and smaller scale massing implemented. These plans shall be implemented for the large project components to diminish imposing building edges, monotonous facades and straight-edge building rooflines and profiles. This shall be done to the satisfaction of the City of Chula Vista Planning Director.</p> <p><b>D. Landscaping:</b> Prior to final approval of Phase I infrastructure design plans, the Port and City shall collectively develop a master landscaping plan for the project's public components and improvements. The plan shall provide sufficient detail to ensure conformance to streetscape design guidelines and that future developers/tenants, as applicable, provide screening of parking areas.</p> <p>Streetscape landscaping shall be designed to enhance the visitor experience for both pedestrians and those in vehicles. Specifically, detailed landscaping plans shall be developed to enhance Marina Parkway, a designated scenic roadway and shall provide, where appropriate, screening of existing industrial uses and parking areas until such time as these facilities are redeveloped.</p> <p>Street landscaping design shall be coordinated with a qualified biologist or landscape architect to ensure that proposed trees and other landscaping are appropriate for the given location. For instance, vegetation planted adjacent to open water/shoreline areas must not provide raptor perches. Landscaping shall be drought tolerant or low water use, and invasive plant species shall be prohibited.</p> <p><b>E. Landscaping:</b> Prior to approval of a tentative map or site development plan for future</p>	<p>Permit</p> <p>Project Developer -Prior to Design Review Approval</p> <p>Port and City -Prior to Final Approval of Phase I Design</p> <p>Project Developer</p>	<p>City</p> <p>Port in Coordination with qualified Biologist or Landscape Architect</p> <p>City</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>residential development, the project developer shall submit a landscaping design plan for on-site landscaping improvements that is in conformance to design guidelines and standards established by the City of Chula Vista. The plan shall be implemented as a condition of project approval.</p> <p><b>F. Gateway Plan:</b> Concurrent with the preparation of Phase I infrastructure design plans for E and H Street, a Gateway plan shall be prepared for E and H Streets. Prior to issuance of occupancy for any projects within the Port's jurisdiction in Phase I, the E and H Street Gateway plan shall be approved by the Port and City's Directors of Planning and Building. The E and H Street Gateway plan shall be coordinated with the Gateway plan for J Street.</p> <p><b>G. Gateway Plan:</b> Concurrent with development of H-13 and H-14, the applicant shall submit a Gateway plan for J Street for City Design Review consideration. Prior to issuance of any building permits, the J Street Gateway plan shall be approved by the Director of Planning and Building in coordination with the Port's Director of Planning. The J Street Gateway plan shall be coordinated with the Gateway plan for E and H Streets.</p> <p>*Applies to Significant Impact 6.6-1, which would remain significant after mitigation</p>	<p>-Prior to TM/SDP Approval</p> <p>Applicant -Prior to Occupancy</p> <p>Applicant -Prior to First Building Permit</p>	<p>Port and City's Director of Planning and Building</p> <p>City's Director of Planning and Building in coordination with the Port's Director of Planning</p>		
MM 6.8-1	<p>Prior to the issuance of any grading permit, the following measures shall be placed as notes on all grading plans, and shall be implemented during grading of each phase of the project to minimize construction emissions. These measures shall be completed to the satisfaction of the Port and the Director of Planning and Building for the City of Chula Vista (these measures were derived, in part, from Table 11-4 of Appendix 11 of the SCAQMD CEQA Air Quality Handbook (SCAQMD 1999)).</p> <p>See Mitigation Measure 6.8-1 in <i>Chapter 6, Cumulative Impacts</i>, for a list of Best Available Control Measures for Specific Construction Activities.</p> <p>*Applies to Significant Impact 6.8-1, which would remain significant and unmitigated after mitigation</p>	<p>Developer -Prior to start of grading</p>	<p>Port and City</p>		





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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p><u>Energy Efficiency</u></p> <ul style="list-style-type: none"> <li>• Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping, and sun screens to reduce energy use.</li> <li>• Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.</li> <li>• Install light colored "cool" roofs, cool pavements, and strategically placed shade trees.</li> <li>• Provide information on energy management services for large energy users.</li> <li>• Install energy efficient heating and cooling systems, appliances and equipment, and control systems.</li> <li>• Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting.</li> <li>• Limit the hours of operation of outdoor lighting.</li> <li>• Use solar heating, automatic covers, and efficient pumps and motors for pools and spas.</li> <li>• Provide education on energy efficiency.</li> <li>• Renewable Energy</li> <li>• Install solar and wind power systems, solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives.</li> <li>• Install solar panels on carports and over parking areas.</li> <li>• Use combined heat and power in appropriate applications.</li> <li>• Water Conservation and Efficiency</li> <li>• Create water-efficient landscapes.</li> <li>• Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.</li> <li>• Use reclaimed water for landscape irrigation in new developments and on public property where appropriate. Install the infrastructure to deliver and use reclaimed water.</li> <li>• Design buildings to be water-efficient. Install water-efficient fixtures and appliances.</li> <li>• Use gray water. (Gray water is untreated household wastewater from bathtubs, showers, bathroom wash basins, and water from clothes washing machines.) For example, install dual plumbing in all new development, allowing gray water to be</li> </ul>	<p>components of the CVBMP</p>			

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>used for landscape irrigation.</p> <ul style="list-style-type: none"> <li>• Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.</li> <li>• Restrict the use of water for cleaning outdoor surfaces and vehicles.</li> <li>• Implement low-impact development practices that maintain the existing hydrologic character of the site to manage stormwater and protect the environment. (Retaining stormwater runoff on site can drastically reduce the need for energy-intensive imported water at the site.)</li> <li>• Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.</li> <li>• Provide education about water conservation and available programs and incentives.</li> <li>• Solid Waste Measures</li> <li>• Reuse and recycle construction and demolition waste (including but not limited to soil, vegetation, concrete, lumber, metal, and cardboard).</li> <li>• Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.</li> <li>• Recover by-product methane to generate electricity.</li> <li>• Provide education and publicity about reducing waste and available recycling services.</li> <li>• Transportation and Motor Vehicles</li> <li>• Limit idling time for commercial vehicles, including delivery and construction vehicles.</li> <li>• Use low- or zero-emission vehicles, including construction vehicles.</li> <li>• Promote ride sharing programs, for example, by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.</li> <li>• Provide the necessary facilities and infrastructure to encourage the use of low- or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling).</li> <li>• Provide public transit incentives, such as free or low-cost monthly transit passes.</li> <li>• For commercial projects, provide adequate bicycle parking near building entrances to</li> </ul>				

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including (for example) locked bicycle storage or covered or indoor bicycle parking.</p> <ul style="list-style-type: none"> <li>• Institute a telecommute work program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences.</li> <li>• Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation.</li> <li>• The measures identified above and in Mitigation Measures 4.16-2, will substantially reduce GHG emissions, achieving reductions of at least 20 percent below "business as usual." Furthermore, better technology is rapidly developing and may provide further measures in the near future that will avoid conflict with the goals or strategies of AB 32 or related Executive Orders. Once projects are defined within the program phases, further environmental review will be required, at which time the most current measures will be identified and required to be consistent with this mitigation measure and any additional regulations in effect at the time. Implementation of Mitigation Measure 6.8-3, therefore, will avoid a contribution to a cumulatively significant impact and will result in a less than significant impact to global climate change.</li> </ul> <p>*Applies to Significant Impact 6.8-3</p>				
MM 6.11-1	<p>A. Prior to construction of any program-level components of the project that impact eelgrass, a pre-construction eelgrass survey shall be conducted by a qualified biologist to confirm the exact extent of the impact at the time of pile driving operations. The pre-construction survey must be conducted during the period of March through October and would be valid for a period of no more than 60 days, with the exception that surveys conducted in August through October would be valid until the following March 1.</p> <p>B. Prior to the construction of any program-level components of the project that impact eelgrass, the Port shall establish and implement a plan to create new eelgrass habitat at a ratio of 1.2:1. The Port shall create new eelgrass habitat by removing the existing eelgrass currently located in the impacted areas and transplanting it at the new location. Identification and planting of the restoration site shall be completed to the satisfaction of the Port prior to commencement of construction.</p>	<p>Port -Prior to construction of any program-level components that would impact eelgrass</p> <p>Port -Prior to construction of any program-level</p>	<p>Port in coordination with a qualified biologist</p> <p>Port in coordination with a</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>C. Subsequent to construction of any program-level components of the project that impact eelgrass, a post-construction eelgrass survey shall be conducted by a qualified biologist. The post-construction survey shall be conducted within 30 days of the cessation of construction activities to confirm the exact amount of eelgrass affected. The difference between the pre-construction and post-construction eelgrass surveys shall determine the amount of required additional mitigation. In addition, the Port shall:</p> <ul style="list-style-type: none"> <li>• Conduct transplant reports following construction (Initial Report). It would take 1 to 2 years for all of the fine sediment to dissipate in the water column for the movement of such a large amount of sediment. Based on this, eelgrass transplant success would not be possible for 1 to 2 years. Mitigation would be required for additional time delays.</li> <li>• Conduct monitoring reports at 6, 12, 24, 36, 48, and 60 months post-transplant. Specific milestones and criteria for success are directed in the SCEMP along with guidelines for remedial actions if the success criteria are not met, which would require (based on the absence of other mitigating environmental considerations) a Supplementary Transplant Area to be constructed and monitored for an additional 5 years.</li> <li>• Initiate any potential additional mitigation within 135 days of project inception; projects requiring more than 135 days to be completed may result in further additional mitigation.</li> </ul> <p>D. If an appropriate mitigation site is not available at the time of construction of the program components which would impact eelgrass, mitigation habitat shall be created through fill or appropriate habitat in the Bay. Any delays to eelgrass planting after the impact occurs would require additional mitigation of 7 percent per month of additional eelgrass.</p> <p>Implementation of Mitigation Measure 6.11-1 would reduce significant cumulative impacts to eelgrass to below significance.</p> <p>*Applies to Significant Impact 6.11-1.</p>	<p>components that would impact eelgrass</p> <p>Port in coordination with a qualified biologist eelgrass</p>	<p>qualified biologist</p> <p>Port</p>		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
MM 6.15.2-1	<p>Prior to the approval of a building permit for any development in all phases of the Proposed Project, the City shall verify that it has adequate sewer capacity to serve the proposed development. In the event the City does not have adequate sewer capacity to serve the proposed development, no building permit shall be approved for the proposed development until the City has acquired adequate sewer capacity to serve the proposed development. In accordance with Section 15130(a)(3) of the State CEQA Guidelines, a significant cumulative impact would be rendered less than cumulatively considerable, and thus is not significant when the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The requirement for the contribution to provide a fair-share contribution to the provision of the needed sewer service mitigates the cumulative impact to below significance.</p> <p>*Applies to Significant Impact 6.15.2-1</p>	<p>City -Verify adequate sewer capacity exists prior to Approval of Building Permit (if City acquires additional sewer capacity for project, applicant to pay fair share of acquisition fee)</p>	City		
MM 6.15.6-1	<p>Prior to the issuance of a building permit, the applicant shall pay all required school mitigation fees.</p> <p>Payment of statutory school fees would ensure that project impacts to school services remain below a level of significance. As indicated above, the fees set forth in Government Code Section 65996 constitute the exclusive means of both "considering" and "mitigating" school facilities impacts of projects (Government Code Section 65996(a)). Once the statutory school mitigation fee (sometimes referred to as a "developer fee") is paid, the impact would be deemed mitigated as a matter of law. Therefore, this mitigation measure would reduce the cumulative impact to schools to a level less than significant.</p> <p>*Applies to Significant Impact 6.15.6-1.</p>	<p>Applicant -Prior to Building Permit Approval</p>	City		
MM 6.15.7-1	<p>For Phase I residential project, prior to the approval of a building permit, the applicant(s) shall pay a Public Facilities Development Impact Fee (PFDIF) or other equivalent fee in an amount calculated according to the City's PFDIF program in effect at the time of permit issuance.</p> <p>Implementation of Mitigation Measure 6.15.7-1 would provide funds that can be used to construct new facilities, as required, to meet the need resulting from project development. Due to existing library deficiency and inability to demonstrate that fees would fully</p>	<p>Applicant(s) -Prior to Building Permit Approval</p>	City		

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

Number	Mitigation Measure	Responsible Party and Mitigation Timing	Monitoring Agency	Date of Completion	Date of Verification
	<p>mitigate, implementation of the measure would not reduce the significant impact to library services to a level below significance.</p> <p>*Applies to Significant Impact 6.15.7-1</p>				
MM 6.17-1	<p>Encourage compact development featuring a mix of uses that locate residential areas within reasonable walking distance to jobs, services, and transit.</p> <ul style="list-style-type: none"> <li>• Promote and facilitate transit system improvements in order to increase transit use and reduce dependency on the automobile.</li> <li>• Encourage innovative energy conservation practices and air quality improvements in new development and redevelopment projects consistent with the City's AQIP Guidelines or their equivalent, pursuant to the City's Growth Management Program.</li> </ul> <p>Despite the fact that the Project would result in adoption of these conservation measures, the cumulative impact relative to energy supply would remain significant and unmitigated because of the of the uncertainty of the future supply of energy, which is within the responsibility and control of SDG&amp;E and other entities responsible for arranging electric energy supplies, not the Port or the City.</p> <p>*Applies to Significant Impact 6.17-1.</p>	Applicant	Port or City		

**Exhibit 1**  
*Wildlife Habitat Areas*





Z:\projects\p102011\fig\ER\_Figs\Section 48-401\fig4\_01 (marshes).mxd



AERIAL SOURCE: DIGITAL GLOBE, MARCH 2007

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

**Port Master Plan - Planning District 7**  
Conservation Land and Water Designations

- Estuary
- Habitat Replacement
- Wetland

**Exhibit 1 to the Mitigation Monitoring and Reporting Program for the Chula Vista Bayfront Master Plan Wildlife Habitat Areas**

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

**Exhibit 2**

*Buffer Areas*



Exhibit 2 to the Mitigation Monitoring and Reporting Program for the Chula Vista Bayfront Master Plan Buffer Areas (Defined by Chapter 3, Project Description, of the Final EIR)

# **Exhibit 3**

## *Energy Demand Reduction*

## EXHIBIT 3 to the Mitigation Monitoring and Reporting Program for the Chula Vista Bayfront Master Plan

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

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

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

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

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

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

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

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

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

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

**EXHIBIT 3**

**SAMPLE Worksheet A: Title 24 Path**

Name: Example Development

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

**NOTES TO WORKSHEET A**

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

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

**EXHIBIT 3**

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

**Name: Example Development**

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

**NOTES TO WORKSHEET A-LTG**

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

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

**EXHIBIT 3**  
**SAMPLE Worksheet B: LEED Path**

Name: Example Development

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

**NOTES TO WORKSHEET B**

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



### EXHIBIT 3

#### SAMPLE Worksheet C: Natural Ventilation

**Name: Example Development**

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

Two approaches are possible:

1. A Development may use a performance approach, such as macro-flow or Computational Fluid Dynamics (CFD) modeling, to design and confirm the maintenance of comfort using natural ventilation techniques.
2. As an alternate, the prescriptive calculations outlined in the Collaborative for High Performance Schools (CHPS) may be used. CHPS identifies an approach to achieving ventilation strategies which are likely to be effective in helping to maintain interior comfort when outside conditions are moderate. Even though the CHPS program targets school campuses, the approach is useful for The designer should follow the CHPS guidelines. To satisfy the prescriptive approach, the following table may be used. Inlets and Outlets should each be at least 4% of the floor area of the spa

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

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

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

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

**EXHIBIT 3**

**SAMPLE Worksheet D: Chula Vista Energy Efficiency Program**

**Name: Example Development**

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

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

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

EXHIBIT 3

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

Name: Example Development

Develop and implement a Measurement and Verification (M&V) Plan consistent with the International Performance Measurement and Verification Protocol (IPMVP) Volume III, Concepts and Options for Determining Energy Savings in New Construction, April 2003. The Development may choose either Option B or Option D.
M&V shall be on-going for the length of the lease.
Tenants shall have sub-meters for electricity. Sub-meters for gas and water should also be considered, but are not required.
The plan shall include a process for corrective action if energy performance goals are not achieved as planned. Refer to ASHRAE Guideline 14 for suggested ranges of discrepancy, appropriate to the meter, magnitude of energy uses, and overall plan.
If the LEED Path is chosen, the M&V Plan should be consistent with EAc5, except that LEED only requires one year of implementation, and the Energy Section of this Agreement requires M&V to be ongoing.



## EXHIBIT 3

### Links for References used in EXHIBIT 3

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

Re Amendment of Port District ]  
Master Plan - Chula Vista ]  
Bayfront Master Plan . . . . . ]  
\_\_\_\_\_ ]

RESOLUTION 2010-79

WHEREAS, the San Diego Unified Port District (Port District) has an adopted Port District Master Plan which has been certified by the California Coastal Commission; and

WHEREAS, said Master Plan was prepared, adopted and certified pursuant to the Port District Act, the California Coastal Act and other applicable laws; and

WHEREAS, the Port District and the City of Chula Vista (City) desire to create a master plan for the approximately 556 Acre Chula Vista Bayfront, which consists of amendments to the Port Master Plan and to various City plans to allow the development of commercial recreation and public recreation land uses, as well as improvements to coastal access and additional protection of natural resources and the environment throughout the project area, an exchange of land between the Port District and North CV Waterfront LP, and a development proposal known as the Pacifica Project; and

WHEREAS, the property which is subject to the Chula Vista Bayfront Master Plan is located in the Port District's Planning District 7, Chula Vista Bayfront, and is bounded on the north by the Sweetwater Marsh National Wildlife Reserve, the mouth of the Sweetwater River and the City of National City, on the east by Interstate 5 and the commercial development along Bay Boulevard, on the south by Palomar Street and the South Bay Unit of the San Diego Bay National Wildlife Refuge on the south, and on the west by San Diego Bay; and

WHEREAS, a proposed Master Plan Amendment for the Chula Vista Bayfront Master Plan has been prepared and processed; and

WHEREAS, pursuant to Resolution 2010-11, adopted 5 January 2010, the Board of Port Commissioners of the Port District authorized the Executive Director or his authorized representative to execute a Real Estate Exchange Agreement and Joint Escrow Instructions (Agreement) with San Diego Gas & Electric Company (SDG&E) (said Agreement is on file in the office of the District Clerk as Document No. 56143) transferring approximately 12.42 acres of property located in the City of Chula Vista, as described in the Quitclaim Deed, Easement Reservation and Covenant Agreement between SDG&E, as Grantor, and the Port District, as Grantee, on file in the office of the Port District Clerk as Document No. 38357, as amended; and

WHEREAS, an approximately 6.08 acres portion of Parcel OP-3, directly adjacent to the above-referenced approximately 12.42 acres of transferred property, will not be included in said proposed Master Plan Amendment, thereby reducing the total acreage of the Otay District of the Proposed Project by approximately 18.5 acres; and

WHEREAS, a Final Environmental Impact Report for the Chula Vista Bayfront Master Plan and Port Master Plan Amendment, pursuant to the California Environmental Quality Act, State CEQA Guidelines, and Port District procedures relative to said Amendment has been prepared and certified and its contents considered, NOW, THEREFORE,

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Master Plan of the Port District is amended by incorporating therein the Master Plan Amendment, on file in the office of the Port District Clerk, pertaining to the Chula Vista Bayfront Master Plan project.

BE IT FURTHER RESOLVED that the Executive Director or his designated representative is hereby authorized and directed to transmit said Master Plan Amendment, together with all relevant factual information, the Final Environmental Impact Report, and the Coastal Act consistency analysis to the California Coastal Commission for its review,

approval and certification pursuant to the California Coastal Act, and that said Amendment will take effect automatically and be deemed fully certified upon Coastal Commission approval pursuant to Public Resources Code Section 30714. This action by the Board of Port Commissioners constitutes formal adoption of the Coastal Commission's certification of the referenced Amendment.

ADOPTED this 18th day of May, 2010.

sw  
5/18/10



**SAN DIEGO UNIFIED PORT DISTRICT**Reference Copy  
Document No. 56555**DATE:** May 18, 2010**SUBJECT: CHULA VISTA BAYFRONT MASTER PLAN**

- A) CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION WHICH (1) CERTIFIES THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "CHULA VISTA BAYFRONT MASTER PLAN AND PORT MASTER PLAN AMENDMENT," (2) ADOPTS THE ALTERNATE L-DITCH REMEDIATION ALTERNATIVE, (3) ADOPTS FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS, (4) ADOPTS A MITIGATION MONITORING AND REPORTING PROGRAM, AND (5) DIRECTS FILING OF THE NOTICE OF DETERMINATION**
- B) ADOPT A RESOLUTION WHICH (1) APPROVES THE PORT MASTER PLAN AMENDMENT FOR THE CHULA VISTA BAYFRONT PLANNING DISTRICT 7 AND (2) DIRECTS FILING THE PORT MASTER PLAN AMENDMENT WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION**

**EXECUTIVE SUMMARY:**

In 2002, the San Diego Unified Port District (District) and the City of Chula Vista (City) began work to create a master plan for the approximately 556-acre Bayfront area. The Chula Vista Bayfront Master Plan (CVBMP) represents a collaborative effort between the District, the City and the community in developing a comprehensive plan that consolidates the respective planning visions of all. Pacifica Companies (Pacifica) joined this effort in 2003. The CVBMP (Proposed Project) promotes public access to and engagement with the water while enhancing the quality and protection of key habitat areas. The ultimate goal of the CVBMP is to create a world-class bayfront reflecting strong planning and design principles, economic feasibility, and community benefits.

The project area is divided into three districts referred to as the Sweetwater District, the Harbor District and the Otay District. Development within these districts is expected to occur in four phases and involves a land exchange between the District and Pacifica. Redevelopment of the Sweetwater, Harbor and Otay Districts are proposed with a variety of uses, including parks, open space, ecological buffers, residential, resort conference center (RCC), hotel, retail, cultural and recreational space; a reconfigured marina basin and boat slips; a new commercial harbor; and a realignment of the existing navigation channel. The Proposed Project also involves redevelopment of the existing roadway and infrastructure system to serve the proposed new uses, as well as the demolition and/or relocation of existing uses to allow for redevelopment to occur.

Pursuant to the California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (EIR) was prepared for the Proposed Project. A public review of 105

**ACTION TAKEN: 05-18-2010 - Resolutions 2010-78 and 2010-79**

days was provided for the Draft EIR commencing on September 29, 2006 and ending on January 11, 2007. The District prepared a Revised Draft EIR for the Proposed Project, which was circulated for a 60-day public review period from May 23, 2008 through August 7, 2008. The District received 53 comment letters, including nearly 1,000 individual comments, from various agencies, organizations, and individuals. The Final EIR, which contains the District's responses to these comments as well as associated revisions to the EIR text, has been prepared in accordance with CEQA. The Final EIR and the proposed Port Master Plan Amendment (PMPA) for the CVBMP have been provided to the Board for their consideration. Staff recommends that the Board conduct a public hearing, certify the Final EIR and approve the PMPA.

**RECOMMENDATION:**

Chula Vista Bayfront Master Plan:

- A) Conduct a Public Hearing and Adopt a Resolution which (1) certifies the Final Environmental Impact Report for the "Chula Vista Bayfront Master Plan and Port Master Plan Amendment," (2) adopts the Alternate L-Ditch Remediation Alternative, (3) adopts Findings of Fact and a Statement of Overriding Considerations, (4) adopts a Mitigation Monitoring and Reporting Program, and (5) directs filing of the Notice of Determination.
- B) Adopt a Resolution which (1) approves the Port Master Plan Amendment for the Chula Vista Bayfront Planning District 7 and (2) directs filing the Port Master Plan Amendment with the California Coastal Commission for certification.

**FISCAL IMPACT:**

There is no fiscal impact as a result of this Board action. The District, City, and the Chula Vista Redevelopment Agency (RDA) anticipate entering into a Financing Agreement and Memorandum of Understanding relative to the development and implementation of the CVBMP. These documents will establish the framework for the eventual formation of a Joint Powers Authority (JPA). Revenues from CVBMP development projects, including hotel occupancy taxes paid to the City, property tax increment paid to the RDA and ground lease payments paid to the District, will be combined within the District/City/RDA JPA. With these funds, the JPA will finance CVBMP infrastructure, such as roadways, utilities, and park amenities, as well as ongoing operations and maintenance costs, including costs for the mitigation and monitoring of impacts. To the extent permitted by law, the above new revenue sources will be used by the JPA to fund costs associated with implementation of the PMPA and are expected to be sufficient to fully fund these costs.

In addition, the District will receive contributions from Pacifica per the terms of the Pacifica Land Exchange Agreement in the amount of 0.5% of the initial gross sales price of residential units. Pursuant to the terms of the CVBMP Settlement Agreement, to the extent permitted by law, these funds will be transferred to the JPA and placed in a community benefits fund committed to Natural Resources, Affordable Housing,

Sustainability/Living, and Community Impacts and Culture within the Project Area and Western Chula Vista.

Prior to formation of the JPA, upfront costs are anticipated for the creation of a Natural Resources Management Plan (NRMP) and CVBMP landscape design guidelines. Anticipated expenditures are estimated in the amounts of \$100,000 for the NRMP and \$50,000 for the landscape design guidelines. These expenditures have been budgeted for next fiscal year by the Environmental Services and Land Use Planning Departments, respectively.

**COMPASS STRATEGIC GOALS:**

The completion of the CVBMP EIR will help to bring to fruition a long-awaited vision to develop a world-class waterfront that will benefit the citizens of Chula Vista and the region. The proposed redevelopment of the Bayfront will enhance and revitalize a presently underutilized waterfront area with land uses that include commercial development opportunities, new residential uses and public space amenities. Securing entitlements for the Bayfront will serve as an attraction for future developers and businesses, which will ultimately result in increased revenues that will strengthen the District's economic performance. Additionally, sensitive wildlife habitat will be better protected through the creation of buffers and enhanced natural resource areas.

This agenda item supports the following Strategic Goal(s).

- Promote the Port's maritime industries to stimulate regional economic vitality.
- Enhance and sustain a dynamic and diverse waterfront.
- Protect and improve the environmental conditions of San Diego Bay and the Tidelands.
- Ensure a safe and secure environment for people, property and cargo.
- Develop and maintain a high level of public understanding that builds confidence and trust in the Port.
- Develop a high-performing organization through alignment of people, process and systems.
- Strengthen the Port's financial performance.
- Not applicable.

**DISCUSSION:**

**BACKGROUND**

In 2002, the District and City began a collaborative planning process to create a master plan for the approximately 556-acre Chula Vista Bayfront area. This process included an award-winning public participation program with the Citizens Advisory Committee (CAC), which established three primary goals for the master plan: to develop a world-class waterfront; to create a plan that is supported by sound planning and economics; and, to create a plan that has broad-based community support. Pacifica joined this

effort in 2003 in response to the CAC's request to join the planning for Pacifica's proposal in the Midbayfront with the master plan being conducted for District properties.

The CVBMP represents a collaborative effort between the District, the City and the community in developing a comprehensive plan that consolidates the respective planning visions of each. The Proposed Project promotes public access to and engagement with the water while enhancing the quality and protection of key habitat areas. The ultimate goal of the CVBMP is to create a world-class bayfront reflecting strong planning and design principles, economic feasibility, and community benefits.

## **PROPOSED PROJECT OVERVIEW**

### **Project Location**

The project site is located within District tidelands and the City of Chula Vista in San Diego County, situated on the southeastern edge of the San Diego Bay and located approximately 1.5 miles west of the City's downtown commercial area. The project site encompasses approximately 556 acres, including 497 acres of land area and 59 acres of water area. The project site is bordered by the Sweetwater Marsh National Wildlife Reserve and the jurisdictional boundary of National City to the north. Interstate 5 (I-5) and the commercial development along Bay Boulevard are to the east. Palomar Street and the South Bay Unit of the San Diego Bay National Wildlife Refuge, which includes the salt evaporation ponds at the southern end of San Diego Bay, border the project site to the south (see Attachment 1, Proposed Project Boundary).

### **Project Components**

The Proposed Project, which is also referred to as the Sweetwater Park Plan, includes:

- Amendments to the Port Master Plan (PMP); the City of Chula Vista General Plan; the City's Local Coastal Program (LCP), which includes the Land Use Plan and Bayfront Specific Plan.
- A land exchange between the District and Pacifica Companies (a private developer).
- Implementation of the CVBMP through redevelopment of the Sweetwater, Harbor, and Otay Districts with a variety of uses, including parks, open space, ecological buffers, residential, RCC, hotel, retail, cultural and recreational space; a reconfigured marina basin and boat slips; a new commercial harbor; and a realignment of the existing navigation channel.
- Redevelopment of the roadway system and infrastructure serving the Proposed Project area both on site and off site.
- Demolition and/or relocation of existing uses to allow for the above redevelopment to occur subject to existing District lease agreements.

As shown in Attachment 2, Proposed Project Illustrative Plan, the Proposed Project will extend Chula Vista's traditional grid of streets to ensure pedestrian, vehicle, bicycle, transit, and water links. The Proposed Project also proposes an open space system that is fully accessible to the public and connects the Sweetwater, Harbor, and Otay Districts through a shoreline promenade or baywalk and a bicycle path linking the parks. Significant park and other open space areas in each of the three districts are proposed along with a "signature park" and the creation of an active commercial harbor with public space at the water's edge. The Proposed Project would also enhance existing physical and visual corridors while adding new ones. Approximately 238 acres (or 43 percent), of the project site is proposed for open space, either in the form of natural habitat or public parks and approximately 258 acres (or 46 percent), of the project site is proposed for development. The remaining 59 acres, of the project site consists of water area for the marina basins and new commercial harbor.

Proposed development is planned to occur in four phases over an approximate 24-year period. Construction of Phase I project level and II components would begin upon project approval and conclude approximately five years later. Phase I project level components are envisioned to consist of high-quality development and public infrastructure improvements that would be concentrated in the Harbor and Sweetwater Districts and would be a catalyst for surrounding public and private development. The phasing schedule represents a best-case scenario and will be contingent upon many factors, such as availability and timing of public financing and construction of public improvements, the disposition of existing long-term District leases, actual market demand for and private financing of proposed development, and the relocation and/or demolition of existing uses.

### **Proposed Project Features**

For planning purposes, the master plan area is divided into three districts—the Sweetwater District, the Harbor District, and the Otay District. For ease in referencing the proposed uses, each development component has been assigned an individual parcel number that corresponds to the project site parcel plan map. A parcel map of the Proposed Project, depicting the districts and their individual parcels, is provided on Attachment 3, Proposed Project Parcel Plan and Development Phases. This is accompanied by tables describing the proposed land use and development programs in each of the planning districts (Attachments 4, 5 and 6). The following is a synopsis of the key elements proposed within each district:

Sweetwater District: The Sweetwater District (approximately 130 acres) proposes the lowest intensity development of the three districts and focuses on lower scale, environmentally sensitive and environmentally themed uses, including a large ecological buffer, an 18-acre signature park, bike path, pedestrian trails, other open space areas, uses such as office/retail, hotel, parking for the Chula Vista Nature Center, and roadway and infrastructure improvements.

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

Otay District: The Otay District is composed of approximately 144 acres, and proposes medium intensity development that will consist of industrial business park uses, low cost visitor-serving recreational uses, other open space areas, an ecological buffer, stormwater retention basins, bike path, pedestrian trails, and new roadways and infrastructure.

### **Recent Proposed Project Revisions**

Since the Revised Draft EIR was distributed, two changes occurred as a result of recent activities outside the scope of the Proposed Project. These two changes involved a land sale from the District to SDG&E and initiation of a remediation effort on parcel HP-5 within the proposed Pacifica land exchange area. These recent project revisions are further described below along with how they are reflected in the District actions on the Proposed Project.

SDG&E Land Exchange: On January 6, 2010, the District approved a Real Estate Exchange Agreement with San Diego Gas & Electric Company (SDG&E Agreement), which provides for the relocation of an existing SDG&E switchyard; the extinguishing of easements in favor of SDG&E; and the transferring of ownership of 12.42 acres, from the District to SDG&E. The District's PMPA was originally distributed for public review showing these areas included within the CVBMP boundary. The land acquired by SDG&E, as well as an additional 6.08-acres adjacent to this area (see Attachment 7, SDG&E Land Exchange Map), will now remain in the City's LCP and graphics in the draft PMPA have been revised accordingly to exclude this area from the Port Master Plan boundary.

L-Ditch (Parcel HP-5) Remediation/Preferred Project Alternative: At the time the Draft EIR and the Revised Draft EIR (DEIR) were prepared, the District had not yet formulated a work plan for remediation of the existing contamination in the L-Ditch located on Parcel HP-5 in the Harbor District, which is considered a wetland and is subject to Cleanup and Abatement Order (CAO) No. 98-08 issued by the California Regional Water Quality Control Board. The Revised DEIR therefore analyzed two potential scenarios for Parcel HP-5: 1) the Proposed Project, which assumed the existing contamination would be excavated and removed and the L-Ditch would remain

a wetland on which no development would occur; and 2) the Alternate L-Ditch Remediation Alternative, which assumed that development would occur if the existing contamination were remediated in place by filling the L-Ditch and the L-Ditch were no longer considered a wetland. On March 2, 2010, the District approved a work plan, pursuant to the CAO, which proposes to fill the L-Ditch and remediate the existing contamination in place. This is consistent with the Alternate L-Ditch Remediation Alternative which was analyzed in Section 5.7 of the Revised DEIR.

This Alternate L-Ditch Remediation Alternative proposes to construct the Pacifica residential development on a larger footprint that includes development over HP-5. All other elements of the Alternate L-Ditch Remediation Alternative are identical to the Proposed Project. This increase in land area will allow for a reduction in height, bulk, development density and visual impacts, while simultaneously affording an increase in useable public open space as compared to the proposed Pacifica project.

Because the Alternate L-Ditch Remediation Alternative is consistent with the proposed work plan for remediating the existing contamination in the L-Ditch, staff recommends the adoption of the Alternate L-Ditch Remediation Alternative as the development plan for Parcels H-13, H-14 and HP-5, in place of the plan for development of those parcels described in Chapter 3 (Project Description) of the Final EIR.

### **PORT MASTER PLAN AMENDMENT**

The Proposed Project site is located in Planning District 7, Chula Vista Bayfront. Planning District 7 includes approximately 4.8 miles of the Chula Vista shoreline, including approximately 1,690 acres of tidelands and submerged lands, only a portion of which is located within the project boundary. Planning District 7 is further subdivided into nine planning subareas. As part of the Proposed Project, a PMPA has been prepared to update District and City coastal jurisdictional boundaries and to facilitate proposed development. Please refer to the proposed Precise Plan (Attachment 8). The proposed amendments to the PMP Precise Plan for Planning District 7, Chula Vista Bayfront, are more fully described in Attachment 9 and include the following changes to the PMP:

- Incorporating approximately 97 acres of land at the north end of District 7, formerly under the City's jurisdiction, within the District's trusteeship and jurisdiction and removing up to 33 acres of land from the PMP that would convert to City jurisdiction (and be included in the City's LCP). These land use changes are contingent upon the State Lands Commission's approval of the proposed land exchange with Pacifica.
- Revising the Precise Plan concept for Chula Vista Bayfront, Planning District 7 to reflect the Proposed Project development and land use components, including revising the precise plan text and map, acreage tables, planning subareas map, and project list.

- Revising the allowable uses under certain land use classifications.
- Updating other portions of the PMP as appropriate to reflect the Planning District 7 changes, including incorporating an additional 176 acres of land area previously not included in the PMP, resulting from past land acquisitions.

As a result of the proposed PMP Amendment, a total of 1,962 acres of Chula Vista Bayfront will be allocated to commercial, industrial, public recreation, conservation and public facilities activities. The changes to the PMP land use and water allocations for the Chula Vista Bayfront as a result of the Proposed Project are summarized below:

**Land and Water Use Allocation Summary  
For Chula Vista Bayfront: Planning District 7**

Land and Water Use Category	Existing (acres)	Proposed (acres)	Net Change (acres)
Commercial	82.5	84.2	+1.7
Industrial	93.6	123.6	+0.0
Public Recreation	24.8	150.1	+125.3
Conservation	1,268.5	1,372.4	+103.9
Public Facilities	220.1	231.6	+11.5
<b>TOTAL</b>	<b>1,689.5</b>	<b>1,961.9</b>	<b>+272.4</b>

## **ENVIRONMENTAL IMPACT REPORT**

### **Final EIR**

The CVBMP Final EIR has been prepared in accordance with CEQA (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines. The Final EIR consists of three volumes, organized as follows: Volume 1 contains the comment letters regarding the Revised Draft EIR and the District's responses to those letters; and Volumes 2 and 3 include the revised version of the Revised Draft EIR and the Appendices to the Final EIR.

Draft EIR: The Draft EIR, dated September 2006 was circulated for a 60-day public review period from September 29, 2006, to November 27, 2006. In response to requests for additional review time, the public review period was extended to January 11, 2007, bringing the total public review period for the DEIR to 105 days. The District received 59 individual comment letters, many of which requested more information and project-specific data, specifically for the project-level components (i.e., the proposed RCC, Pacifica Residential Site, and the Signature Park).

Revised Draft EIR: In response to the numerous public comments on the Draft EIR and substantial additional information concerning the Proposed Project, a Revised DEIR was prepared and circulated to the public. Because the revisions described above were substantial, the entire Revised Draft EIR was re-circulated for public review and



comment. The Revised Draft EIR was circulated for a 60-day public review period (May 23, 2008, to August 7, 2008) to further make project description refinements and revisions that were analyzed throughout the document. Fifty-three (53) comment letters, including nearly 1,000 individual comments, were received on the Revised Draft EIR.

Public comments on the original Draft EIR are included in the administrative record, but the District was not required to provide written responses to them in the Revised Draft EIR. Instead, pursuant to state CEQA Guidelines section 15088.5(f)(1), the District advised the public that new comments must be submitted on the Revised Draft EIR and that the District would respond in writing in the Final EIR only to those comments submitted in response to the Revised Draft EIR.

In addition, a number of events occurred since the Revised DEIR was made available for public review, which resulted in changes to the Revised DEIR that are reflected in the Final EIR. These events include the following:

1. In November 2008, Gaylord Entertainment withdrew its proposal to develop a RCC on Parcel H-3 in the Harbor District. The specific RCC proposed by Gaylord was analyzed in the Revised DEIR at a project level. Although the Gaylord RCC is no longer part of the Proposed Project, the technical studies conducted for the Gaylord development are still valid and applicable to a RCC development. Parcel H-3 retains its land use designation for a RCC and the future development of an RCC on Parcel H-3 is analyzed in the Final EIR at a program level.
2. The Proposed Project includes a proposed land exchange between the District and Pacifica, which was analyzed in the Revised DEIR. On February 2, 2010, the District entered into an Exchange Agreement with Pacifica, which provides for the transfer of approximately 97 acres of land in the Sweetwater District from Pacifica to the District in exchange for the transfer of approximately 33 acres of land in the Harbor District from the District to Pacifica.
3. In response to comments received on the Revised DEIR, the District and the City engaged in outreach efforts with Rohr, Inc., operating as Goodrich Aerostructures, (Goodrich), to address its concerns regarding the potential impacts of the Proposed Project on Goodrich's ongoing and future manufacturing operations and contamination remediation activities. As a result of these outreach efforts, entered into an agreement with agreement with Goodrich, which addressed all of the concerns expressed by Goodrich to its satisfaction.
4. In response to comments received on the Revised DEIR, the District and the City engaged in public outreach efforts with many interested persons and organizations, including representatives of the Bayfront Coalition (and its member organizations). The outreach effort resulted in an agreement with the Bayfront Coalition, the City, the District and the RDA. As a result of the

agreement, additional project design features and mitigation measures above and beyond those required by CEQA and other applicable laws and regulations were added to the Final EIR and the Mitigation Monitoring and Reporting Program (MMRP).

The Final EIR reflects these events and responds to significant environmental points raised in the public and agency comments by making changes in the Revised Draft EIR.

Errata to the Final EIR: After the issuance of the Final EIR in April 2010, an Errata to the Final EIR was prepared to clarify and address the following items:

- The inclusion of additional design features and mitigation measures in the Final EIR, above and beyond those required by CEQA, resulting from an agreement with the Bayfront Coalition (and its member organizations) approved District and City of Chula Vista City Council on May 4, 2010 and May 11, 2010, respectively;
- Minor clarifications and corrections of the text of the Final EIR; and
- Minor changes to the City's General Plan Amendment resulting from the Alternate L-Ditch Alternative; and
- District and City boundary changes resulting from the recent sale of land from the District to SDG&E previously described

The Errata has been prepared to ensure the accuracy and completeness of the Final EIR. It corrects minor errors in the Final EIR and provides additional protection for natural resources and the environment in the project area. The District has reviewed the information in this errata and has determined that it does not change any of the findings or conclusions of the Final EIR and does not constitute "significant new information" within the meaning of CEQA Guidelines section 15088.5. Accordingly, the District finds that recirculation of the Final EIR is not required.

### **Findings of Fact**

CEQA requires the District to make written findings of fact for each significant environmental impact identified in the Final EIR (CEQA Guidelines Section 15091). The purpose of findings is to restate, systematically, the significant effects (or "impacts") of the Proposed Project on the environment and to determine the feasibility of mitigation measures and alternatives identified in the Final EIR that would avoid or substantially lessen the significant effects. The Final EIR identified a number of direct and indirect significant environmental impacts that would result from the Proposed Project. Some of which can be fully avoided by the adoption of feasible mitigation measures, and others that cannot be avoided or reduced to less than significant levels by the adoption of feasible mitigation measures or alternatives.

Significant and Mitigated Impacts: Potentially direct significant environmental impacts which have been mitigated to less-than-significant levels include land/water use

compatibility, traffic and circulation, aesthetics/visual quality, hydrology/water quality, air quality, noise, terrestrial biological resources, marine biological resources, paleontological resources, hazards and hazardous materials/public safety, public services, public utilities, seismic/geology and energy. Potentially cumulative significant impacts that have also been mitigated to less-than-significant levels include traffic and circulation, air quality, marine biological resources, public services, public utilities, and energy.

Significant and Unmitigated Impacts: The FEIR concluded that the Proposed Project may result in the following significant impacts, which would not be mitigated to below a level of significance even after the incorporation of all feasible mitigation measures:

- The Pacifica project would result in significant direct impacts on Land/Water Use Compatibility because it would be inconsistent with the City of Chula Vista General Plan objectives regarding aesthetics and visual resources (LUT 11) and library services and facilities (PFS 11).
- The Proposed Project would result in the following significant direct and cumulative impacts on Traffic and Circulation:
  - The addition of traffic from all phases of the Proposed Project would result in significant direct and cumulative impacts to freeway segments of I-5 between SR-54 and Palomar Street during both a.m. and p.m. peak hours
  - The addition of traffic from the Proposed Project would result in a significant direct impact in that E Street and H Street intersections affected by an at-grade trolley crossing would experience additional delay along the arterial and at adjacent intersections
  - The addition of traffic from Phase III of the Proposed Project would result in a significant cumulative impact on the roadway segment of H Street between Street A and the I-5 ramps
  - The addition of traffic from Phase III of the Proposed Project with the extension of E Street would result in a significant cumulative impact on the intersection of H Street and I-5 southbound ramps during the p.m. peak hours and the intersection of J Street and I-5 northbound ramps during the p.m. peak hours.
- The Proposed Project would result in the following significant direct and cumulative impacts on Aesthetics/Visual Quality:
  - The Pacifica project would result in significant direct impacts in that its proposed buildings will exceed the scale of the existing waterfront development and will block existing views of San Diego Bay for motorists on portions of I-5
  - The Proposed Project would result in a significant cumulative impact in that it would add to the intensification of land uses and further change the character of the area and result in the loss of views of significant landscape features and landforms.
- The Proposed Project would result in the following significant direct and cumulative impacts on Air Quality:

- Emissions from construction activities in all phases would result in a significant direct impact because they would exceed the federal and state standards for criteria pollutants
- Emissions from Proposed Project operations in all phases would result in a significant direct impact because they would exceed the federal and state standards for certain criteria pollutants
- Construction activities associated with the program-level components of all phases would result in a significant direct impact because sensitive receptors located on site would be exposed to emissions that would exceed federal and state standards for criteria pollutants
- Construction activities and project operations in all phases of the Proposed Project would result in significant cumulative impacts on air quality because of the San Diego Air Basin's existing non-attainment status for the federal 8-hour ozone standard and the state ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> standards.
- The Pacifica project would result in significant direct and cumulative impacts on Public Services (Library Services) in that it would worsen the existing shortfall in library square footage and books per capita until new library facilities are constructed or existing facilities are expanded in the City of Chula Vista.
- The Proposed Project would result in a significant cumulative impact on Energy because of uncertainty regarding long-term energy supply.

Alternatives: The Final EIR examined a reasonable range of alternatives to the Proposed Project that could avoid or substantially lessen one or more of the Proposed Project's significant impacts. The alternatives considered in the Final EIR are the No Project Alternative, the Harbor Park Alternative, the No Land Trade Alternative, the Harbor Park Alternative, the Reduced Overall Density Alternative, and the Alternate L-Ditch Remediation Alternative. In considering the feasibility of the alternatives, the District examined the ability of the alternative to avoid or substantially reduce significant unmitigated impacts and its relationship to the project's objectives. The District has determined that none of these alternatives is feasible and would avoid or substantially lessen any of the unavoidable significant impacts, except the Alternate L-Ditch Remediation Alternative, which will be adopted with the Findings. Based on the evidence contained in the record, the District finds that the other alternatives analyzed in the Final EIR that would avoid or substantially lessen any of the unavoidable significant impacts of the Proposed Project are infeasible.

Statement of Overriding Considerations: The Board is required to adopt Findings of Fact and Statement of Overriding Considerations to address those impacts which cannot be avoided or reduced to below significant even after the incorporation of all feasible mitigation measures or alternatives. The District has balanced the specific economic, legal, social, technological, and other benefits of the Proposed Project, including region-wide and statewide environmental benefits, against its unavoidable significant environmental risks in determining whether to approve the Proposed Project. The District finds that, pursuant to CEQA Guidelines section 15093, the benefits of the Proposed Project outweigh its significant adverse environmental impacts and, therefore,

such impacts are considered acceptable. The District further finds that each of the benefits and the fulfillment of the objectives of the Proposed Project is determined to be a separate and independent basis for overriding the unavoidable significant impacts of the Proposed Project. Accordingly, staff recommends the District adopt the Statement of Overriding Considerations.

**Mitigation Monitoring and Reporting Program**

The MMRP has been prepared in compliance with CEQA Guidelines Section 15097. The MMRP identifies certain changes or alterations (i.e., mitigation measures) required for implementation of the Proposed Project to reduce or avoid significant environmental impacts. Specifically, the MMRP identifies the environmental issue area, mitigation measures, and party responsible, timing, and procedure for documenting the mitigation implementation. For this EIR, the Project Design Features and Best Management Practices, which are components of the Proposed Project and not mitigation measures, have also been included in the MMRP in order to track responsibility, timing, and procedures for their implementation.

Copies of the Final EIR, Findings of Fact and Statement of Overriding Considerations, and MMRP have been provided to the Board for their consideration.

**Port Attorney's Comments:**

The Port Attorney has reviewed and approved the requested documents for form and legality.

**Environmental Review:**

This proposed Board action completes the CEQA process for this project.

**Equal Opportunity Program:**

Not applicable.

**PREPARED BY:** Lesley M. Nishihira  
Senior Redevelopment Planner, Land Use Planning

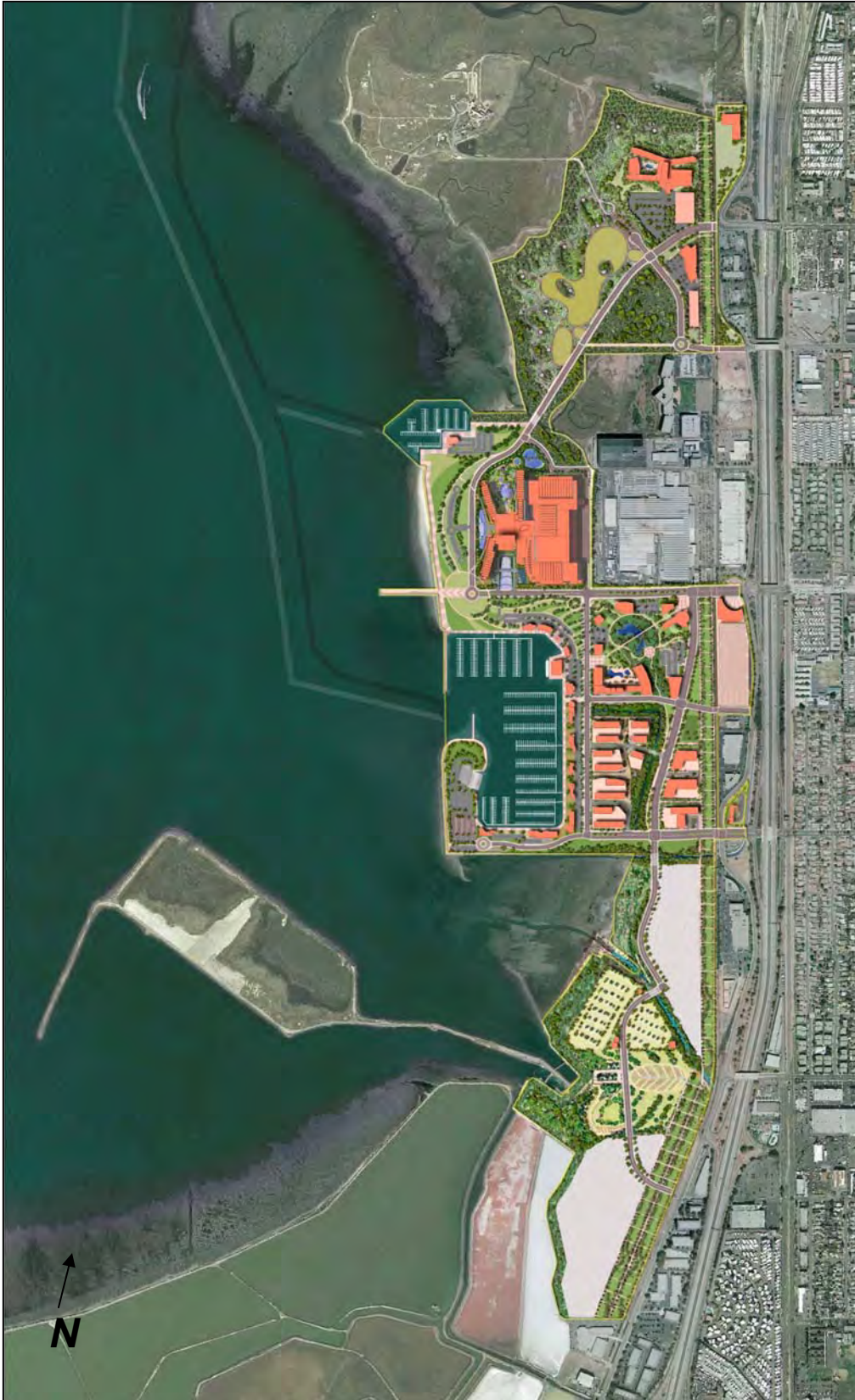
**Attachments:**

1. Proposed Project Boundary
2. Proposed Project Illustrative Plan
3. Proposed Project Parcel Plan and Development Phases
4. Proposed Land Use and Development Program for Sweetwater District
5. Proposed Land Use and Development Program for Harbor District
6. Proposed Land Use and Development Program for Otay District
7. SDG&E Land Exchange Map
8. PMP Precise Plan for Planning District 7
9. Draft PMP Amendment



Chula Vista Bayfront Master Plan

Proposed Project Boundary



**Chula Vista Bayfront Master Plan**

**Proposed Project Illustrative Plan**



**Chula Vista Bayfront Master Plan** Proposed Project Parcel Plan and Dev Phases



Sweetwater District Summary:  
Proposed Land Uses and Development Program/Height Ranges

Parcel Number	Proposed Use	Approximate Program Range	Maximum Stories	Maximum Height (feet)
<b>Public Space</b>				
<b>Phase I</b>				
S-2	Signature Park	18 acres	1	N/A
SP-1	Ecological Buffer	41 acres	N/A	N/A
SP-3	Nature Center Parking and Access Road	3 acres	N/A	N/A
<b>Phase II</b>				
SP-2	Seasonal Wetland	14 acres	N/A	N/A
S-2A	Open Space	3 acres	N/A	N/A
<b>Phase III</b>				
—	Public Infrastructure Only	—	—	—
<b>Phase IV</b>				
SP-4, SP-5, SP-7	SP-6, Open Space	10 acres	N/A	N/A
<b>Development</b>				
<b>Phase I</b>				
	Public Infrastructure Only			
<b>Phase II</b>				
—	Public Infrastructure Only	—	—	—
<b>Phase III</b>				
—	Public Infrastructure Only	—	—	—
<b>Phase IV</b>				
S-1	Resort Hotel	500–750 rooms	2 to 8	40 to 100
S-3	Mixed Use Office/Commercial Recreation	60,000–120,000 square feet	2 to 3	30 to 45
S-4	Office	120,000 square feet	8	125

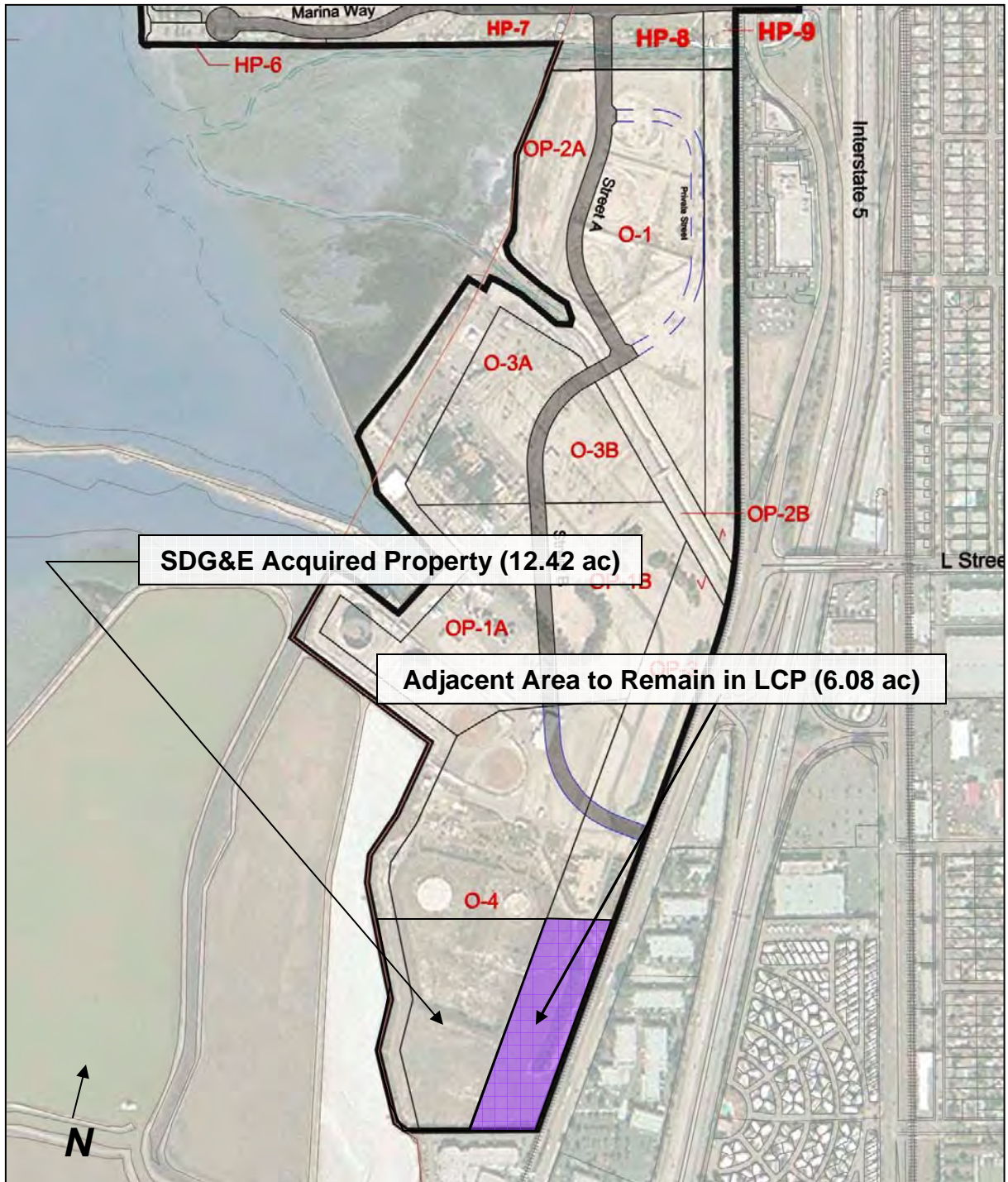
\*S-5 Existing 1-acre park will remain.

Harbor District Summary:  
Proposed Land Uses and Development Program/Height Ranges

Parcel Number	Proposed Use	Approximate Program Range	Maximum Stories	Maximum Height (feet)
<b>Public Space</b>				
<b>Phase I</b>				
HP-1, H-8	Signature Park	17 acres	1	N/A
HP-3	Shoreline Promenade (abutting HP-1 and H-8)	3 acres	N/A	N/A
HP-5	Wetlands and Buffer	9 acres	N/A	N/A
H-9 (Interim Use)	Interim Park/Landscaping	2 acres	N/A	N/A
<b>Phase II</b>				
HP-3	Shoreline Promenade (abutting H-9)	1 acre	N/A	N/A
HP-6, HP-7, HP-8	Parks	8 acres	1	N/A
HP-11	Existing Wetlands	3 acres	N/A	N/A
HP-28	H Street Pier (first half)	0.4 acre	N/A	N/A
<b>Phase III</b>				
HP-9, HP-12, HP-13, HP-14, HP-15	Park/Open Space	18 acres	N/A	N/A
HP-3	Shoreline Promenade (abutting HP-14, HP-15, and H-21)	3 acres	N/A	N/A
<b>Phase IV</b>				
H-1A	Signature Park	5 acres	N/A	N/A
HP-3	Shoreline Promenade (abutting H-1 and H-1A)	2 acres	N/A	N/A
HP-28	H Street Pier (second half)	0.4 acre	N/A	N/A
HW-3	Commercial Harbor	4 acres	N/A	N/A
HW-7	Navigation Channel	60 acres	N/A	N/A
<b>Development</b>				
<b>Phase I</b>				
H-3	Resort Conference Center (RCC)	1,500-2,000 hotel rooms	N/A	240
H-3	Conference Space	415,000 square feet (net)	N/A	120
H-3	Restaurant	100,000 square feet	Included in RCC	
H-3	Retail	20,000 square feet		

Otay District Summary:  
Proposed Land Uses and Development Program/Height Ranges

Parcel Number	Proposed Use	Program Range	Maximum Stories	Maximum Height (feet)
<b>Public Space</b>				
Phase I				
—	Public Infrastructure Only	—	—	—
Phase II				
—	Public Infrastructure Only	—	—	—
Phase III				
OP-1A, OP-1B	South Park	24 acres	1	N/A
OP-3	Open Space	27 acres	N/A	N/A
OP-2A, OP-2B	Ecological Buffer/Telegraph Creek Channel	27 acres	N/A	N/A
Phase IV				
—	Public Infrastructure Only	—	—	—
<b>Development</b>				
Phase I				
—	Public Infrastructure Only	—	—	—
Phase II				
—	Public Infrastructure Only	—	—	—
Phase III				
O-1	Industrial Business Park Use	18 acres	N/A	N/A
O-3A, O-3B	RV Park	175 to 236 RV spaces	1 to 2	15 to 35
O-4	Industrial Business Park Use	28 acres	N/A	N/A
Phase IV				
—	Public Infrastructure Only	—	—	—





*San Diego Unified Port District  
Port Master Plan Amendment*



**DRAFT**

*Chula Vista Bayfront Master Plan  
&  
Port Master Plan Amendment*

**REVISED SWEETWATER PARK PLAN (PROPOSED PROJECT)**

*Existing/Proposed Plan Text  
and  
Plan Graphics*

*May 2010*

*Note: Text to be **deleted** shown in ~~strike out~~ and text to be **added** shown in underline.  
Text in italics is for clarification only and is not part of the Plan Amendment.*

**TABLE 4  
PORT MASTER PLAN  
LAND AND WATER USE ALLOCATION SUMMARY**

<u>LAND USE</u>	<u>ACRES</u>	<u>WATER USE</u>	<u>ACRES</u>	<u>TOTAL ACRES</u>	<u>% OF TOTAL</u>
<b><u>COMMERCIAL</u></b>	<b><u>373.5 368.2</u></b>		<b><u>383.0 390.0</u></b>	<b><u>756.5 758.2</u></b>	<b><u>14 13%</u></b>
Marine Sales and Services	48.8 16.6	Marine Services Berthing	17.7		
Airport Related Commercial	38.0				
Commercial Fishing	8.3	Commercial Fishing Berthing	18.8		
Commercial Recreation Sportfishing	<u>304.4 301.0</u>	Recreational Boat Berthing	<u>335.4 342.4</u>		
	4.3	Sportfishing Berthing	11.1		
<b><u>INDUSTRIAL</u></b>	<b><u>1206.4</u></b>		<b><u>217.7</u></b>	<b><u>1424.1</u></b>	<b><u>26%</u></b>
	<b><u>1241.9</u></b>		<b><u>212.2</u></b>	<b><u>1454.1</u></b>	
Aviation Related Industrial	152.9	Specialized Berthing	<u>170.5 165.0</u>		
Industrial Business Park	<u>113.7 152.1</u>	Terminal Berthing	47.2		
Marine Related Industrial	<u>322.1 318.6</u>				
Marine Terminal	149.6				
International Airport	468.1				
<b><u>PUBLIC RECREATION</u></b>	<b><u>280.5 405.5</u></b>		<b><u>681.0</u></b>	<b><u>961.5</u></b>	<b><u>18 19%</u></b>
			<b><u>681.3</u></b>	<b><u>1086.8</u></b>	
Open Space Park/Plaza	<u>19.0 69.1</u>	Open Bay/Water	<u>681.0 681.3</u>		
Golf Course	97.8				
Promenade	<u>17.3 32.0</u>				
<b><u>CONSERVATION</u></b>	<b><u>399.2</u></b>		<b><u>1058.6</u></b>	<b><u>1457.8</u></b>	<b><u>27 28%</u></b>
	<b><u>477.2</u></b>		<b><u>1084.6</u></b>	<b><u>1561.8</u></b>	
Wetlands	<u>304.9</u>	Estuary	<u>1058.6</u>		
	<u>375.9</u>		<u>1084.6</u>		
Habitat Replacement	<u>94.3 101.3</u>				
<b><u>PUBLIC FACILITIES</u></b>	<b><u>222.9 240.8</u></b>		<b><u>394.3 387.9</u></b>	<b><u>617.2 628.7</u></b>	<b><u>12 11%</u></b>
Harbor Services	<u>2.7 2.6</u>	Harbor Services	10.5		
City Pump Station	0.4	Boat Navigation Corridor	<u>284.6 274.3</u>		
Streets	<u>249.8 237.8</u>	Boat Anchorage	25.0		
		Ship Navigation Corridor	<u>50.0 53.9</u>		
		Ship Anchorage	24.2		
<b><u>MILITARY</u></b>	<b><u>25.9</u></b>		<b><u>125.6</u></b>	<b><u>151.5</u></b>	<b><u>3%</u></b>
Navy Fleet School	25.9	Navy Small Craft Berthing	6.2		
		Navy Ship Berthing	119.4		
<b><u>TOTAL LAND AREA</u></b>	<b><u>2508.4</u></b>	<b><u>TOTAL WATER AREA</u></b>	<b><u>2860.2</u></b>		
	<b><u>2759.5</u></b>		<b><u>2881.6</u></b>		
<b>MASTER PLAN LAND AND WATER ACREAGE TOTAL</b>				<b><u>5368.6</u></b>	<b><u>100%</u></b>
				<b><u>5641.1</u></b>	

## Commercial Recreation



Land use demand forecasts have established a basis for anticipating continued demand for commercial recreational type facilities due to trends drawn

from the convergence of numerous factors, of which the most significant are expendable income, paid holidays, leisure time, population, education, travel habits, and new modes of transportation. All of these are increasing while the average number of working hours is decreasing. It seems likely that activities associated with water-based pursuits will continue to be among the most popular. The trends are almost certain to have considerable repercussions on the full range of leisure services. Tourism in the San Diego Bay region is a significant economic base activity, and at the national level, it figures highly in maintaining the balance of payment.

Activities associated with commercial recreation contribute to the economic base of the region with full-time jobs, secondary employment for part-time help, and spin-off employment opportunities in construction, warehousing, trucking, custodial, and personal services. It is the intent of this Master Plan to create attractive destinations in carefully selected locations around the bay to serve the needs of recreationalists for lodging, food, transportation services, and entertainment. Site amenities are to be enhanced and over-commercialization is to be avoided by the balanced development of commercial and public recreational facilities.

Commercial recreation allocations of the Land and Water Use Map include approximately [287301](#) acres of land and about [343354](#) acres of water area, including sportfishing and recreational craft berthing. The Commercial Recreation category includes hotels, restaurants, convention center, recreational vehicle parks, specialty shopping, pleasure craft marinas, water dependent educational and recreational program facilities and activities, [dock and dine facilities](#), and sportfishing, which are discussed or illustrated in the various District Plans.

**Hotels and Restaurants** located on San Diego Bay cater to markets involving leisure recreation, tourism, business travel and specialized conference facilities accommodating conventions, training, seminars and meetings. Of growing importance are the attractions or amenities of the restaurant, which caters to the varied age groups dining for pleasure, and the hotel as a provider of more than just rooms.

Hotels constitute a significant part of the local recreation industry and, as generators of ancillary business such as restaurants and specialty shops, have an important influence on land use. Uses typically associated with hotels, frequently in the same building or on the same site, include lodging; coffee shop; cocktail lounge and restaurant; specialty shops for gifts, sundries, cigarettes, candy, liquor, clothing and sporting goods; tourist information and travel services; auto service station; personal services such as dry cleaning, barber and beauty shop; convention, banquet and conference rooms; and recreational facilities such as swimming pools, cabanas, game rooms, tennis courts, putting green, boat and bicycle rental or charter, and theatrical entertainment. In addition to the man-made structures and organized sports facilities, hotel locations on the bay feature waterfront locations with easy access to beaches, scuba diving and snorkeling, deep sea fishing, sailing, water skiing, boat rides, and "whale watching" during the whale migration season. New hotel locations are allocated in Planning Districts 2, 3, 6, 7 and possibly 8.

**Specialty Shopping** involves the planned assembly of stores, frequently operating within a unified building complex, designed to give patrons a varied selection of retail goods, personal services, and entertainment facilities. Activities typically found in specialty shopping areas include restaurants and the retail sale of ice cream, dessert items, beverages and sandwiches; artisan activities associated with the production and sale of hand-crafted gift items, and original works of art; professional office

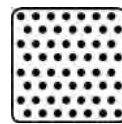


space; retail shops handling gifts, novelties, clothing, jewelry, and home furnishings; wholesale and retail fish sales, fish and seafood processing, and unloading docks for vessels and trucks. Characteristic of shopping centers, the specialty shopping developments allocated on tidelands are usually managed and operated as a unit. Shopping areas will feature a major open space format, separate pedestrian traffic from vehicular movement by emphasizing pedestrian mall and plaza developments improved with landscaping, sitting areas, fountains and sculpture. Specialty shopping areas are allocated in Precise Plans for Planning Districts 3 and 6.

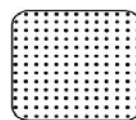
**Pleasure Craft Marinas** are encouraged to provide a variety of services for boats and boat owners. Services could possibly include in-season wet and dry berthing and dock lockers; boat rentals, charter and sales; sailing schools and membership sailing clubs; fueling docks; launching for transients; automobile parking; dockside electricity; fresh water and telephones; holding tank pumpout stations and disposal facilities for waste oil and hazardous substances; restrooms and showers; repairs; maintenance; off-season storage; ice and fuel. Accessory facilities provided as part of a full-service marina or in the commercial recreational areas and within close proximity to the marinas should include shopping areas for groceries, medicine and clothing; restaurants; shoreside living and recreational accommodations for boatmen; marine supplies; boating equipment; navigation instruments; marine electronics; and sailmaking. Users requiring water frontage are given preference because it is desirable to maintain a dynamic waterfront in recreational areas, which is functionally sound and capable of providing essential services to the operation of a small craft harbor. Proposed recreational boating facilities, to the extent feasible, are to be designed and located so as not to interfere with the needs of the commercial fishing industry.



**[Recreational Vehicle / Camping](#)** parks provide low cost, visitor serving recreational opportunities for enjoying scenic and commercial amenities on the Bay. Such parks may contain ancillary facilities such as offices, pool/spas, snack bars, general stores, meeting spaces, game rooms, laundry rooms, associated parking spaces, and playground equipment. [Recreational Vehicle/Camping park designated areas are found in Planning District 7.](#)



**Recreational Boat Berthing.** Water area used primarily for recreational craft storage, refueling, boat brokerage storage area, sailing school docking, water taxi, excursion ferry and charter craft operations, guest docking, boat launching, sewage pump out, water craft rental, boat navigation corridors, breakwaters for recreational craft protection, navigation facilities, aids to navigation, floats, docks, piers, breakwaters, wave attenuation structures, seawalls, shoreline protection, and any other necessary or essential facilities for providing water-side docking refuge to recreational marine craft and commercial passenger vessels.



**Sportfishing.** Deep-sea sportfishing is big business in California and San Diego enjoys a major share of that activity. The local fleet takes a large portion of the State's total sportfishing catch of the larger sport fish – yellowtail, yellowfin, albacore, and giant sea bass. Sportfishing brings new revenue into the region from customers heavily drawn from the Los Angeles metropolitan area, and from a small but important segment of out of state fishermen.

The intensity of sportfishing activities reflects the cyclical nature of the sportfishing operations (half day and full day), and the seasonal nature of sportfishing for certain fish species that produces a winter slack season. The size of the local sportfishing fleet also increases two to three times during the peak period from April to September. Operating schedules for most boats provide for pre-dawn



## **Industrial-Business Park**

is a land use category that permits a wide range of industrial and business uses sited in development that emphasizes clustering of buildings, extensive landscaping, landscaping, and shared open space.

Coastal dependent developments, including, but not limited to, Marine Related Industrial or Commercial uses, shall have priority over other developments on or near the shoreline. The development of industrial-business parks can be an asset to the bay region because of the stimulating effect such developments usually have on the local economy by attracting new businesses as well as retaining existing firms that might otherwise leave the area. The industrial-business park area is reserved for the types of industrial activities associated with the manufacture, assembling, processing, testing, servicing, repairing, storing or distribution of products; wholesale sales; retail sales that are incidental to permitted uses; transportation and communication uses; parking; industrial, construction, government and business services; and research and development. The Industrial-Business Park classification will also integrate other land uses within the industrial environment. Such integration is prompted by recognition of the fact that the traditional industrial park, while carefully providing for efficient operation for industrial purposes, typically has ignored many community, employee and tenant needs. This use group would allow industrial, commercial, professional, business service, and recreation uses and facilities.

Hotel, restaurant, integrated meeting and conference space, cultural, specialized retail store, and business-professional office uses would be allowed in a campus setting. Permitted recreational uses include, but are not limited to, landscaped areas, promenades, public walkways, parks, picnic areas, and active sports facilities (where associated with a business park campus and intended for employees). A 1000-foot separation shall be maintained between any childcare facility and any facility using or storing hazardous materials, whichever facility is developed first.

This land use category would also allow for industrial distribution and related facilities.

# Public Recreation Uses

## Land Use Objectives & Criteria

Parks, plazas, public accessways, vista points and recreational activities on Port lands and tidelands should:

- provide a variety of public access and carefully selected active and passive recreational facilities suitable for all age groups including families with children throughout all seasons of the year.
- enhance the marine, natural resource, and human recreational assets of San Diego Bay and its shoreline for all members of the public.
- provide for clear and continuous multi-lingual information throughout Port lands and facilities to and about public accessways and recreational areas.

## Master Plan Interpretation

A growing population, greater discretionary incomes and more leisure time all contribute significantly to the increasing demand for both active and passive outdoor recreational opportunities. The public recreation opportunities developed on tidelands by the Port District along with the commercial recreation opportunities developed by private investment provide a balanced recreation resource for San Diego Bay. When thoughtfully planned, both public recreational developments and commercial recreational developments benefit from each other as off-site improvements, although as a matter of planning policy, commercial activities within public recreation areas will be limited. Recreational areas must be of the appropriate type and size to be efficiently developed, administered and maintained by the Port District at a reasonable cost. This Plan places primary emphasis on the development of public facilities for marine oriented recreational activities for the purposes of fishing, boating, beach use, walking and driving for pleasure, nature observation, picnicking, children's playing, bicycling and viewing.

**Recreation Area/Open Space** is a category illustrated on the Land and Water Use Element Map to portray a wide array of active and passive recreational areas

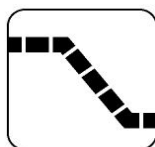
allocated around the bay. More specific information on public recreational areas is provided at the Planning District level under the following use categories.

**Park, Plaza** is a use category designating



landscaped urban type recreational developments and amenities. Users are generally drawn from the region so that access to the site needs to link

with regional and statewide roadways, regional bicycle ways, and regional mass transit, and provide adequate traffic facilities to handle large volumes of traffic and peak use demands. Parks and plazas encourage and accommodate public access to and along the interface zone of land and water. Recreational facilities frequently associated with parks include public fishing piers, boat launching ramps, [dock and dine facilities](#), beaches, historic and environmentally interpretive features, public art, [cultural uses](#), vista areas, scenic roads, bicycle and pedestrian ways, water dependent educational and recreational program facilities and activities, [small food and beverage vending, specialty retail involving gifts, novelties, clothing, and jewelry; group activities of nearby businesses; and other park-activating uses](#). Maintenance of park and other landscaped areas shall be provided through integrated pest management and Best Management Practices to avoid or minimize the application of chemicals to such areas.

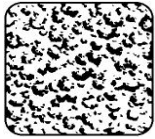


**Promenade** indicates the shoreline public pedestrian promenade-bicycle route system that is improved with landscaping, lighting, directional and informational signage and other street fixtures, works of art, and seating. Many short trips, especially recreation related, can involve walking or bicycling

rather than motorized transportation. There are many assumed benefits of walking and bicycling; it is inexpensive, exerts no adverse impact on the environment, contributes to the physical well-being of the individual, and affords an unfettered opportunity to enjoy the

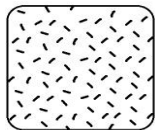
amenities of San Diego Bay.

Pedestrian and bicycle facilities located on tidelands should: insure physical access to the water's edge unless safety, security or compatibility reasons negate; be accessible to parking and mass transit facilities; and link appropriate portions of the waterfront for continuous longitudinal access. A variety of route locations is encouraged to extend the pedestrian and bike environment through parks, commercial development and by the working port areas. Special provision for persons with disabilities shall conform to applicable Law.



**Open Space** provides amenities contributing to a more satisfying and stimulating environment. These areas include landscaped traffic inter-change and median strips, and isolated narrow and irregular shoreline areas where use and development potential is severely limited and where publicly placed works of art can enhance and enliven the waterfront setting. The Open Space designation may also include secondary buffers (i.e., "Limited" or "Transition" buffers) and/or setback areas from biologically significant resources deserving protection and preservation.

Public access within open space buffer areas is limited to passive uses, such as outlooks, picnic areas, and/or spur-trails. Such uses should include interpretive and educational opportunities while allowing coastal access in a manner that will ensure the protection and preservation of sensitive habitat areas.



**Golf Course** is used in Planning District 6 to illustrate this 98-acre land allocation. The continuation of this use is anticipated for the duration of the planning period.



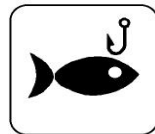
**Open Bay** is a category allocated to water areas adjoining shoreline recreational areas, the boat launching ramp, fishing pier, vista areas and other public recreational facilities where the need for open water is related to the proper function of the shoreside activity. Multiple use of open bay water areas for recreational and for natural habitat purposes is possible under this use category designation.

**Boat Launching Ramp** indicated by symbols on the Planning Maps, provides facilities for launching thousands of trailerable pleasure craft throughout the year for purposes



of boating, fishing, regattas, and water skiing. The requirements for new or expanded launching ramps need to be carefully considered since boat access areas and parking areas for both car and boat trailer consume large land areas. While existing boat launching ramps are to continue operation during the planning period, alternatives other than providing new launching areas should be considered due to the high land consumption involved. Dry stack storage, which accommodates trailerable size boats, is proposed in Planning District 6.

**Public Fishing Pier** areas include the pier structures, necessary land support area adequate for parking and access, and the surrounding water area. Boating activities near the pier, which may interfere with fishing, are discouraged. Commercial activities relating to



food and beverage, and bait and tackle sales and rental are generally associated with the activity. While pier site selections should be based on a number of criteria, including fish species surveys, fish habitat or artificial reef-like improvements are frequently desirable. Three existing piers are used by fishermen at all hours of the day and night currently. Three more piers are recommended in Planning Districts 2, 3 and 6. Fishing piers are indicated by symbol on the Land and Water Use Maps.



**Public Access** has been highlighted by symbol on the Plan maps for public recreational areas. The development of these physical accessways is

only one of the four access categories established in this Plan and discussed in Section III of this document.

**Vista Areas** include points of natural visual beauty, photo vantage points, and other panoramas. It is the intent of this Plan to guide the arrangement of development on those sites



to preserve and enhance such vista points. Major vista areas are indicated by symbol on the Plan maps.

# Conservation

## Land Use Objectives & Criteria

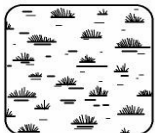
Natural marine resource utilization activities on tidelands should:

- be planned and located so as to present minimum conflicts with existing and proposed incompatible uses.
- promote the multiple utilization of the unique plant, shellfish, fish and wildlife resources of the bay.
- encourage the protection and restoration of functional areas which have a high ecological value.
- be accessible to the public for non-appropriative uses consistent with nature interpretive functions.
- enhance the open space character of San Diego Bay.

## Master Plan Interpretation

Areas included in the conservation group are scheduled for little or no development. The intent is to preserve, maintain and enhance natural habitat areas so that biological productivity will be sustained.

Areas of extraordinary biological significance are identified and given special protection under four categories of use: wetlands, estuary, salt ponds and habitat replacement. Much of the shallow water areas located in the South Bay are considered to have great potential for restoration.



### Wetlands

Wetland areas are undeveloped arealands having high biological productivity that are alternately covered with water and exposed to air. They occur in the South Bay in Planning Districts 7 and 9. Wetlands total 392 acres, although the delineations isare conceptual in nature and may fluctuate with changing natural cycles.

Wetlands may house unique forms of life, some species of which are considered rare or endangered. In any case, they are recognized in the plan as important natural habitat for

microscopic plant and animal life which form basic food for larger fish. They also provide breeding and nesting sites for migratory or native birds.

Wetlands are to be preserved, protected and, where feasible, restored. Development shall be limited to restoration, nature study or similar resource-dependent activities. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Any diking, filling or dredging occurring in these areas shall maintain or enhance functional capacity of the wetlands.

The Wetlands designation may include identified buffers and/or setbacks from delineated wetland areas. This land use designation may include areas designated for mitigation, or areas that have been identified for potential wetland enhancement, restoration and/or creation opportunities. Such mitigation would be implemented in conjunction with development projects, or could be implemented and banked for use as mitigation for future development projects.



An **Estuary** is the confluence of a river with the ocean, especially an area of the sea at the lower end of a river. In the Master Plan, estuaries comprise the shallow, sub-merged areas of South San Diego Bay and are valuable in much the same way as are wetlands. The warm shallow water nurtures microscopic plants that are eaten by the small fish inhabiting the estuary.

The Otay River, historically the source of the South Bay estuary, now contributes little fresh water to the area; however, natural tidal fluctuations provide some salt-water exchange. The northerly extent of the estuary area occurs where development in the form of dredging has deepened the water to a point where the productivity and its biological importance is significantly reduced. Estuary designation is found in Planning Districts 7, 8 and 9.

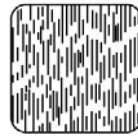
Development in estuaries is limited to new or expanded boating facilities (including entrance channels), intake and outfall lines, restoration work, nature study, aquaculture, and resource-dependent activities. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats, and water circulation. Diking, filling or dredging in existing estuaries shall maintain or enhance the functional capacity of the wetland or estuary.

Use of the water surface for boating, fishing and similar water oriented recreational uses is also permitted; however, efforts should be made to reduce potential environmental damage.



**Salt Ponds** occupy the extreme southerly end of San Diego Bay (Planning District 9). The shallow, diked ponds are used to produce salt by solar evaporation. The ponds and dikes have proved to be suitable habitat for many bird species, providing nesting, resting and specialized feeding areas for local and migratory aquatic birds.

A continuation of salt production is proposed in the South Bay. This activity provides for salt production, maintains bird habitat, and provides open space and vistas, which enhance the appearance of the South Bay. Reutilization of some salt ponds for mariculture uses has potential for development. See Planning District 9 description for further information.



**Habitat Replacement**, ~~an area of about 55 acres,~~ is delineated in Planning District 7 for the creation of a marsh island to be used to replace wildlife habitat removed during other development around the bay. ~~This project is under construction.~~ Habitat replacement refers to the concept of recreating, as closely as possible, the type of environment conducive to the maintenance, protection and growth of wildlife species deemed important. This might include endangered species as well as economically environmentally significant wildlife. The Habitat Replacement designation may also include buffers and/or setback areas from biologically significant resources deserving protection and preservation. Buffer areas may consist of enhanced, restored, or created vegetation appropriate to that habitat area resulting from mitigation deemed necessary for development projects.

—Uses which conflict with the above objective would be prohibited in habitat replacement areas. After creation of the area by diking, dredging and filling, the only activities which would be permitted would be nature study, academic research and instruction related to the area, and similar resource dependent activities. It is not anticipated that public access would be provided or allowed unless detrimental environmental conflicts could be avoided.

# CHULA VISTA BAYFRONT: Planning District 7

Planning District 7 includes all Port District lands within the City of Chula Vista. As shown on the Precise Plan map (Figure 19), these District lands extend beyond the U.S. Pierhead Line (the usual Port District boundary) to the city limits.

Historically, harbor development in the South Bay has lagged behind the North Bay because of shallow water, distance from the harbor entrance, environmental concerns, and other factors. However, by about 1990, Port land on the Chula Vista Bayfront had been developed into public parks, excursion pier, boat launching ramp, recreational vehicle (RV) park, marinas, boatyards, warehouses, and a recreated wildlife habitat island. Police and emergency waterborne services are provided to the South Bay from the Harbor Police substation near the boat launching ramp. The Chula Vista Bayside Park Pier provides public fishing and large vessel berthing, and the Marina Parkway Pier provides berthing and landside automobile parking for users. The major development on the Chula Vista Bayfront ~~is~~ was an aircraft parts manufacturing plant, which ~~occupies~~ occupied both District lands and uplands, and has consolidated its operations north of H Street and now occupies only uplands.

Marine and biological resources are abundant throughout the entire planning district, primarily due to its proximity to San Diego Bay and the estimated 3,940-acre San Diego Bay National Wildlife Refuge.

Over recent years, the Port has acquired approximately 291 acres of uplands in this district, including the former Goodrich South Campus, park area, and properties at the south end of the district containing the existing switchyard and power plant. Most recently, as part of the Chula Vista Bayfront Master Plan (CVBMP) and in an effort to improve land use compatibility at the north and middle portions of the planning district, the Port completed a land exchange with a private entity. The exchange enables residential and non-trust related retail and office development to occur on approximately 33 acres of former Port properties now under the City's jurisdiction,

and places approximately 97 acres of land at the north end of the district, formerly under the City's jurisdiction, within the Port's trusteeship and jurisdiction. In addition, the City has acquired from the Port a vacant parcel for a proposed fire station. Planned uses for the acquired land areas are further described in each of the planning subareas.

## **Precise Plan Concept**

With the goal of transforming the district into a world-class bayfront, the Port developed the Chula Vista Bayfront Master Plan (CVBMP) in 2005. The CVBMP resulted from a cooperative planning effort with the City of Chula Vista, which involved extensive public outreach and community participation.

The CVBMP is intended to guide the development of approximately 540 acres of the Chula Vista Bayfront over the next 24-year period. The ~~Pplan Concept for District lands~~ proposes a multiple-faceted land use allocation within this ~~Pplanning Dd~~ district, including environmental conservation and development of public park and commercial recreational uses. ~~The Proposed development proposal~~ emphasizes public waterfront amenities and public accessto enhance the bayfront's natural and economic resources. The plan increases public access opportunities while restoring and protecting natural resources, serving to attract visitors from outside the region as well as local residents to use the marine related recreational facilities and public areas. Additionally, the plan strengthens the bayfront's connection to the Chula Vista urban core and neighborhoods to the east by extending the City's traditional street grid to ensure pedestrian, vehicular, bicycle, and transit, and water linkages. Recreation boating marinas have been developed to meet part of the increasing regional demand for recreational boating and wet storage marinas. A recreational vehicle park provides short-term parking spaces for visitors so they can enjoy the Chula Vista Bayfront. Other public recreational opportunities can be found in the large Bayside Park, the public boat launching ramp and its existing peninsula, and Marina View Park.



Although planning policy encourages marine-related industrial uses, the plan provides the flexibility to attract new industrial and business-commercial development to this planning district. To accomplish this goal, the plan allocates a large amount of land in the Chula Vista Bayfront Planning District for Industrial-Business Park use. Much of the land is currently vacant or underutilized. As the South Bay regional economy expands in the future, the Industrial-Business Park designation will both stimulate and accommodate appropriate industrial and commercial redevelopment, thereby enabling the Chula Vista Bayfront to realize its full potential.

~~The Plan provides for a range of development options from complete industrial to complete commercial, with the most likely a combination of both land use types. Two possible scenarios are presented in this plan. One scenario concentrates on industrial development for the approximately 80 acres of Industrial-Business Park zoned land, with up to one million square feet of floor area. Approximately 20 of these acres are expected to be allocated to a 250,000 square-foot biomedical and pharmaceutical manufacturing plant employing about 400-600 people.~~

~~The second scenario consists of a combination of industrial and commercial development on the 80 acres. A parcel of approximately 14 acres located to the north of "H" Street and to the east of Marina Parkway is already developed for industrial purposes. The remaining 66 acres of Industrial-Business Park land would be available for up to 600,000 square feet of commercial buildings.~~

~~Both scenarios provide for the extension of "H" Street from its present terminus to Bayside Parkway, as well as associated public accessways, landscaping, and park/open space areas. Public access from H Street extended, G Street, and Bayside Parkway would be maintained and enhanced.~~

The CVBMP concept proposes to redevelop underutilized and vacant areas with a mix of land uses, along with a new roadway and infrastructure system throughout the planning district. A variety of public amenities are proposed, including: a signature park and other open space areas, ecological buffers, cultural uses, piers, a new commercial harbor

and reconfiguration of marina slips, a community boating center, a ferry terminal, navigation channel improvements, an RV park, a continuous and comprehensive pedestrian pathway system, bicycle paths, ample parking areas, and public art. Proposed development includes hotel and conference facilities, retail/entertainment, cultural, and office. Much of the planning area is designated Industrial Business Park to maximize flexibility in approving future development proposals. A maximum of 2,850 hotel rooms are allowed within the boundaries of the CVBMP.

There are a multitude of existing and proposed recreational opportunities within the district. Recreation boating marinas have been developed to meet part of the increasing regional demand for recreational boating and wet storage marinas. An RV park provides short-term parking spaces for visitors to enjoy the Chula Vista bayfront. Other public recreational opportunities can be found at the large Bayside Park that includes a public fishing pier, the Chula Vista Bayfront Park with its public boat launching ramp, and Marina View Park. Planned recreational improvements include two large parks, a community boating center, a new pier, as well as a continuous open space system that is fully accessible to the public and seamlessly connects the bayfront to the region. This open space system would create a comprehensive greenbelt linkage throughout the entire district with a continuous pedestrian walkway, or "baywalk", and a bicycle path that would tie into the regional Bayshore Bikeway system. The CVBMP emphasizes an active commercial harbor with public spaces at the water's edge as well as enhanced existing and newly created visual corridors to the Bay.

The plan also includes ecological buffers adjacent to environmentally sensitive resources in order to ensure such habitat areas are protected and preserved. Best management practices and natural retention basins will be implemented throughout the planning area to prevent degradation to sensitive areas and to curb storm water pollution to the bay. Additional measures for the protection of natural resources and the environment, including specific planning, design, education, implementation and management elements have been incorporated into the CVBMP.

To ensure adequate coastal access is provided for the public, the CVBMP includes appropriately allocated on-site parking spaces to be developed with bayfront commercial and recreational uses. Additionally, commercial development throughout the planning district is required to participate in and contribute a fair share to the implementation of an employee shuttle system that connects users to a collector parking structure located near Interstate 5, thereby ensuring the availability of bayfront parking for the public.

These scenarios are cited to indicate only the magnitude or possible range of development. The ultimate use will depend on the development market and on opportunities created by more flexible land use classifications. Implementation of the CVBMP is envisioned to occur in four phases over the next 24 years, and will be contingent upon and subject to many factors, such as availability and timing of public financing and construction of public improvements, terms of existing long-term leases, actual market demand for and private financing of proposed development, lease negotiations, approvals for and demolition and/or relocation of existing uses, approvals for new uses, and other approvals.

## **Land and Water Use Allocations**

A total ~~4,690~~ of 1,960 acres of Chula Vista Bayfront are allocated to commercial, industrial, public recreation, conservation, and public facilities activities (Table 18).

### **Chula Vista Bayfront Planning Subareas**

Nine planning subareas have been delineated (see Figure 20) to facilitate a description of the ~~plan~~ planning district.

#### **D Street Area**

The D Street Area includes approximately 63 acres of land and water area designated for Marine Sales and Service, Habitat Replacement, Estuary, Open Bay, Boat Navigation Corridor, and Ship Navigation Corridor uses. A 33.2-acre portion of the northwest corner of the City of Chula Vista lies within Port District jurisdiction. Under the Plan, tidelands have been reserved for ~~marine~~

Marine Sales and Service uses, which would take advantage of the deep water channel in the Sweetwater Flood Control Channel, and for ~~the~~ habitat ~~Habitat replacement~~ Replacement.

It is intended that the tideland uses will not only utilize the valuable deep water to a high potential and provide the income to develop public recreation areas, but will establish a buffer zone between the National City Marine Terminal (with its associated industrial uses) and the ultimate use of the uplands. The D Street Fill area adjacent to the Sweetwater Flood Control Channel, designated as Estuary, mitigates the loss of intertidal and shallow sub-tidal habitat resulting from the National City Marine Terminal Wharf Extension project.

### **Gunpowder Point Shoreline**

Between the D Street Area and G Street lies a very small sliver of land (2 acres) and a broad intertidal mud flat. This area will be preserved as wetlands and has been designated as such, as discussed in Section III under the Conservation category. This subarea totals approximately 223 acres and includes mostly land area designated for Wetlands use, along with some water areas designated as Estuary. To provide for the long-term protection and management of the sensitive habitat known as the Sweetwater Tidal Flats (running north from the boatyard to the Sweetwater River Channel), the Port will enter into a cooperative agreement with the US Fish and Wildlife Service that will address the placement of educational and enforcement signage, long-term maintenance, and additional protection measures such as increased monitoring and enforcement. The cooperative agreement will be executed prior to development commencement in the Sweetwater or Harbor districts.

### **Chula Vista Bayfront Master Plan**

The CVBMP planning area consists of the northern Sweetwater District, the middle Harbor District, the southern Otay District, Chula Vista Harbor, and Boat Channel subareas. The Sweetwater District proposes the lowest intensity development and focuses on lower scale, environmentally sensitive and

ecologically themed uses. In contrast, the Harbor District is intended to provide a significant link from the City to the Bayfront and includes the highest intensity development. Lastly, the Otay District proposes moderate intensity mixed-use development. Each of the districts contain substantial amounts of open space and public amenities, and are seamlessly connected by greenbelt linkages that include pathways for pedestrians and bicyclists. A maximum of 2,850 hotel rooms are allowed within the boundaries of the CVBMP. Each CVBMP district, or planning subarea, is further described below.

### **Sweetwater District**

The Sweetwater District, acquired by the Port as part of the aforementioned land exchange, is approximately 97 acres in size and is generally undeveloped and consists predominantly of fallow fields.

Public spaces and development planned for this subarea focus on lower scale, environmentally sensitive and environmentally themed uses. Land use designations include Open Space, Habitat Replacement, Wetlands, Park/Plaza, Industrial Business Park, and Promenade.

Undeveloped land along the northern and western boundaries of the district will be established as a 400-foot-wide ecological buffer. The buffer is intended to preserve and protect the adjacent Sweetwater Marsh Wildlife Refuge from planned development and to provide a gradual transition from undeveloped native landscape to developed areas. From west to east, the buffer consists of a 200-foot-wide "no-touch" zone, a 100-foot-wide "limited use" zone, and a 100-foot-wide "transitional use" zone. The no-touch zone primarily consists of wetland and upland habitat mitigation. To prohibit access by the public and nuisance predators into the sensitive habitat areas, the eastern boundary of the no-touch zone will include six-foot-high vinyl-coated chain link fencing. Fence installation shall include land contouring to minimize visual impacts of the fence. The limited Use zone will contain outlook stations, open space areas, and a meandering trail system. The transitional use zone will accommodate increased recreational uses such as picnic areas and trails, and consists

of revegetated open space. The southwestern portion of the buffer, which is designated as Wetlands, consists of lands identified for potential enhancement, restoration or creation of wetland mitigation areas. Upland habitat mitigation will be established in the no-touch zone area within the Habitat Replacement-designated portions of the buffer. The outlook stations, which will be connected by meandering trails designated as Promenade, will provide viewing areas of the bay and wildlife, and will include educational elements such as kiosks, sculptures, or interpretive signs.

In addition, an 18-acre signature park is proposed with greenbelt linkages to park areas in the Harbor District. The park is envisioned as a passive use, meadow-type open space with amenities such as: landscaping, lighting, restrooms, drinking fountains, bicycle racks, children play areas, picnic areas, benches, trash receptacles, interpretive signage, landscaped berms, public art, decomposed granite paving, and parking. The park is to be passive in nature, be low-impact and contain minimal structures. Allowed structures include restrooms, picnic tables, shade structures and overlooks, and are limited to single-story heights. No athletic field amenities or unattended food vending will be allowed. The park will utilize low water-use ground cover alternatives where possible and trails will not be paved. Due to the immediate adjacency to sensitive habitat areas, amplified sound equipment and issuance of park use permits for group events will be prohibited. The signature park parcel is assigned the Park/Plaza land use designation. An approximately 100-foot-wide buffer will separate the existing seasonal wetland, located between E and F Streets, from adjacent development.

At the northern end of the district, planned development includes: a resort hotel with approximately 500 to 750 rooms and associated meeting space, restaurants, and retail shops; a parking area and access road for the Chula Vista Nature Center; and a low-intensity mixed use office/retail building of approximately 60,000 to 120,000 square feet in size. Building heights in the Sweetwater District range from 30 to 100 feet, with higher structures situated towards Interstate 5, and structure heights stepping down approaching the Refuge.

Roadway improvements planned include the extension of E Street into the Harbor District, and re-routing of the terminus of F Street to connect to the E Street extension. A trail connection west of the F Street terminus will be limited to emergency vehicles and pedestrian and bicycle access. Each of the new roadways, as well as the connecting trail, include the Promenade land use designation to indicate pedestrian and bicycle connections to the rest of the planning district.

### **Harbor District**

The Harbor District includes a total of approximately 223 acres of land area, of which approximately 191 acres lie within District jurisdiction. As a result of the land exchange previously described, an interior portion of this subarea falls under the City's jurisdiction and is intended for private residential, general office, retail and hotel development – all of which has been planned in conjunction with the CVBMP. In addition, a 1.8-acre vacant parcel north of J Street and adjacent to Interstate 5 has been transferred from Port to City ownership and jurisdiction and its proposed use is a fire station.

The Harbor District encompasses the greatest diversity of existing uses, including the majority of the planning district's developed commercial uses and areas accessible by the public. Existing uses include a boat yard, yacht club, marinas, restaurants, RV park, former industrial and supporting parking facilities, and waterfront parks.

Proposed development in the Harbor District is the highest intensity of the master plan and encourages an active, vibrant mix of uses and public spaces. Land use designations within this subarea include Open Space, Wetlands, Park/Plaza, Industrial Business Park, Commercial Recreation, and Promenade.

Public amenities in this subarea include Park/Plaza-designated land areas, which include the existing Bayside Park that will be improved as an extension of the Sweetwater District Signature Park with similar amenities. Other public spaces to remain in the subarea include the existing Marina View and Chula Vista Bayfront Parks, both designated as Park/Plaza, and the existing fishing pier. The

existing boat launch ramp, restrooms, and Harbor Police facility within Chula Vista Bayfront Park will remain. In contrast to the passive use emphasis of the Sweetwater District park areas, parks within the Harbor District are planned to accommodate flexible spaces and programmable elements that allow for more active uses or events.

A community boating center or recreational marina is proposed on the water's edge, north of the enlarged Bayside Park on the site of the existing boatyard. The establishment of the boating center and surrounding park area is subject to the relocation of the existing boatyard or termination of its existing lease. The existing boatyard use may continue to operate until the site is redeveloped to a conforming Commercial Recreation use. Prior to redevelopment, additional boat repair capacity will be identified. The community boating center may include an aquatic center, marina support uses, low cost visitor-serving boating opportunities, dock and dine facilities, a water transportation dock, and boat launch uses. The adjacent water area is designated Recreational Boat Berthing and is envisioned to contain a new 200-slip marina.

The community boating center and marina support land area ~~The land lying north of G Street~~ is designated for Commercial Recreation, except for the adjacent ~~conservation~~ designations of Wetlands, Open Space, and Park/Plaza. The 100-foot-wide Open Space designation north of the expanded park area abutting the boating center ~~Habitat Replacement, which~~ would serve as a buffer between future commercial development ~~adjacent to and~~ the surrounding adjacent habitat. The extent of buffer coverage will depend upon future resource conditions and will be reevaluated as new development proposals are submitted.

The anchor component of the district is a large resort conference center proposed just east of Bayside Park. The resort conference center will be a destination attracting visitors from, and providing public amenities to, the region. The resort conference center will include approximately 1,500 to 2,000 hotel rooms, approximately 100,000 square feet of restaurant space, approximately 20,000 square feet of retail, a conference center with up to approximately 415,000 square feet of

meeting space (with a maximum of 200,000 square feet of contiguous exhibit and flex space in a single enclosed room), expansive open space areas, and other ancillary uses. The maximum heights for the resort conference center components are 240 feet for the hotel and 120 feet for the convention center. Any proposal to construct more than 1,600 rooms as part of the resort conference center will require evaluation of the impacts areas needing additional analysis and the need for additional mitigation measures to reduce significant impacts, if any, associated with any increase in rooms.

South of H Street, the plan allows for an approximate 500-room resort hotel with conference room, retail, and open space, and other ancillary hotel uses. An additional 200,000 square feet of cultural/retail uses and integrated open space would be developed on the site. East of this site, the plan includes approximately 100,000 square feet of mixed-use office/commercial recreation uses wrapped around a 1,100 to 3,000-space collector parking garage. The garage is intended to function as remote employee and/or visitor parking to supplement on-site parking needs for bayfront businesses. Heights in the Harbor District will generally not exceed two stories immediately adjacent to the water, with a maximum height of 300 feet away from the shoreline.

A new ferry terminal/restaurant is proposed on the harbor that will provide water transportation linkages to the central portion of the bay. New visitor-serving retail and marina support uses totaling approximately 25,000 to 50,000 square feet will be established around the northern periphery of the harbor. An additional approximately 75,000 to 150,000 square feet of retail and marina support uses and parking are planned around the south end of the harbor. Marina support uses may include: offices, restrooms, showers, lockers, ship chandlery, boat/bicycle rentals, bait and tackle sales, delicatessens, and snack bars. The waterside components of the marinas are further described as part of the Chula Vista Harbor subarea.

Roadway improvements include the extension of H Street that will connect to the E Street extension in the Sweetwater and Harbor districts. The H Street extension, which will

end with a pedestrian connection and a new pier, will provide a significant link from eastern Chula Vista to the waterfront. Modifications to Marina Parkway and new access roads are also proposed throughout the Harbor District.

A shoreline pedestrian promenade or "baywalk" is planned to wrap around the perimeter of the park and harbor front businesses, connecting the pedestrian and bicycle greenbelt linkage to the other subareas, while maximizing public visual and physical access to the water. The baywalk will contain public amenities such as pedestrian-scale landscaping, lighting, and furniture, providing public seating and gathering spaces while offering views of the harbor.

The eastern areas of the district within existing right-of-way/easement areas are planned for landscaping and pedestrian/bicycle trails as part of the greenbelt system that will link to the rest of the City.

## ***G Street Corridor***

The land lying north of G Street is designated for Commercial Recreation, except for the conservation designations of Wetlands and Habitat Replacement, which would serve as a buffer between future commercial development adjacent to the surrounding habitat. The extent of buffer coverage will depend upon future resource conditions and will be reevaluated as new development proposals are submitted. The parcels formerly designated as Marine Related Industrial are envisioned to be part of a future redevelopment project which is planned to be compatible with the surrounding conservation land uses. The public promenade will be extended along the entire water frontage of the Commercial Recreation site.

The existing boatyard use may continue to operate until the site is redeveloped to a conforming Commercial Recreation use. Prior to redevelopment, additional boat repair capacity will be identified. The shoreline south of G Street has been developed as an extension of the Chula Vista Bayside Park, with promenade, restrooms, parking, landscaping, lawn areas, and picnic facilities. The Bayside Park shoreline promenade will, as a long-term objective, be extended along

the Chula Vista Harbor to connect with the promenade on the Marina Way arm.

Shoreline erosion protection is provided by stone rip-rap. Both the beach and the rip-rap require periodic maintenance. The park terminates at the Chula Vista Bayside Park Pier, which provides protective wave attenuation for the marina, berthing for vessels, and access for fishing.

Approximately 11 acres of vacant land bounded by Marina Parkway, G Street, Bayshore Parkway, and Bayside Park has been designated as the site for initial development of the biomedical-pharmaceutical manufacturing plant mentioned in the Precise Plan Concept for the Chula Vista Bayfront. Ultimately, the plant will include another ten acres of land east of Sandpiper Way in the Marina Parkway Corridor subarea.

### ***Marina Parkway Corridor***

Most of the Marina Parkway Corridor subarea is either vacant or leased to an aircraft parts manufacturer. Under the plan concept, H Street will be extended from its present terminus to Marina Parkway, creating a third major entry into the Chula Vista Bayfront.

All of this planning subarea has been designated for Industrial-Business Park uses (except the small area to the south that is part of Marina View Park). When future economic conditions change to stimulate redevelopment demand, this demand can be accommodated under the Industrial-Business Park classification. As mentioned in the Plan Concept section of this planning district, the proportion of industrial or commercial development, which would ultimately be allocated would depend on the type and amount of uses attracted to the Bayfront. The property north of H Street, which is currently leased to an aircraft manufacturer, would likely be retained in industrial use, however.

### ***Bayside Parkway Area***

The Bayside Parkway planning subarea contains two uses: a recreational vehicle park, under the Commercial Recreation use category, and a shoreline recreation park, shown on the precise plan as Park.

A nine-acre shoreline park fronts on both the boat access channel and the boat basin. Park uses include a landscaped leisure site for local residents and visitors, a restful lunchtime picnic spot for nearby workers, and a recreational resource for the public. To provide additional access to the coast, a promenade is shown coming off the access street and continuing around the park back to Marina Parkway.

## ***Chula Vista Harbor***

The basin created by dredging and filling at the south end of the Planning District is used primarily for recreational boat berthing. The Chula Vista harbor basin includes approximately 50 acres of water area and is protected by two structures: a 300-foot-long rock breakwater extending north from the Marina Way arm and a 650-foot-long wave attenuation pier extending south from Bayside Park. They are separated by about 200 feet of channel. The harbor is currently occupied by two marinas totaling approximately 900 boat slips. The existing Chula Vista Boat Launch has been upgraded with additional shore protection.

An essential component of the CVBMP is the creation of an active commercial harbor that encourages public access to the water and activity on the water. To facilitate the development of this activated harbor, the existing marina boat slips will be reconfigured to create an approximately 4-acre open water area. The new open water area will enhance boating activity on the water and is envisioned to be utilized for ferry loading and unloading, water taxis, dinner boats, harbor cruises, visiting historic vessels, and boat rentals.

Landside improvements around the harbor, including commercial development and public amenities, are further described above in the Harbor District subarea.

The water areas within the Harbor have been designated as Recreational Boat Berthing, Specialized Berthing, and Boat Navigation Channel.

Two marinas occupy most of the boat basin. One, occupying about four acres of land on Marina Parkway, has about 560 slips in the north half of the basin. The other, south of the first, occupies almost three acres of land and

has room for 350 boats. Both marinas have facilities, for the convenience of their patrons.

The commercial recreation area is developed with a restaurant and associated marine sales and service establishments. Since many potential customers come from the nearby marinas, parking needs are reduced. The design provides a visual focal point and identification symbol for the boat basin.

The vacant six-acre parcel north of Marina Way will be developed with Commercial Recreation uses compatible with the existing marinas. A hotel/motel of approximately 200 rooms, with a restaurant and ancillary retail shops, is anticipated.

The Chula Vista Boat Launch has been upgraded with additional shore protection, landscaping and picnic facilities. Public access to the water is provided by a promenade around the outside edge of the arm. The entire south edge of the arm is designated as a leisure park, offering landscaped viewing areas and additional parking.

### **Otay District**

The Otay District is approximately 124 acres in size and includes recently acquired upland areas. This subarea was characterized by industrial uses, including the existing SDG&E electrical switchyard and South Bay Power Plant. Uses within this district will be designed in consideration of the adjacent sensitive habitat areas.

The proposed development for the Otay District consists of a mix of uses, including industrial and low-cost visitor serving recreational uses. The extreme northern and southern parcels are designated for Industrial Business Park use. The southern Industrial Business Park parcel could include industrial distribution and related facilities, or other uses allowed under the Industrial Business Park designation. Land use designations for this subarea include Open Space, Park/Plaza, Habitat Replacement, Wetlands, Industrial Business Park, Commercial Recreation, and Promenade.

A new approximately 24-acre passive South Park is proposed and will include amenities

such as: pedestrian trails, landscaping, berms, lighting, restrooms, drinking fountains, benches, picnic areas, outlook areas, trash receptacles, public art, filtration basins, and parking. The park is to be passive in nature, be low-impact and contain minimal structures. Allowed structures include restrooms, picnic tables, shade structures and overlooks, and are limited to single-story heights. No athletic field amenities or unattended food vending will be allowed. The park will utilize low water-use ground cover alternatives where possible and trails will not be paved. Due to the immediate adjacency to sensitive habitat areas, amplified sound equipment and issuance of park use permits for group events will be prohibited.

Abutting the north side of this park area is Commercial Recreation-designated property that is intended to provide low-cost visitor serving recreational uses. Specifically, this area is to be developed as an RV park that will include approximately 236 RV parking spaces and ancillary uses such as offices, pool/spa, snack bar, general store, meeting space, game room, laundry facilities, and playground equipment. Both parcels could allow for camping activities. The existing concrete Telegraph Canyon Creek channel is proposed to be replaced with a more natural vegetated channel. Efforts to naturalize and vegetate the creek will be maximized as is consistent with its function as a storm water conveyance.

An ecological buffer will be provided along the western boundary of the district between J Street and the RV park. The buffer will consist of a 100 to 200-foot-wide no-touch zone, within which public access is prohibited, to buffer the adjacent J Street Marsh and wildlife reserve from proposed development. The buffer, which is designated as Habitat Replacement and Wetlands, will be utilized for wetland and upland habitat mitigation and will prohibit public access. To prohibit access by the public and nuisance predators into the sensitive habitat areas, the eastern boundary of the no-touch zone will include six-foot-high vinyl-coated chain link fencing. Fence installation shall include land contouring to minimize visual impacts of the fence.

The construction of the northern Industrial Business Park parcel, South Park, and RV park in this district is subject to demolition of

[the existing power plant, and demolition and relocation of the existing switchyard.](#)

[New roadways will be constructed throughout the Otay District to serve new uses. A new bike path is proposed alongside the new roadways. A shoreline pedestrian trail is proposed in the Otay District, and its design will ensure protection of the adjacent sensitive habitat areas. Like the Harbor District subarea, the eastern portion of this subarea within existing right-of-way/easement areas are planned for landscaping and pedestrian/bicycle trails that will connect to the shoreline pedestrian and bike trail in the Otay District. This district will also contain parking areas. The pedestrian/bicycle trail in the Otay District will be part of the greenbelt system that will link the CVBMP area together, and link it to the rest of the City greenbelt.](#)

### **Boat Channel**

The water area directly west of the Chula Vista Bayfront is occupied by the main boat channel providing access to the harbor, which is designated Boat Navigation Corridor on the Precise Plan. Areas outside the channel will remain in the Estuary category.

[The CVBMP proposes to realign and straighten the existing navigation channel in order to increase accessibility to the harbor. The realignment will utilize an existing abandoned access channel and remove the “dog leg” portion of the current channel, thereby enhancing boat access between the Chula Vista Harbor and the northern portions of San Diego Bay. In addition, the new channel will be located further away from sensitive resources located along the shoreline west of the Sweetwater District.](#)

### **Outer South Bay**

The remaining water area in Chula Vista is scheduled to stay [designated as estuary](#). Limited surface water use for boating and fishing, for example, will be permitted but other uses will be discouraged.

### **Wildlife Reserve**

South of the Chula Vista Harbor lies a large tidal mud flat, the San Diego Gas and Electric

Company (SDG&E) dike, and the South Bay Wildlife Reserve, a 55-acre island which was built from dredged material and where native habitat has been established. The Master Plan has [four-three](#) designations for this subarea: Wetlands, Estuary, [and](#) Habitat Replacement, [and Marine Related Industrial](#).

The Wetlands (refer to the Master Plan Interpretation section on Wetlands, [page 33](#)), includes the area known as the J Street Marsh and is roughly the mud flat and marsh area exposed to air during low tide. It is undeveloped, except for a small channel [that was](#) used as a water intake trough for the SDG&E thermal power plant. [The function of the SDG&E dike is to separate this cool water intake from the warm water outfall area located on the south side of the dike. Other than potential habitat restoration activities, no alterations to the former existing intake/discharge channel area are proposed; however #it](#) is the intent of this plan to preserve the [surrounding](#) wetlands in their natural state [but to retain and maintain the intake channel. To provide for the long-term protection and management of the J Street Marsh sensitive habitat area, the Port will enter into a cooperative agreement with the US Fish and Wildlife Service that will address the placement of educational and enforcement signage, long-term maintenance, and additional protection measures such as increased monitoring and enforcement. The cooperative agreement will be executed prior to the redevelopment of the Otay District.](#)

Estuary refers to the shallow water outward of the wetlands which is not exposed at low tide. This area will not be developed; however, limited surface water activities such as boating and fishing would be permitted. Efforts should be made to avoid or reduce potential environmental damage.

The Habitat Replacement concept involves engineering, dredging, planting and developing a valuable supratidal salt marsh habitat as part of a master-planned complex. Unauthorized access by humans and predators will be greatly discouraged by fencing the SDG&E dike, although controlled access will be provided for nature instruction and research. Its location reduces conflicts between development and preservation activities, and its size enables other shoreline



projects to be completed by substituting the inferior habitats at the project sites for a carefully nurtured and highly productive habitat.

The Port District provides continual protection and management, as part of a comprehensive South Bay wildlife preserve program.

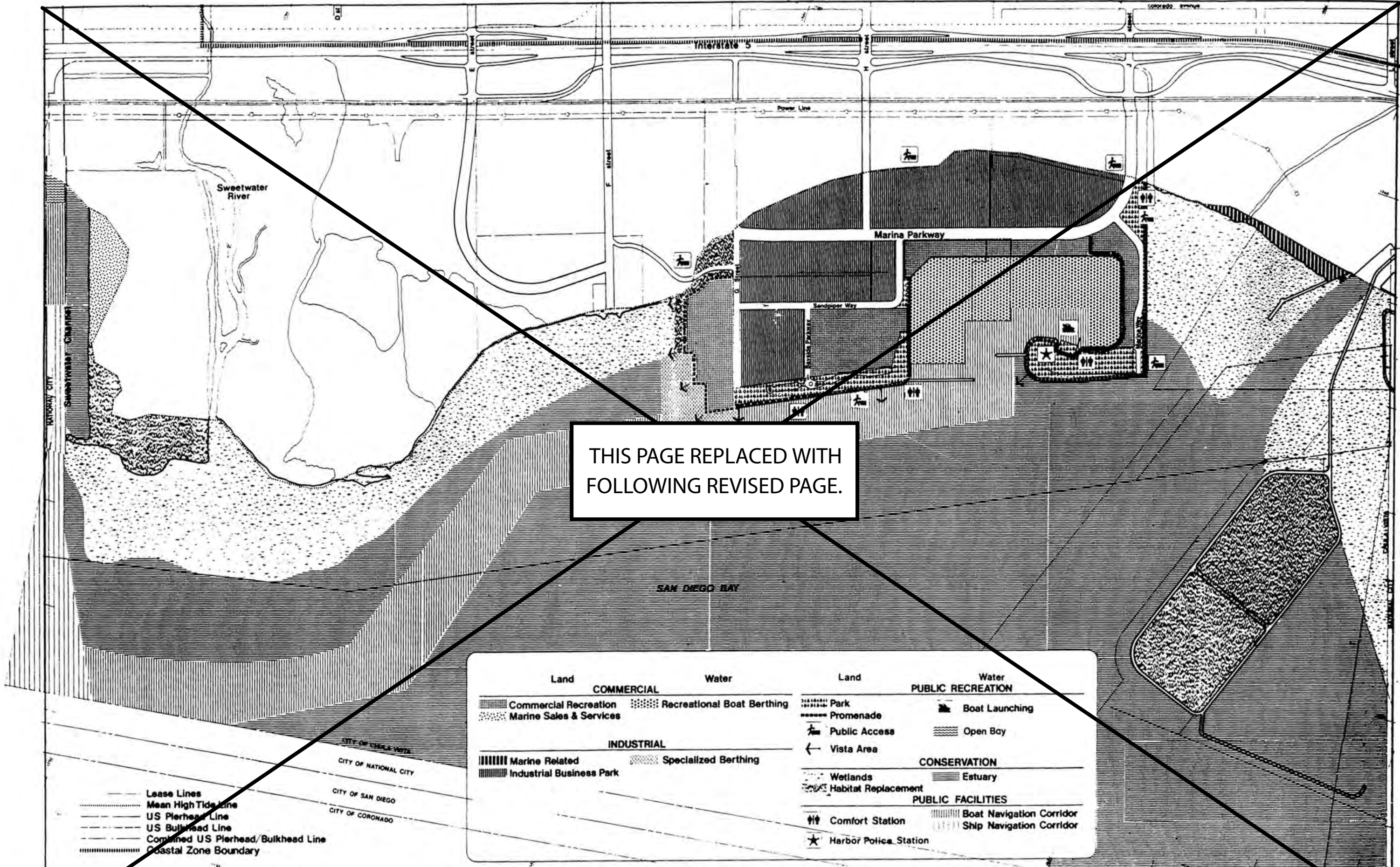
A narrow strip of District-owned land, designated Marine Related Industrial Wetlands, follows along the eastern edge of this planning subarea. It is currently leased for an electric generating plant to the existing power plant operator, and is expected to remain in this use for the future but upon demolition of the existing power plant, is intended for mitigation and/or restoration area that will include an ecological buffer between existing and created wetland areas and upland use.

**TABLE 18  
Precise Plan Land and Water Use Allocation**

**CHULA VISTA BAYFRONT: PLANNING DISTRICT 7**

<u>LAND USE</u>	<u>ACRES</u>	<u>WATER USE</u>	<u>ACRES</u>	<u>TOTAL ACRES</u>	<u>% OF TOTAL</u>
<b>COMMERCIAL</b>	<b>48.5</b> <b>43.2</b>		<b>34.0</b> <b>41.0</b>	<b>82.5</b> <b>84.2</b>	<b>5.4%</b>
Marine Sales and Service	9.7 7.5				
Commercial Recreation	38.8 35.7	Recreational Boat Berthing	34.0 41.0		
<b>INDUSTRIAL</b>	<b>84.1</b> <b>119.6</b>		<b>9.5</b> <b>4.0</b>	<b>93.6</b> <b>123.6</b>	<b>6%</b>
Industrial Business Park <del>Marine Related Industrial</del>	80.6 119.6 3.5	Specialized Berthing	9.5 4.0		
<b>PUBLIC RECREATION</b>	<b>23.9</b> <b>148.9</b>		<b>0.9</b> <b>1.2</b>	<b>24.8</b> <b>150.1</b>	<b>1.8%</b>
Open Space Park/Plaza Promenade	50.1 24.3 81.5 2.6 17.3	Open Bay/Water	0.9 1.2		
<b>CONSERVATION</b>	<b>327.3</b> <b>405.2</b>		<b>941.2</b> <b>967.2</b>	<b>1268.5</b> <b>1372.4</b>	<b>75.70%</b>
Wetlands	233.0	Estuary	941.2		
Habitat Replacement	303.9 94.3 101.3		967.2		
<b>PUBLIC FACILITIES</b>	<b>23.3</b> <b>41.2</b>		<b>196.8</b> <b>190.4</b>	<b>220.1</b> <b>231.6</b>	<b>13.12%</b>
Harbor Services	0.4	Boat Navigation Corridor	466.8 156.5		
Streets	23.2 41.2	Ship Navigation Corridor	30.0 33.9		
<b>TOTAL LAND AREA</b>	<b>507.1</b> <b>758.1</b>	<b>TOTAL WATER AREA</b>	<b>1,182.4</b> <b>1,203.8</b>		
<b>PRECISE PLAN LAND AND WATER ACREAGE TOTAL</b>				<b>1,689.5</b> <b>1961.9</b>	<b>100%</b>

THIS PAGE REPLACED WITH FOLLOWING REVISED PAGE.



Land		Water	
<b>COMMERCIAL</b>		<b>PUBLIC RECREATION</b>	
Commercial Recreation	Recreational Boat Berthing	Park	Boat Launching
Marine Sales & Services		Promenade	Open Bay
<b>INDUSTRIAL</b>		Public Access	
Marine Related	Specialized Berthing	Vista Area	
Industrial Business Park		<b>CONSERVATION</b>	
		Wetlands	Estuary
		Habitat Replacement	
		<b>PUBLIC FACILITIES</b>	
		Comfort Station	Boat Navigation Corridor
		Harbor Police Station	Ship Navigation Corridor

- Lease Lines
- Mean High Tide Line
- US Pierhead Line
- US Bulkhead Line
- Combined US Pierhead/Bulkhead Line
- Coastal Zone Boundary

scale approx.  
 0 200' 400'  
 planning department

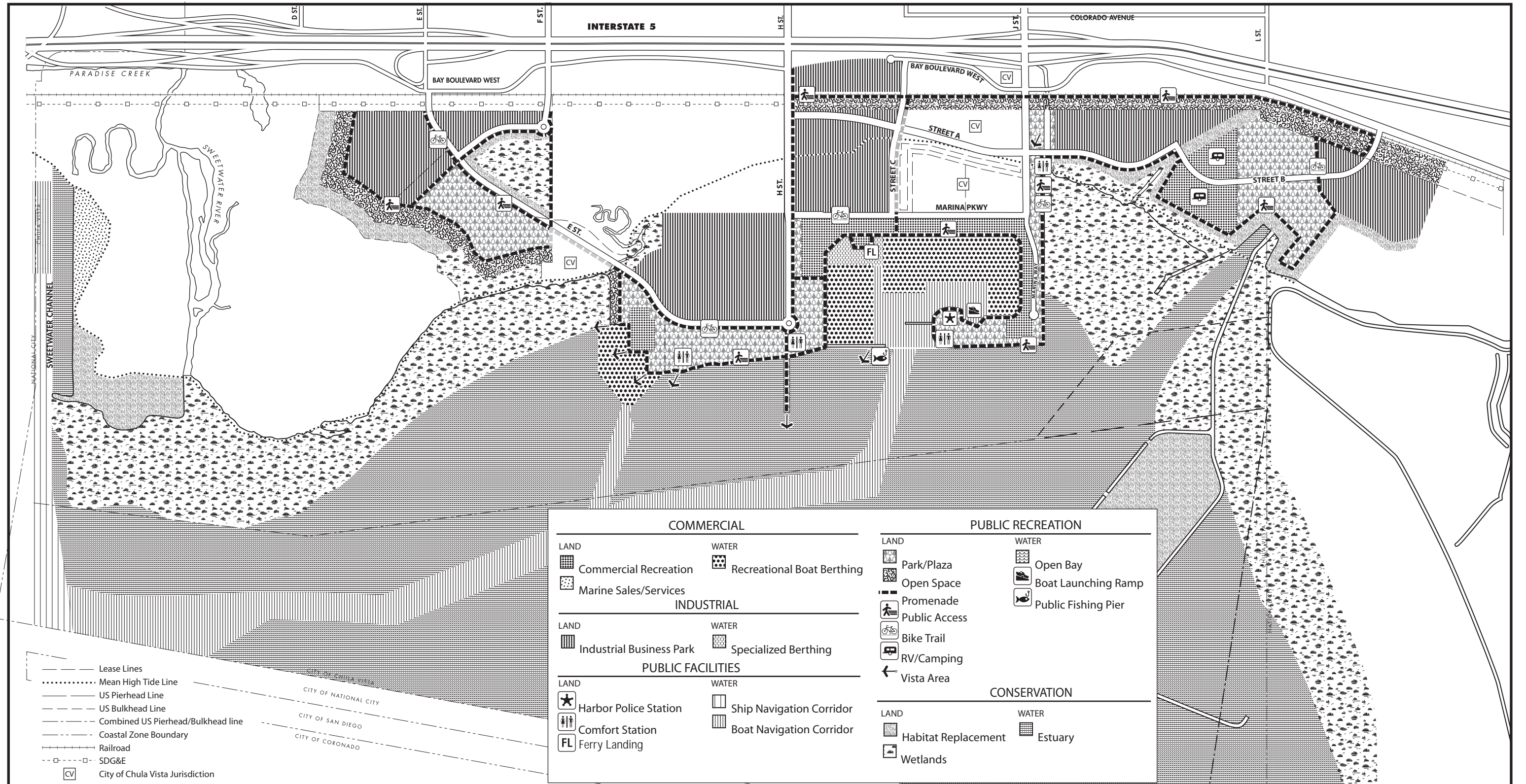
**Planning District 7  
 CHULA VISTA BAYFRONT**

**PRECISE PLAN**

**FIGURE 19**

REVISED  
 DATE: 10/14/01  
 BY: [Signature]  
 CHECKED: [Signature]  
 BASE: [Signature]  
 DATE: 10/14/01  
 BY: [Signature]  
 CHECKED: [Signature]  
 BASE: [Signature]





- Lease Lines
- ..... Mean High Tide Line
- US Pierhead Line
- US Bulkhead Line
- Combined US Pierhead/Bulkhead line
- Coastal Zone Boundary
- Railroad
- SDG&E
- CV City of Chula Vista Jurisdiction

COMMERCIAL		PUBLIC RECREATION	
LAND	WATER	LAND	WATER
Commercial Recreation	Recreational Boat Berthing	Park/Plaza	Open Bay
Marine Sales/Services		Open Space	Boat Launching Ramp
INDUSTRIAL		Promenade	Public Fishing Pier
LAND	WATER	Public Access	
Industrial Business Park	Specialized Berthing	Bike Trail	
PUBLIC FACILITIES		RV/Camping	
LAND	WATER	Vista Area	
Harbor Police Station	Ship Navigation Corridor	CONSERVATION	
Comfort Station	Boat Navigation Corridor	LAND	WATER
Ferry Landing		Habitat Replacement	Estuary
		Wetlands	

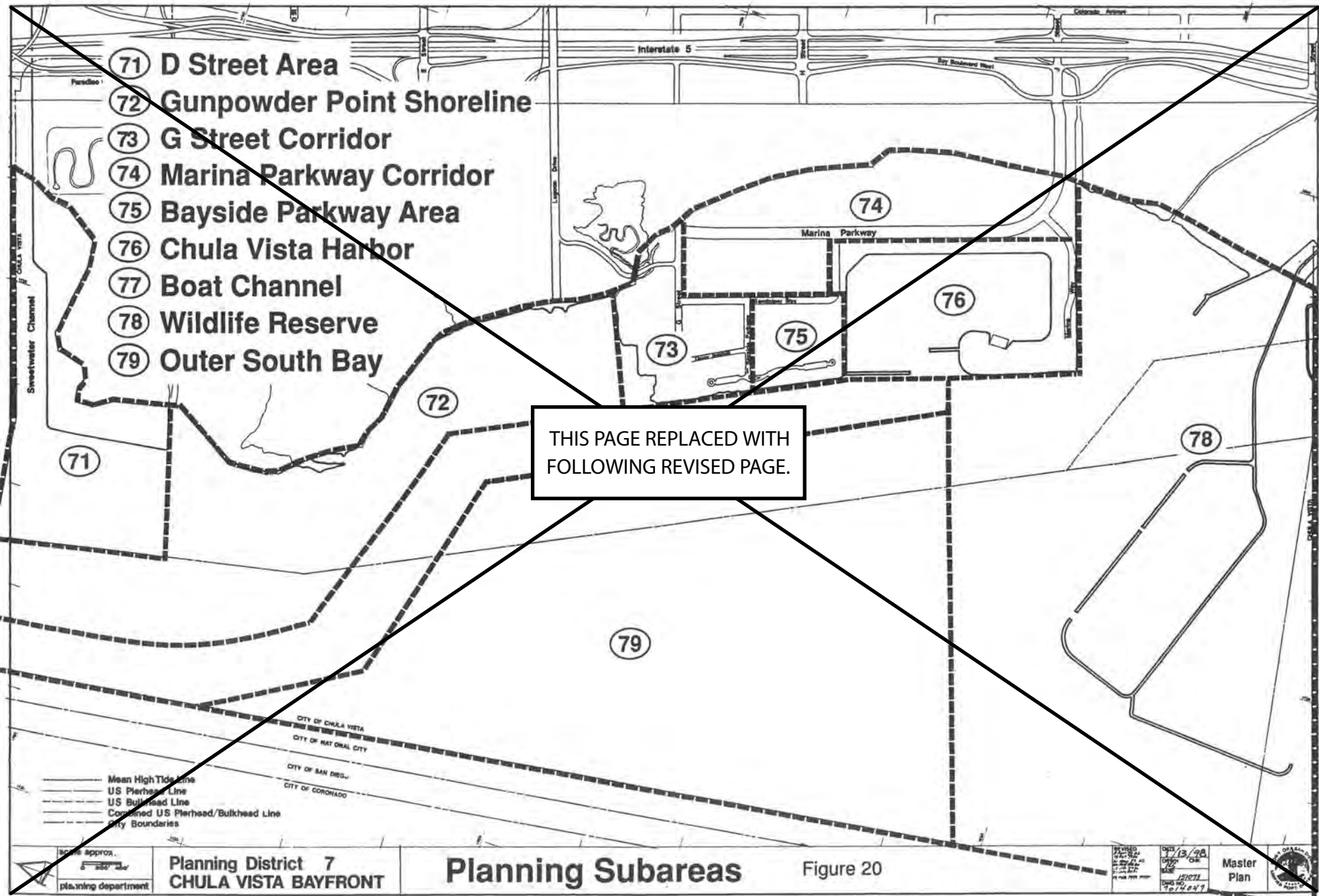
scale approx.  
  
 LAND USE PLANNING

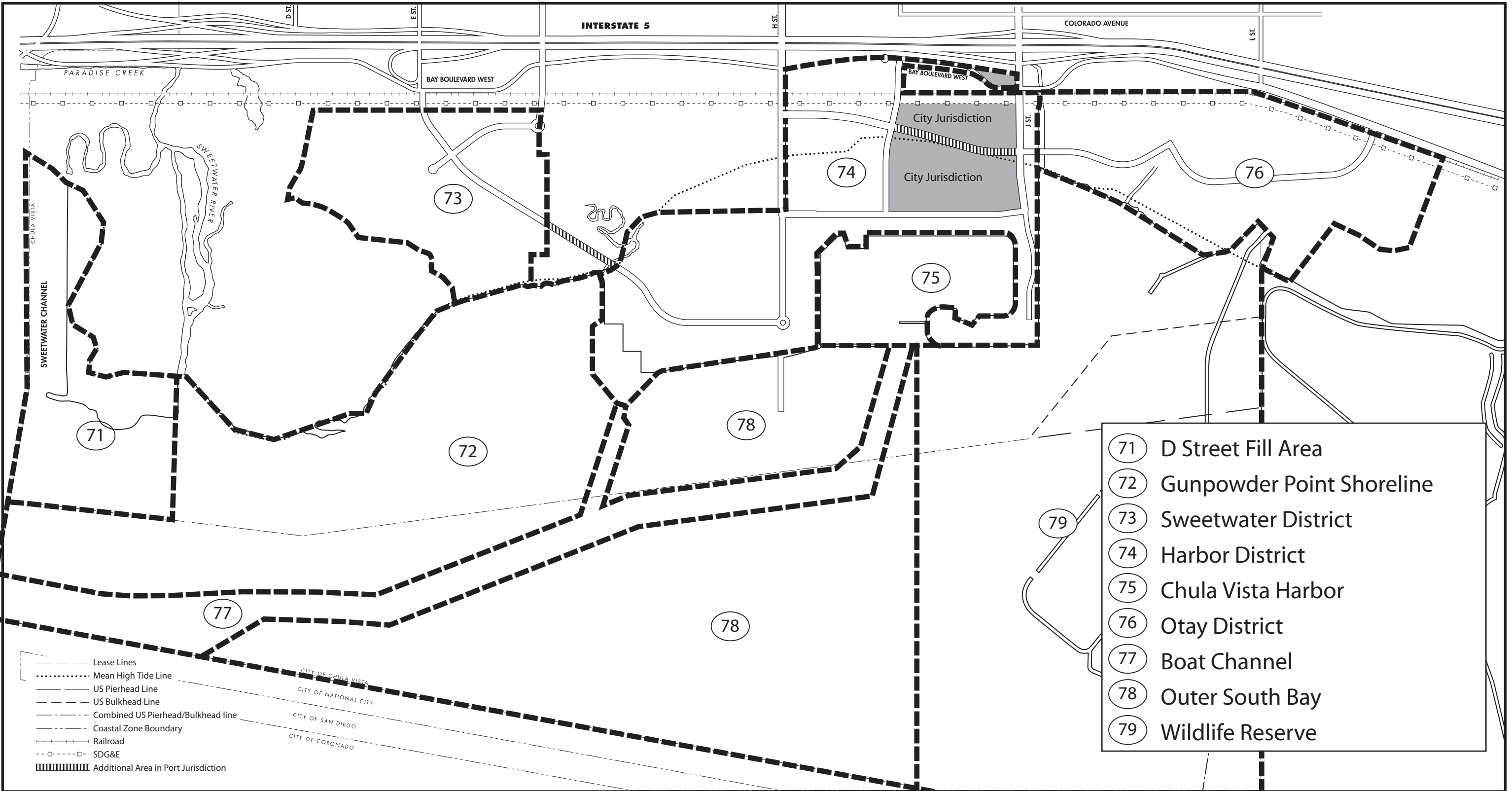
## Planning District 7 CHULA VISTA BAYFRONT

TITLE: **PRECISE PLAN DRAFT\_Rev Sweetwater Park Plan**

DATE	DWG NO.	DRWN / CHK	BASE NO.
	<b>REVISED 050510</b>		







scale approx.  
  
 LAND USE PLANNING

**Planning District 7  
 CHULA VISTA BAYFRONT**

TITLE: **Planning Subareas DRAFT\_Sweetwater Plan**

DATE	DWG NO.	DRWN / CHK	BASE NO.
	<b>REVISED 050510</b>		



**TABLE 19: Project List**

<b>CHULA VISTA BAYFRONT: PLANNING DISTRICT 7</b>					<b>FISCAL YEAR</b>
	SUBAREA ↓	DEVELOPER ↓	APPEALABLE ↓		
1. SHORELINE MAINTENANCE: Maintain stone revetment and replenish Beach at Bayside Park	75 74	P	N	<a href="#">2002 ONGOING</a>	
<del>2. MARINE-RELATED INDUSTRY: Construct marine-related industrial Development</del>	<del>73</del>	<del>ƒ</del>	<del>N</del>	<del>2002</del>	
<del>3. BIOMEDICAL/PHARMACEUTICAL MANUFACTURING: Construct facility</del>	<del>73</del>	<del>ƒ</del>	<del>N</del>	<del>2002</del>	
42. *H STREET EXTENSION: Extend H Street to Marina Parkway	74	P	Y	1997	
3. *H STREET EXTENSION: Extend H Street from Marina Parkway to E Street Extension and construct utilities	74	P	Y	<a href="#">2008-2012</a>	
<del>5. HOTEL/RESTAURANT: Construct hotel and restaurant</del>	<del>76</del>	<del>ƒ</del>	<del>Y</del>	<del>1998</del>	
64. STORM DRAIN: Construct, enhance, and maintain storm drain	73/74	P/ T	N	1997-2000	
75. * D STREET FILL MITIGATION SITE: Excavate and construct a salt marsh habitat as mitigation for the National City Marine Terminal Wharf Extension	71	P	N	2001	
6. *E STREET EXTENSION: Extend E Street from Sweetwater District to Harbor District and construct utilities	73/74	P	Y	<a href="#">2008-2012</a>	
7. *F STREET TERMINATION: Termination of F Street segment/Lagoon Drive and construction of new roadway connection to E Street, as well as pedestrian/bike trail connection on former F Street segment	73	P	N	<a href="#">2008-2012</a>	
8. *MARINA PARKWAY REALIGNMENT: Realignment and narrowing of Marina Parkway from J Street to H Street, construct utilities. Construct improvements to Marina Way.	74	P	Y	<a href="#">2008-2012</a>	
9. *HARBOR DISTRICT ROADWAY AND INFRASTRUCTURE IMPROVEMENTS: Reconfiguration of existing and construction of new interior roadways, as well as necessary utility improvements to support planned projects	74	P	N	<a href="#">2008-2012</a>	
10. *SWEETWATER DISTRICT WETLAND AND UPLAND HABITAT MITIGATION: Creation, restoration, and enhancement of identified wetland and upland habitat areas, as well as the establishment of ecological buffers, as mitigation for CVBMP development	73	P	N	<a href="#">2008-2012</a>	
11. *SWEETWATER PARK: Development of 18-acre signature park in Sweetwater District, including associated public amenities, promenades, and parking areas	73	P	N	<a href="#">2008-2012</a>	
12. *NATURE CENTER PARKING AREA: Construct new 50 to 100-space parking area and access road for Chula Vista Nature Center	73	T	N	<a href="#">2008-2012</a>	

13. <u>*SWEETWATER PARK EXTENSION: Extension of Sweetwater signature park into Harbor District, including improvements to existing Bayside Park</u>	74	P	N	<u>2008-2012</u>
14. <u>*HARBOR DISTRICT BAYWALK: Development of new Baywalk promenade along the shoreline</u>	74	P	N	<u>2008-2012</u> <u>2013-2017</u> <u>2018-2031</u>
15. <u>*MARINA VIEW PARK IMPROVEMENTS: Reconfiguration of park and parking areas to accommodate reconfigured J Street/Marina Parkway and Marina Way, construct pedestrian promenade</u>	74	P	N	<u>2008-2012</u>
16. <u>*H STREET PIER (FIRST HALF): Construct new pier at terminus of extended H Street corridor above existing open water area (eastward only of existing navigation channel)</u>	74	P	Y	<u>2008-2012</u>
17. <u>RESORT CONFERENCE CENTER: Construct resort conference center, including 1,500 to 2,000 hotel rooms, 100,000 square feet of restaurant, 20,000 square feet of retail, up to 400,000 square feet of net meeting space, and other associated ancillary uses</u>	74	T	Y	<u>2008-2012</u>
18. <u>HARBOR RESORT HOTEL AND CULTURAL/RETAIL: Construct 500-room resort hotel with associated conference room, retail, and ancillary uses, along with up to 200,000 square feet of cultural/retail uses and integrated open space</u>	74	T	Y	<u>2008-2012</u>
19. <u>NORTH HARBOR RETAIL AND MARINA SUPPORT: Construct visitor-serving retail and marina support uses totaling 25,000 to 50,000 square feet around northern periphery of Chula Vista Harbor</u>	74	T	Y	<u>2008-2012</u>
20. <u>*OTAY DISTRICT ROADWAY AND INFRASTRUCTURE IMPROVEMENTS: Reconfiguration of existing and construction of new interior roadways, as well as necessary utility improvements to support planned projects</u>	76	P	N	<u>2013-2017</u>
21. <u>*OTAY DISTRICT WETLAND AND UPLAND HABITAT MITIGATION: Creation, restoration, and enhancement of identified wetland and upland habitat areas, as well as the establishment of ecological buffers, as mitigation for CVBMP development; Replacement of existing concrete Telegraph Canyon Creek channel with wider, naturally vegetated channel</u>	76	P	N	<u>2013-2017</u>
22. <u>*CHULA VISTA BAYFRONT PARK IMPROVEMENTS: Reconfiguration of existing boat trailer parking lot</u>	74	P	N	<u>2013-2017</u>
23. <u>*SOUTH PARK: Development of 24-acre park in Otay District, including associated public amenities, promenades, and parking areas</u>	76	P	N	<u>2013-2017</u>
24. <u>*OPEN SPACE IMPROVEMENTS: Construct greenbelt improvements, such as landscaping and trails for pedestrians and bicyclists, along SDG&amp;E and Coronado Branch Railroad rights-of-way</u>	74/76	P	N	<u>2013-2017</u>
25. <u>SOUTH HARBOR RETAIL AND MARINA SUPPORT: Construct 75,000 to 150,000 square feet of visitor-serving retail, marina support, and parking uses around southern periphery of Chula Vista Harbor</u>	74	T	Y	<u>2013-2017</u>
26. <u>RECREATIONAL VEHICLE PARK: Construct new recreational vehicle park with supporting ancillary uses</u>	76	T	N	<u>2013-2017</u>



27. <u>INDUSTRIAL BUSINESS PARK USES: Development of uses consistent with Industrial Business Park designation</u>	76	Y	N	<u>2013-2017</u>
28. * <u>CHULA VISTA HARBOR RECONFIGURATION AND MARINA SUPPORT: Reconfiguration and reduction of existing marina slips to create new open water commercial harbor, and development of landside marina support facilities</u>	75	P	Y	<u>2018-2031</u>
29. * <u>BOAT CHANNEL REALIGNMENT: Realign and straighten existing boat navigation channel</u>	77	P	N	<u>2018-2031</u>
30. * <u>H STREET PIER (SECOND HALF): Construct second phase of new pier at terminus of extended H Street corridor (extension into former navigation channel)</u>	74	P	Y	<u>2018-2031</u>
31. <u>SWEETWATER RESORT HOTEL: Construct 500 to 750 room resort hotel with associated meeting space, restaurants, and retail shops</u>	73	I	Y	<u>2018-2031</u>
32. <u>MIXED-USE OFFICE/COMMERCIAL RECREATION AND COLLECTOR PARKING GARAGE: Construct approximately 100,000 square feet of mixed-use office/commercial recreation and a 1,100 to 3,000-space collector parking garage.</u>	74	T/ P	N	<u>2018-2031</u>
33. <u>COMMUNITY BOATING CENTER: Construct community boating center, which may include an aquatic center, low cost visitor-serving boating opportunities, dock and dine facilities, water taxi dock, boat launch, and associated on-site parking</u>	74	T/ P	N	<u>2018-2031</u>
34. <u>COMMUNITY BOATING CENTER MARINA: Construct 200-slip marina for associated Community Boating Center (slips relocated from Chula Vista Harbor)</u>	74	T/ P	Y	<u>2018-2031</u>
35. <u>MIXED-USE OFFICE/RETAIL BUILDING: Construct low-intensity mixed-use office/retail building of 60,000 to 120,000 square feet in size, along with associated on-site landscaping and parking improvements</u>	73	I	Y	<u>2018-2031</u>
36. <u>FERRY TERMINAL: Construct ferry terminal with second story restaurant/retail totaling 10,000 to 25,000 square feet of building area</u>	74	I	Y	<u>2018-2031</u>
P- Port District T- Tenant	N- No Y- Yes	* Project proposed in District's Capital Improvement Program		

PLANNING DISTRICT 9

**South Bay Salt Ponds**

This subarea ~~includes both leased and unleased areas. A parcel is leased to San Diego Gas and Electric Company for a warm water outlet and dispersal area as part of the South Bay Power Generating Plant operation. The remaining area~~ is predominantly submerged bay tidelands, including the terminus channel of the Otay River. The water area remaining under Port District control is included in the Estuary classification.

**Project List**

No specific projects are identified, although it is anticipated that some environmental enhancement or mitigation project may be identified later as plans are implemented around the bay.

<b>TABLE 22</b>					
<b>Precise Plan Land and Water Use Allocation</b>					
<b>SOUTH BAY SALT LANDS: PLANNING DISTRICT 9</b>					
<u>LAND USE</u>	ACRES	<u>WATER USE</u>	ACRES	<u>TOTAL ACRES</u>	<u>%OF TOTAL</u>
CONSERVATION	192.0		605.5	797.5	100%
Wetlands	192.0	Estuary Salt Ponds	185.3 420.2		
<b><u>TOTAL LAND AREA</u></b>	<b><u>192.0</u></b>	<b><u>TOTAL WATER AREA</u></b>	<b><u>605.5</u></b>		
<b>PRECISE PLAN LAND AND WATER ACREAGE TOTAL</b>				<b>797.5</b>	<b>100%</b>