

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION CERTIFYING THE “NATIONAL CITY
BAYFRONT PROJECTS & PLAN AMENDMENTS”
FINAL ENVIRONMENTAL IMPACT REPORT,
ADOPTING THE FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS,
ADOPTING THE MITIGATION MONITORING AND
REPORTING PROGRAM, AND DIRECTING FILING
OF THE NOTICE OF DETERMINATION**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, the District, City of National City (City), Pasha Automotive Services (Pasha) and by GB Capital Holdings, LLC (GB Capital), are the project proponents and applicants; and

WHEREAS, on September 23, 2015, the Board of Port Commissioners (BPC) directed staff to study land use changes in the National City Marina District (Marina District) that would optimize recreational, maritime and commercial uses which resulted in a public planning process commonly known as the “National City Marina District Balanced Land Use Plan” (Balanced Plan); and

WHEREAS, on April 14, 2016, the Balanced Plan was presented to the BPC and the BPC directed staff to commence preparation of an environmental impact report (EIR) under the California Environmental Quality Act (CEQA) and process a Port Master Plan Amendment (PMPA) for: (i) land use changes associated with the Balanced Plan; (ii) Pasha’s Tidelands Avenue Closure Project; and (iii) permanent alignment of Bayshore Bikeway in National City; and

WHEREAS, on October 13, 2016, the BPC directed staff to add three more components to the EIR, which are separate from the Balanced Plan: (i) a recreational vehicle park and eventual hotel development proposed by GB Capital; (ii) a connector rail project proposed by Pasha; and (iii) a hotel and retail development on property owned by the City, off of District tidelands (City Program); and

WHEREAS, these project components stated in the above recitals are collectively the “project” or “proposed project” that was analyzed in the Draft EIR; and

WHEREAS, the District, as the lead agency pursuant to CEQA, prepared the EIR for the proposed project; and

WHEREAS, the proposed project consists of the following main components: (i) changes to land and water use designations in the District's Port Master Plan (Balanced Plan Component); (ii) construction and operation of a recreational vehicle (RV) park, modular cabins, dry boat storage, up to four hotels, and an expanded marina primarily within the District's jurisdiction (GB Capital Component); (iii) construction and operation of a rail connector track and storage track within the District's jurisdiction (Pasha Rail Improvement Component); (iv) closure of Tidelands Avenue between Bay Marina Drive and 32nd Street as well as West 28th Street between Tidelands Avenue and Quay Avenue within the District's and City's jurisdictions and redesignation of the area from Street to Marine-Related Industrial in the District's Port Master Plan (Pasha Road Closures Component); (v) construction and operation of Segment 5 of the Bayshore Bikeway within the District's and City's jurisdictions (Bayshore Bikeway Component); and (vi) construction and operation of hotel, restaurant, retail, and/or a combination of tourist-/visitor-serving commercial development north of Bay Marina Drive within the City's jurisdiction (City Program – Development Component); and

WHEREAS, pursuant to the CEQA, Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. (CEQA Guidelines), and the District's CEQA Guidelines, the District prepared a Draft Environmental Impact Report for the National City Bayfront Projects and Plan Amendments (UPD #EIR-2018-232; SCH #2018121054) for the Proposed Project (Draft EIR), which was circulated for public review for 50 days, which began on September 29, 2021 and ended on November 17, 2021; and

WHEREAS, the District received 24 comment letters concerning the Draft EIR, including comment letters received from public agencies, organizations and individuals which generally covered air quality and health risks; biological resources; greenhouse gas (GHG) emissions and climate change; hydrology and water quality; noise; sea level rise; transportation, circulation, and parking; and cumulative impacts; and

WHEREAS, none of the comments received constituted or resulted in substantial revision or significant new information requiring recirculation under CEQA Guideline §15073.5; and

WHEREAS, information contained in the District's responses to comments clarifies and further substantiates the conclusions contained in the Draft EIR and the District's written responses to the comment letters are included in Volume 1 of the Final Environmental Impact Report (Final EIR); and

WHEREAS, the Draft EIR found that the project would result in a "less than significant" impact with no mitigation required for Hydrology and Water Quality, Population and Employment, and Public Services and Recreation; and

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WHEREAS, with the mitigation measures identified in the EIR, the project was found to be less than significant in these CEQA resource areas: Aesthetics and Visual Resources; Air Quality and Health Risk (direct/project-level and cumulative); Biological Resources; Cultural Resources, Tribal Cultural Resources, and Paleontological Resources; GHG Emissions and Climate Change (with the exception of the significant and unavoidable direct and cumulative impacts identified below); Energy; Hazards and Hazardous Materials, Land Use and Planning; Noise and Vibration (with the exception of the significant and unavoidable direct/project-level impacts identified below); Transportation, Circulation, and Parking; (with the exception of the significant and unavoidable direct/project-level and cumulative impacts identified below) and Utilities and Service Systems; and

WHEREAS, the Draft EIR found that the project would have “Significant and Unavoidable” impacts even with feasible mitigation measures as follows: (a) direct/project-level impacts related to: GHG Emissions and Climate Change (inconsistency of all project components with District and City Climate Action Plan Numerical Targets, as applicable); Noise and Vibration (short term construction exceedance of City of National City Municipal Code noise standards by the Balanced Plan Component, Bayshore Bikeway Component, City Program - Development Component, GB Capital Component, Pasha Road Closures Component; and potential exceedance of the City’s Municipal Code Noise Standards at Onsite Sensitive Receptors Due to Onsite Operations by the GB Capital Component and the Balanced Plan Component); and Transportation, Circulation, and Parking (vehicle miles traveled generation in exceedance of employment-based thresholds during project operations by the GB Capital Component and City Program - Development Component) and (b) cumulative impacts related to GHG Emissions and Climate Change (inconsistency of all project components with District and City Climate Action Plan Numerical Targets, as applicable), and Transportation, Circulation, and Parking (vehicle miles traveled generation in exceedance of employment-based thresholds during project operations by the GB Capital Component and City Program - Development Component) (collectively, direct/project-level and cumulative significant and unavoidable impacts, Significant and Unavoidable Impacts); and

WHEREAS, with all feasible mitigation measures as identified in the EIR the Significant and Unavoidable Impacts would not be lessened to below a level of significance; and

WHEREAS, the EIR analyzed four project alternatives as required by CEQA and the CEQA Guidelines, but all four project alternatives were rejected because of the failure to meet project objectives, or inability to avoid significant environmental impact; and

WHEREAS, the District has prepared the Final EIR, consisting of six volumes and containing the information required by CEQA Guidelines section

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15132, including the Draft EIR and the revisions and additions thereto, technical appendices, public comments and the District's responses to public comments on the Draft EIR and the Final EIR has been publicly accessible since September 30, 2022 on the District's website at: <https://www.portofsandiego.org/public-records/port-updates/notices-disclosures/ceqa-documents> and said link was made available to commenters to the Draft EIR and the BPC; and

WHEREAS, all mitigation measures have been prepared in compliance with CEQA Guidelines Section 15097; the Mitigation Monitoring and Reporting Program (MMRP) identifies the required mitigation measures, the party responsible for carrying them out, and a monitoring and reporting mechanism; compliance with the MMRP contained in the Final EIR will be included as a condition of any future Coastal Development Permits (CDPs) for the project components; and

WHEREAS, the Significant and Unavoidable Impacts require the BPC to adopt a Statement of Overriding Considerations (SOC) identifying that the District has balanced the specific environmental risks against the project benefits in determining whether to approve the project; and

WHEREAS, staff recommends the BPC find that, pursuant to CEQA Guidelines Section 15093, the benefits of the project stated in the SOC, including but not limited to the specific economic, legal, social, technological, and other benefits outweighs its significant adverse environmental impacts and therefore, such impacts are considered acceptable; and

WHEREAS, in particular, the overriding benefits of the proposed project include (i) the project will advance the goal articulated in the Port's mission statement that provides: "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 provide a stimulus to the local and regional economy through the creation of temporary and permanent jobs for the construction and operation of the hotels, restaurant, retail development, RV park, dry boat storage, and expanded marina components of the project. In addition, the public access areas and expanded Pepper Park would be available for future visitor and public uses that will provide community services to residents and visitors to the San Diego region and National City; (ii) the project would further the District's commitment to lower cost visitor and recreational facilities, consistent with Section 30213 of the Coastal Act. The project proposes to improve the existing Pepper Park and expand Pepper Park by 2.5 acres. Pepper Park is a recreational facility that is free and accessible to the public; and after the park expansion it would remain free and accessible to the public. The project would also implement several recreational opportunities, including bicycle and pedestrian paths. In addition, the project would expand Pepper Park in order to attract more visitors. Further, the overnight accommodations included in the proposed project are anticipated to be lower-cost because the National City hotel market is a lower

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cost market as compared to the City of San Diego. The overnight accommodations (e.g., hotels, motels) currently operating in National City have average daily rates below \$100.00. The proposed overnight accommodations included with the proposed project will reflect the local hotel market conditions; (iii) the project will stimulate economic growth for the District, the City of National City, and the overall region by paying leasing fees to the District, creating hotel tax revenues for the City, and by providing a hotel for overnight accommodations to visitors to the San Diego region and National City that will contribute to the local economy; (iv) the project will increase employment opportunities within the region by providing approximately 211 temporary jobs during construction and approximately 437 jobs during operation of the components of the project; (v) the project would provide a connection to the regional bikeway network, create a safer environment for bicyclists, and support the implementation of SANDAG's Regional Bike Plan through the construction of Segment 5 of the Bayshore Bikeway; and (vi) the project would incorporate parcels into the Port Master Plan that are owned by the District and the District should have land use jurisdiction over but is currently in the City's Local Coastal Program; and

WHEREAS, pursuant to CEQA Guidelines sections 15091, 15093 and 15097, the District has prepared Findings of Fact and SOC and a MMRP, which have been filed with the District Clerk; and

WHEREAS, the District Clerk 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 District Clerk; and

WHEREAS, all materials with regard to the proposed project were made available to the BPC for its review and consideration of the proposed project including, but not limited to, the following:

1. The Staff Report/Agenda Sheet, dated (October 2022);
2. The Notice of Preparation and Initial Study (December 2018);
3. The Draft EIR (September 2021);
4. The Final EIR (September 2022);
5. The appendices to the Draft EIR and the Final EIR;
6. The proposed Findings of Fact and Statement of Overriding Considerations (October 2022);
7. The proposed Mitigation Monitoring and Reporting Program (September 2022);
8. All documents and other materials referenced and/or incorporated by reference in the Draft EIR and Final EIR, including but not limited to the

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materials identified in Chapter 9, References, of the Draft EIR;

9. All reports, applications, memoranda, maps, letters, and other documents prepared by the District's staff and consultants for the proposed project; and
10. All documents and records filed in this proceeding by the District and other interested parties.

WHEREAS, a duly noticed public hearing was held on October 11, 2022, before the BPC, at which the BPC received public testimony, reviewed and considered all testimony and materials made available to the BPC regarding the proposed project; and

WHEREAS, having reviewed and considered all testimony and materials made available to the BPC, 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 BPC took the actions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners (BPC) of the San Diego Unified Port District, as follows:

1. The BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. The BPC finds and determines that the applicable provisions of California Environmental Quality Act (CEQA), its implementing CEQA Guidelines, and District CEQA 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 BPC finds and determines that (a) the Final Environmental Impact Report (EIR) is complete and adequate in scope and has been completed in compliance with CEQA, the CEQA Guidelines and District CEQA Guidelines, (b) the Final EIR was presented to the BPC, and the BPC has fully reviewed and considered the information in Final EIR prior to approving the proposed project, (c) the Final EIR reflects the 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 BPC finds and determines that 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 BPC 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

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finding.

5. The BPC further finds and determines that 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 BPC hereby makes and adopts the Statement of Overriding Considerations (SOC) appended hereto as Chapter 7.0 of **Exhibit "A"** and made 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.

6. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the BPC hereby adopts and approves the Mitigation Monitoring and Reporting Program (MMRP), 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 MMRP as conditions of approval for the proposed project.

7. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the Clerk of the District 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 proposed 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.

8. 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 District Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

9. The BPC finds that the project is consistent with the Public Trust Doctrine and Port Act as it complies with Section 87 of the Port Act, which allows for the establishment and maintenance of parks, overnight accommodations, recreational marinas and maritime uses. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine.

10. As a condition of this approval, Pasha Automotive Services (Pasha), GB Capital Holdings, LLC (GB Capital) and the City of National City (City) shall indemnify and hold the District harmless against all third-party legal challenges, claims, lawsuits, proceedings and the like, including reimbursement of all District attorneys' fees, costs and other expenses incurred by the District, related to the District's approval of the proposed project and certification of the Final EIR, and adoption of the Findings of Fact, SOC and MMRP. Said indemnity and hold harmless condition is independent of any agreements by and between Pasha,

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GB Capital, City and the District.

Attachments:

Exhibit A: Findings of Fact and Statement of Overriding Considerations

Exhibit B: Mitigation Monitoring and Reporting Program

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the
San Diego Unified Port District, this 11th day of October 2022, by the following vote:

EXHIBIT "A"

Findings of Fact and Statement of Overriding Considerations

**THE BOARD OF PORT COMMISSIONERS
OF THE
SAN DIEGO UNIFIED PORT DISTRICT**

**FINDINGS OF FACT
FOR THE
National City Bayfront Projects & Plan
Amendments**

**FINAL ENVIRONMENTAL IMPACT REPORT
(UPD #EIR-2018-232; SCH #2018121054)**

October 2022

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FINDINGS OF FACT

FOR THE

NATIONAL CITY BAYFRONT PROJECTS & PLAN AMENDMENTS

FINAL ENVIRONMENTAL IMPACT REPORT
(UPD #EIR-2018-232; SCH #2018121054)

INTRODUCTION

The Board of Port Commissioners of the San Diego Unified Port District (District) hereby makes the following Findings concerning the Final Environmental Impact Report (UPD #EIR-2018-232; SCH #2018121054) for the National City Bayfront Projects and Plan Amendments (“proposed project”), pursuant to the California Environmental Quality Act, Public Resources Code §21000, *et seq.* (CEQA), and its implementing regulations, California Code of Regulations, Title 14, §15000, *et seq.* (State CEQA Guidelines).

The Final Environmental Impact Report (EIR) prepared for the proposed project consists of the following:

- Volume 1 of the Final EIR is composed of the following:
 - Chapter 1 is an introduction to the Final EIR.
 - Chapter 2 contains an overview of the revisions made to the Draft EIR.
 - Chapter 3 contains comments received on the Draft EIR and the District’s responses to those comments.
 - Chapter 4 contains references used in the Final EIR.
 - Attachment 1 to the Final EIR contains the Mitigation Monitoring and Reporting Program (MMRP).
- Volume 2 of the Final EIR is a revised version of the Draft EIR, identifying changes in the text of the Draft EIR and other information added by the District in response to the public comments received.
- Volume 3 of the Final EIR consists of Appendices A through G of the Final EIR. Appendix Da (Revised Draft Port Master Plan Amendment associated with Balanced Plan) was added to the Final EIR.
- Volume 4 of the Final EIR consists of Appendices H through J of the Final EIR. Revisions were made to Appendix H (Marine Biological Resources Report) and Appendix J (Noise and Vibration Data and Calculations). Appendix Ia (Historic Property Survey Report) was added to the Final EIR.
- Volume 5 of the Final EIR consists of Appendix K of the Final EIR. Revisions were made to Appendix K (Transportation Impact Analysis).

- Volume 6 of the Final EIR consists of Appendices L through N of the Final EIR.

1.0 PROJECT DESCRIPTION

1.1 Project Overview

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

Specifically, the proposed project includes the following main components.

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

boundaries; and changes to land use, specific plan, and zone designations (City Program – Plan Amendments Component).

The proposed Balanced Plan includes a PMPA and corresponding LCP amendment (LCPA) to correct jurisdictional land use maps and clarify the land use authority, redesignate land uses, and balance commercial and maritime uses. The Balanced Plan was created in response to a public planning process to identify a reconfiguration of land uses to optimize recreational, maritime, and commercial uses within the National City Marina District, which is the area generally north of Sweetwater Channel and west of the wildlife refuge (Paradise Marsh). Implementation of the Balanced Plan would clearly delineate maritime land use boundaries from potential recreational and commercial land use boundaries while allowing operational efficiencies, but not throughput, to increase at the National City Marine Terminal (NCMT) and maintaining sensitivity to the function and sustainability of the Paradise Marsh, as well as public access and recreation in an expanded Pepper Park. The Balanced Plan proposes to accomplish this through the reconfiguration of roadways, a new rail connection, reconfiguration of commercial recreation and maritime-related land uses, the expansion of Pepper Park, and preservation of habitat buffers for the adjacent wildlife refuge.

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

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

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

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

1.2 Project Location

The project site is located in the southwestern portion of National City, partially within the City's existing jurisdiction, partially within the District's existing jurisdiction. The project area is generally bordered by Paradise Marsh (part of the San Diego Bay National Wildlife Refuge/Sweetwater Marsh Unit) to the east, Sweetwater Channel to the south, NCMT and maritime uses to the west, and Civic Center Drive and commercial and industrial uses to the north.

Most of the project site is on land that is within the District's jurisdiction, and the District has regulatory duties and proprietary responsibilities over these portions of the project site. These portions of land have included leases since 1990 to Pasha for operation of an automotive import/export business at the marine terminal and leases since 2008 to GB Capital for operation of a recreational boat marina. In addition, Pepper Park and a portion of Sweetwater Channel (west of the mean high tide line) are part of the project site included within the District's jurisdiction, and a portion of Sweetwater Channel (east of the mean high tide line) is part of the project site included within the City's jurisdiction.

The proposed project consists of the following six components, which, while not all contiguous, total approximately 77 acres, and are in the following general locations:

- The Balanced Plan is located within the District's jurisdiction and is a land use plan to reconfigure land and water uses within the approximately 60.9-acre area generally north of Sweetwater Channel, south of the National Distribution Center, east of NCMT, and west of Paradise Marsh. The Balanced Plan proposes to reconfigure areas that are designated for Park/Plaza, Commercial Recreation, Marine Terminal, Marine-Related Industrial, Recreational Boat Berthing, and Street land uses in the Port Master Plan. The Balanced Plan also includes an expansion to Pepper Park.
- The GB Capital Component includes the Pier 32 Marina and the undeveloped lot to the north of the marina, part of the Sweetwater Channel to the south of the marina, and two existing parking lots utilized by Pasha, generally to the north and west of the marina. The GB Capital site is generally bounded by Sweetwater Channel to the south, Paradise Marsh to the east, the National Distribution Center facility to the north, and NCMT to the west. The GB Capital Component is proposed to be located generally on the area identified for a Commercial Recreation land use in the Balanced

Plan, but also extends into the City's jurisdiction, and outside the Balanced Plan boundaries, in the Sweetwater Channel. The landside portions of the GB Capital Component, as well as the existing marina, and most of the jetty are located within the District's jurisdiction.

- The Pasha Rail Improvement Component, which is located within the District's jurisdiction, would traverse the lot bounded on the north by existing railroad tracks and the National Distribution Center, on the east by Marina Way, on the south by 32nd Street, and on the west by Tidelands Avenue. The Pasha Rail Improvement Component is proposed to be located in the area identified for a Marine Related Industrial land use in the Balanced Plan.
- The Pasha Road Closures Component is located on Tidelands Avenue, from south of Bay Marina Drive to 32nd Street, and West 28th Street, between Quay Avenue and Tidelands Avenue. The Pasha Road Closures Component is mostly located within District jurisdiction, and a portion (between Bay Marina Drive and the mean high tide line) is located within City jurisdiction.
- The Bayshore Bikeway Component is generally located on a combination of existing roadways, including Bay Marina Drive, Marina Way (formerly Harrison Avenue), McKinley Avenue, and Civic Center Drive. Most of the Bayshore Bikeway Component is located within the City's jurisdiction, and the southernmost portion is located within District jurisdiction.

The City Program – Development Component is located within the City's jurisdiction, north of Bay Marina Drive, generally bounded by West 23rd Street on the north, the Interstate (I-) 5 southbound off-ramp at Bay Marina Drive to the east, Bay Marina Drive to the south, and the BNSF Railway (BNSF) railroad tracks to the west (west of the intersection of Bay Marina Drive and Marina Way).

1.3 Project Objectives

To achieve the purpose and need of the proposed project, the District has identified the following objectives in coordination with the City.

1. Further activate the project site by modifying the land uses and their configurations to foster the development of high-quality commercial and recreational uses to maximize employment opportunities, maximize recreational opportunities for visitors, maximize economic development opportunities, and to improve cargo and transportation efficiencies of maritime industrial uses associated with operations at NCMT.
2. Reconfigure maritime and commercial uses to balance the anticipated future market demands for those uses, while also increasing public access on the project site.

3. Implement cohesive commercial development that is designed to enhance enjoyment of the National City Marina District and surrounding City area, contribute to the area's economic vitality, and generate economic revenue for the City including through increased Transient Occupancy Tax.
4. Increase park space and recreational opportunities to enhance the waterfront experience for all visitors and maximize opportunities to attract tourism to the City.
5. Reduce unnecessary train movements and reduce the required effort associated with building daily trains by improving near-terminal rail storage capacity and creating a more direct connection between the BNSF Railway National City Yard and the NCMT.
6. Offset the loss of existing land used for maritime operations, as proposed in the Balanced Plan, by closing internal District streets (i.e., Tidelands Avenue and West 28th Street) adjacent to existing maritime operations to create contiguous space for maritime operations and configuring cargo operations at and adjacent to the NCMT to create cargo-handling efficiencies to reduce cargo movements.
7. Incorporate District properties into the PMP that are not currently regulated by the PMP to ensure consistency with the California Coastal Act, Public Trust Doctrine, and Port Act.
8. Be consistent with the City's environmental policies and the District's Climate Action Plan, Clean Air Program, and Jurisdictional Runoff Management Program to ensure that the proposed project does not adversely affect the District's or City's ability to attain their respective long-range environmental and sustainability goals.¹
10. Incorporate a land use pattern for the National City Marina District into the PMP that establishes habitat buffers and implements operational features to avoid land use and operational inconsistencies between commercial, recreational, open space, and maritime uses.
11. Integrate National City, art, culture, and history into the development of the proposed project.
12. Increase the connectivity of the Project area to the surrounding area and facilitate increased pedestrian activity and enjoyment of San Diego Bay for visitors.

¹ Objective 9, expand aquaculture potential on District tidelands, was removed because GB Capital withdrew its request for aquaculture from the proposed project.

2.0 ENVIRONMENTAL PROCEDURES

2.1 Lead Agency

Pursuant to State CEQA Guidelines §15367, the District is the “lead agency” because it has the principal responsibility for approving the proposed project and the majority of the project site is within the District’s land use jurisdiction. As the CEQA lead agency, the District also has primary responsibility for conducting an environmental review pursuant to CEQA. The District determined that an EIR should be prepared to analyze the environmental effects of the proposed project, which will be used by the Board of Port Commissioners (Board) in connection with its discretionary decisions regarding the proposed project. The Board is also responsible for approval of the PMPA and Coastal Development Permits (CDPs) and any real estate agreements for the project components within the District’s jurisdiction. If the Board approves the PMPA, the California Coastal Commission (CCC) will then consider whether to certify the PMPA. The CCC, as a CEQA responsible agency as defined State CEQA Guidelines §15381, would consider the EIR prior to making its decision whether to certify the PMPA. If the PMPA is fully certified by the CCC, the Board would consider approval of CDPs and leases for the project components within the District’s jurisdiction, allowing the proposed project within the District’s jurisdiction to proceed to construction.

The City is a responsible agency, as defined by State CEQA Guidelines §15381, and prior to reaching a decision on the proposed project, the City is required to consider the environmental effects generated from the project as analyzed in the EIR. The City is required to adopt a mitigation monitoring and reporting program for those portions within the City’s discretionary authority. The City’s approval is required for amendments to the City’s General Plan, LUC, LCP, and HDSAP and for authorization of issuance of CDP(s) for proposed project components within the City’s jurisdiction. Furthermore, the City’s approval is required for the issuance of other discretionary permits (e.g., CDPs, conditional use permit) and ministerial permits (e.g., grading, building, electrical). The CCC must approve the certification of, and final action by the City for amendments to the LCP, General Plan, LUC, and HDSAP which would occur post certification of the FEIR.

The California Department of Transportation (Caltrans) is also considered a responsible agency because approval from Caltrans would be required in order for GB Capital to use the Caltrans property south of the marina (the portion of the jetty east of the mean high tide line).

The California State Lands Commission (CSLC) is a trustee agency, as defined in State CEQA Guidelines Section 15386. CSLC may have an interest in the proposed project; however, CSLC would not issue approvals or permits that would be required to implement the proposed project.

2.2 Environmental Impact Report

Pursuant to State CEQA Guidelines §15080, *et seq.*, the District prepared an EIR to analyze the potential environmental impacts of the proposed project. The Final EIR contains all the information required by State CEQA Guidelines §15132, including the Draft EIR and the appendices to the Draft EIR.

2.3 Public Participation

Environmental review of the proposed project began on December 20, 2018, with the publication of a Notice of Preparation (NOP) of the EIR and initiation of a public review period ending on January 31, 2019. The NOP was sent to the Office of Planning and Research and was filed with the San Diego County Clerk in accordance with State CEQA Guidelines §15082. The NOP and notices of its availability were mailed to public agencies, organizations, and other interested individuals to solicit their comments on the scope and content of the environmental analysis. The District also held a public scoping meeting on January 24, 2019, at the National City Aquatic Center.

The Draft EIR was completed and a Notice of Availability for public review was posted on September 29, 2021. A 50-day public review period began on September 29, 2021 and ended on November 17, 2021. The District received 19 comment letters during the public review period and five comment letters after close of the public review period.

These comments and the District's responses to them are included in Chapter 3, *Comments Received and District Responses*, of Volume 1 of the Final EIR, as required by State CEQA Guidelines §15088 and §15132. The Final EIR was completed and made available for review on September 30, 2022. A public hearing concerning certification of the Final EIR was held by the Board of Port Commissioners of the District on October 11, 2022, at which interested agencies, organizations, and individuals were given an opportunity to comment on the Final EIR and the proposed project.

2.4 Record of Proceedings

For purposes of CEQA and the findings set forth below, the administrative record of the District's decision concerning certification of the Final EIR for the project shall include, but may not be limited to, the following:

- The Notice of Preparation and Initial Study (December 2018);
- The Draft EIR (September 2021);
- The Final EIR (September 2022);
- The appendices to the Draft EIR and the Final EIR;

- All documents and other materials referenced and/or incorporated by reference in the Draft EIR and Final EIR, including but not limited to the materials identified in Chapter 9, *References*, of the Draft EIR;
- All reports, applications, memoranda, maps, letters, and other documents prepared by the District's staff and consultants for the proposed project, which are before the Board of Port Commissioners as determined by the District Clerk;
- All documents or other materials submitted by interested persons and public agencies in connection with the Draft EIR and the Final EIR;
- The minutes, video recordings, and verbatim transcripts, if any, of the public hearing held on October 11, 2022, concerning the Final EIR and the proposed project;
- Matters of common knowledge to the Board of Port Commissioners and the District, including but not limited to the Port Master Plan; and
- Any other materials required to be in the record of proceedings by California Public Resources Code Section 21167.6(e).

The custodian of the documents and other materials composing the administrative record of the District's decision concerning certification of the Final EIR is the Clerk of the Board of Port Commissioners. The location of the administrative record is the Port District's office at 3165 Pacific Highway, San Diego, California 92101. (Public Resources Code §21081.6(a)(2).)

3.0 FINDINGS UNDER CEQA

3.1 Purpose

CEQA requires the District to make written findings of fact for each significant environmental impact identified in the Final EIR (State CEQA Guidelines §15091). The purpose of the 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 Final EIR that would avoid or substantially lessen the significant environmental effects. Once it has adopted sufficient measures to avoid or substantially lessen a significant impact, the District is not required to adopt every mitigation measure identified in the Final EIR or otherwise brought to its attention. If significant impacts remain after application of all feasible mitigation measures, the District must review the alternatives identified in the Final EIR and determine if they are feasible. These findings set forth the reasons, and the evidence in support of, the District's determinations.

3.2 Terminology

A "finding" is a written statement made by the District that explains how it dealt with each significant impact and alternative identified in the Final EIR. Each finding

contains a conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion.

For each significant effect identified in the Final EIR, the District is required by State CEQA Guidelines §15091(a) to make a written finding reaching one or more of the following conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect identified in the EIR;
- (2) Such 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) 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 project alternatives identified in the Final EIR.

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 (State CEQA Guidelines §15364). The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). “[F]easibility under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715).

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (State CEQA Guidelines §§15093, 15043 (b); see also Public Resources Code §21081(b)). The California Supreme Court has stated, “[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576). A statement of overriding considerations is required for the approved project because it would have significant unavoidable environmental impacts on the following areas, which are described in detail in Volume 2 (Final EIR), Chapter 4, *Environmental Impacts*, and Chapter 5, *Cumulative Impacts*:

- Direct/project-level impacts on GHG emissions and climate change; noise and vibration; and transportation, circulation, and parking; and
- Cumulative impacts on GHG emissions and climate change; and transportation, circulation, and parking.

3.3 Legal Effect

To the extent these findings conclude mitigation measures identified in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the District hereby binds itself and any other responsible parties, including future project applicants and their successors in interest, to implement those mitigation measures. These findings are not merely informational, but constitute a binding set of obligations upon the District and responsible parties, which will take effect if and when the Board adopts a resolution certifying the Final EIR and adopts resolution(s) for the necessary project approvals.

3.4 Mitigation Monitoring and Reporting Program

In addition to adopting these findings, the District also adopts a Mitigation Monitoring and Reporting Program pursuant to Public Resources Code §21081.6 and State CEQA Guidelines §15097. This program is designed to ensure the proposed project complies with the feasible mitigation measures identified below during implementation of the approved project. The program is set forth in the “Mitigation Monitoring and Reporting Program for the National City Bayfront Projects & Plan Amendments,” which is adopted by the District concurrently with these findings and is incorporated herein by this reference (Final EIR Attachment 1, *Mitigation Monitoring and Reporting Program*).

4.0 FINDINGS REGARDING POTENTIAL DIRECT AND INDIRECT SIGNIFICANT EFFECTS

As indicated in the EIR, the proposed project could result in direct and indirect significant environmental effects with respect to aesthetics and visual resources; air quality and health risk; biological resources; cultural resources, tribal cultural resources, and paleontological resources; energy; greenhouse gas emissions and climate change; hazards and hazardous materials; land use and planning; noise and vibration; transportation, circulation, and parking; and utilities and service systems. These potential significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in the applicable sections of Volume 2 (Final EIR). A summary of significant impacts and mitigation measures for the proposed project is set forth in Volume 2 (Final EIR), Chapter 2, *Executive Summary*, Table 2-3.

Set forth below are the findings regarding the potential direct and indirect significant effects of the approved project. The findings incorporate by reference the discussion of potentially significant impacts and mitigation measures contained in the Final EIR.

4.1 Aesthetics and Visual Resources

4.1.1 Impact-AES-1: Obstructed Views Within a Vista During Project Construction (GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on aesthetics and visual resources (Impact-AES-1) related to construction activities in the marina, on the jetty, and in Sweetwater Channel associated with the GB Capital Component (Phase 1) that would result in significant temporary impacts on vista areas from Key Observation Point (KOP) 2. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-1 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-1) is analyzed in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-1 would result from construction activities in the marina, on the jetty, and in Sweetwater Channel causing significant temporary impacts on vista areas from KOP 2.

The potentially significant impact on aesthetics and visual resources (Impact-AES-1) would be reduced to below a level of significance by implementation of mitigation measure MM-AES-1: Install Construction Screening and Fencing, and MM-AES-2: Install Wayfinding and Public Access Signage, which are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. These mitigation measures are discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provide as follows:

MM-AES-1: Install Construction Screening and Fencing (GB Capital Component). GB Capital shall require their contractors to install construction-screening fencing around the perimeter of the jetty prior to the start of construction of the modular cabins and extended dock and pier with boat slips that shall shield construction activities from sight. The screening shall remain until construction equipment is removed from this area. Construction-screening fencing shall be depicted on construction plans and, prior to issuance of construction permits, the District's Development Services Department shall confirm such fencing is depicted on the appropriate construction plans. Construction screening shall include, at a minimum, installation of 8-foot-tall fencing covered with view-blocking materials, such as tarp or mesh in a color that blends in with the existing environment (e.g., green or blue), for the duration of the construction period.

MM-AES-2: Install Wayfinding and Public Access Signage (GB Capital Component). Prior to construction of any GB Capital-related project elements

within the marina, on the jetty, or in Sweetwater Channel that would affect the view provided by KOP 2, GB Capital or their contractors shall install temporary legible wayfinding signage in visible areas (e.g., in the general vicinity of the existing overlook at KOP 2 and where the existing waterside promenade on the Pier 32 Marina intersects with Goesno Place) that directs the public to other available scenic vistas that would not be affected by construction activities and would provide substantially similar views, such as KOP 4 and KOP 5. GB Capital shall require that contractors submit the signage characteristics (e.g., size, color, materials) to the District's Development Services Department for review and approval prior installation of the signage—provided however, that the temporary wayfinding signage shall at a minimum depict the direction and distance to the alternate KOP(s). Photographic proof of the installation of wayfinding signage shall be submitted to the District's Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1) that involve construction in the marina, on the jetty, or in Sweetwater Channel and may be removed on completion of construction.

Implementation of mitigation measures MM-AES-1 and MM-AES-2 would reduce impacts on existing views and access to existing vistas associated with construction of Phase 1 of the GB Capital Component to a less than significant level.

4.1.2 Impact-AES-2: Inaccessibility of a Vista Area During Project Construction (GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on aesthetics and visual resources (Impact-AES-2) related to construction activities associated with the GB Capital Component (Phase 1) that partially obstruct the view from KOP 3 and could restrict access to the KOP for up to two years. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-2 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-2) is analyzed in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-2 would result from construction activities partially obstructing the view from KOP and potentially restricting access to the KOP for up to two years.

The potentially significant impact on aesthetics and visual resources (Impact-AES-2) would be reduced to below a level of significance by implementation of mitigation measure MM-AES-3: Establish a Temporary Scenic Vista, which is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

This mitigation measure is discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provides as follows:

MM-AES-3: Establish a Temporary Scenic Vista (GB Capital Component). Prior to the commencement of construction of the GB Capital Component (Phase 1), GB Capital shall require its contractors to establish a temporary scenic vista directly east of KOP 3, adjacent to the western end of the existing Bayshore Bikeway bike path (before the existing path turns north), which shall be accessible to the public throughout the entirety of the construction phase of the GB Capital Component. The project proponent shall provide temporary wayfinding signage at the GB Capital Component site and signage at the temporary scenic vista identifying it as a temporary scenic vista. Photographic proof of the establishment of the temporary scenic vista shall be submitted to the District's Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1).

Implementation of mitigation measure MM-AES-3 would reduce impacts on existing views and access to existing scenic vistas associated with construction of Phase 1 of the GB Capital Component to less than significant levels by establishing a temporary scenic vista directly east of KOP 3.

4.1.3 Impact-AES-3: Reduction in Availability of Existing Views (GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on aesthetics and visual resources (Impact-AES-3) related to the operation of GB Capital Component (Phase 1) that would introduce several new features that would clutter the existing viewshed from KOP 2 and reduce availability of existing middleground and background views. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-3 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-3) is analyzed in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-3 would result from the introduction of new features related to the operation of GP Capital Component (Phase 1) that would clutter the existing viewshed from KOP 2 and reduce availability of existing middleground and background views.

The potentially significant impact on aesthetics and visual resources (Impact-AES-3) would be reduced to below a level of significance by implementation of mitigation measures MM-AES-4: Install Permanent Wayfinding Signage for the Open Space Area on Jetty, and MM-AES-5: Extend the Existing Clear Zone Across Jetty, which are set forth in full in the MMRP and Table 2-3 in the *Executive*

Summary of the Final EIR. These mitigation measures are discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provide as follows:

MM-AES-4: Install Permanent Wayfinding Signage for the Open Space Area on Jetty (GB Capital Component). GB Capital shall construct the open space/park area on the jetty concurrently with the construction of the modular cabins and shall finish the open space area prior to or concurrently with said cabins. When construction of the modular cabins is complete, GB Capital or its contractors shall install permanent wayfinding signage that is legible and in a publicly accessible area at KOP 2/the existing Pier 32 overlook to direct visitors to the open space area on the jetty, where views of Sweetwater Channel to the southeast, south, and southwest would be available. GB Capital or its contractors shall submit the signage characteristics (e.g., size, color, materials) to the District's Development Services Department for review and approval prior to installation—provided, however, that the wayfinding signage shall at a minimum contain the distance and direction to the open space area. Photographic proof of the wayfinding signage shall be submitted to the District's Development Services Department prior to issuance of the certificate of occupancy.

MM-AES-5: Extend the Existing Clear Zone Across Jetty (GB Capital Component). The project proponent for the GB Capital Component shall extend the existing minimum 20-foot-wide clear zone along the Pier 32 overlook southward across the jetty. The existing minimum 20-foot-wide clear zone and the proposed 20-foot-wide clear zone on the jetty shall be identified on the project plans. The open space/park area proposed on the jetty can be located within the 20-foot-wide clear zone. Prior to issuance of a coastal development permit that includes construction of the modular cabins, the District's Development Services Department shall confirm that the existing and proposed minimum 20-foot-wide clear zone is identified and observed on the project plans.

Implementation of mitigation measures MM-AES-4 and MM-AES-5 would reduce impacts on existing views and access to existing scenic vistas associated with operation of Phase 1 of the GB Capital Component to less than significant levels by providing wayfinding signage to a similar vista and requiring a minimum 20-foot-wide clear zone along the existing Pier 32 overlook southward across the jetty to protect the view corridor.

4.1.4 Impact-AES-5: Development of the GB Capital Component Would Potentially Affect Visual Character Within the Pier 32 Marina (GB Capital Component)

Potentially Significant Impact: Because the GB Capital project is designed at a schematic level, the EIR identified potentially significant impacts on aesthetics and visual resources (Impact-AES-5) and the potential for the project to be inconsistent with Section 30251 of the California Coastal Act. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-5 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-5) is analyzed in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-5 would result from portions of GB Capital Component being inconsistent with Section 30251 of the California Coastal Act since it is not yet fully designed.

The potentially significant impact on aesthetics and visual resources (Impact-AES-5) would be reduced to below a level of significance by implementation of mitigation measure MM-AES-7: Design the GB Capital Component to Provide Continuity, which is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. This mitigation measure is discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provides as follows:

MM-AES-7: Design the GB Capital Component to Provide Continuity (GB Capital Component). To provide a natural continuity with the existing marina complex, the GB Capital Component shall be designed and constructed using a similar architectural style and materials as the existing Pier 32 Marina. Prior to issuance of the Coastal Development Permit for both phases of the GB Capital Component, the District shall review plans for the GB Capital Component to ensure design continuity with the existing marina complex.

Implementation of mitigation measure MM-AES-7 would reduce potential impacts from the GB Capital Component (Impact-AES-5) to a less-than-significant level by it to be designed and constructed using a similar architectural style and materials as the existing Pier 32 Marina to provide a natural continuity with the existing marina complex.

4.1.5 Impact-AES-6: Reduction in Nighttime Views Due to Additional Lighting (GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on aesthetics and visual resources (Impact-AES-6) resulting from the addition of new parking and landscape lighting as part of the development of GB Capital Component, which could disrupt wildlife behaviors and affect nighttime views. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-6 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-6) is analyzed in Volume

2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-6 would result from the addition of new outdoor lighting as part of the development of GB Capital Component, which could disrupt wildlife behaviors and affect nighttime views.

The potentially significant impact on aesthetics and visual resources (Impact-AES-6) would be reduced to below a level of significance by implementation of mitigation measures MM-AES-8: Limit Lighting, and MM-AES-9: Shield Security and Safety Lighting, which are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. These mitigation measures are discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provide as follows:

MM-AES-8: Limit Lighting (GB Capital Component). Proposed outdoor lighting in the parking lots, in the marina, and outside of buildings shall not exceed a correlated color temperature of 2,700 Kelvins in order to emit less high frequency blue light. The project proponent shall provide details (i.e., Kelvins) of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.

MM-AES-9: Shield Security and Safety Lighting (GB Capital Component). Security and safety lighting proposed around the RV park, retail, marina, jetty, parking lot, hotels, and other outdoor common spaces shall consist of full cutoff pole-top fixtures with full cutoff shields to minimize light spillage into adjacent properties and land uses. The project proponent shall provide details of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.

Implementation of mitigation measures MM-AES-8 and MM-AES-9 would reduce potential impacts on nighttime views of the adjacent land uses from additional lighting sources (Impact-AES-6) by requiring lighting features that would emit less high-frequency blue light and reduce light spillage from the GB Capital Component to the adjacent land uses.

4.2 Air Quality and Health Risk

4.2.1 Impact-AQ-1: New Land Use Designations Not Accounted for in the RAQS and SIP (All Project Components)

Potentially Significant Impact: The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-1) resulting from the new land use designations not being accounted for in the San Diego Regional Air Quality Strategy (RAQS) and state implementation plan (SIP). Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health

risk identified as Impact-AQ-1 in the EIR. Further, pursuant to State CEQA Guidelines §15091(a)(2), certain of the changes or alterations are within the responsibility and jurisdiction of other public agencies and not the District and such changes can and should be adopted by such other agencies.

Facts in Support of Finding: The potentially significant impact of the proposed project on air quality and health risk (Impact-AQ-1) is analyzed in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*. Potential Impact-AQ-1 would result from the new land use designations not being accounted for in the RAQS and SIP. The land use changes were not known at the time the RAQS and SIP were last updated. The emissions associated with the proposed land uses could be greater than under existing land uses and these new emissions have not been accounted for in the current RAQS and SIP.

The potentially significant impact on air quality and health risk (Impact-AQ-1) would be reduced to below a level of significance by implementation of mitigation measure MM-AQ-1: Update the RAQS and SIP with New Growth Projections, which is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. This mitigation measure is discussed in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR and provides as follows:

MM-AQ-1: Update the RAQS and SIP with New Growth Projections (All Project Components). Within 6 months from approval of the proposed project, the District and City shall provide SANDAG with revised employment growth forecasts that account for buildout of the proposed project. This includes the amendments to the District's PMP, and the City's General Plan, LCP, HDSAP, and LUC to account for the proposed land use and jurisdictional changes. The District and the City shall coordinate with SANDAG and the SDAPCD to ensure the RAQS and SIP are updated as part of the next revision cycle to reflect the updated growth and land use assumptions of the project as well as the PMP and the City's General Plan as a whole.

Implementation of mitigation measure MM-AQ-1 would reduce potential impacts associated with inconsistency with the RAQS and SIP to a less-than-significant level by ensuring the administrative process to update SANDAG's growth projections is completed and the RAQS and SIP are updated by SANDAG and the SDAPCD. This would inform the air quality strategies contained within the RAQS and SIP and ensure these air quality plans adequately consider the redesignated uses at the project site.

4.2.2 Impact-AQ-2: Emissions in Excess of Criteria Pollutant Thresholds During Proposed Project Construction (All Components)

Potentially Significant Impact: The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-2) associated with unmitigated project emissions during construction exceeding applicable significance thresholds.

Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk identified as Impact-AQ-2 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on air quality and health risk (Impact-AQ-2) is analyzed in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*. Potential Impact-AQ-2 would result from unmitigated project emissions during construction exceeding applicable significance thresholds that have been set to attain the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) for criteria pollutants.

The potentially significant impact on air quality and health (Impact-AQ-2) would be reduced to below a level of significance by implementation of mitigation measures MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components), MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components), MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component), MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component), and MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

These mitigation measures are discussed in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR and provide as follows:

MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components). To control VOC, NOX, CO, PM10, and PM2.5 emissions during construction, the project proponent/operator and/or its contractor(s) shall implement or require implementation by its construction contractor(s) the following measures during construction of their corresponding proposed project component, and shall provide verification to the District (or City).

Prior to the commencement of construction activities of any project component, the project proponent for that project component shall submit a list of equipment to be used and their equipment specifications (model year, engine tier, horsepower) to the District's Development Services Department (for the components' within the District's jurisdiction) or the City's Community Development Department (for the component's within the City's jurisdiction) to ensure the construction equipment list is consistent with the following requirements. Following construction, the project proponent/operator and/or its contractor(s) shall provide written evidence that the construction was consistent with following requirements:

- For all construction between 2022 and 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 3 or cleaner engines, unless Tier 3 construction equipment is not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 3 or cleaner equipment shall be used, or that Tier 3 or better equipment is not available for use during the entire duration of that project's construction period through 2025.
- For all construction beyond 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 4 or cleaner engines, unless Tier 4 construction equipment is not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 4 or cleaner equipment shall be used, or that Tier 4 or cleaner equipment is not available for use during the entire duration of that project's construction period beyond 2025.
- Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.
- Maintain all equipment in accordance with the manufacturers' specifications.
- Turn off all construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, when not in use for more than 3 minutes.
- Use zero or near-zero emissions equipment in-lieu of diesel or gasoline-powered equipment, where such zero or near-zero equipment is commercially available within 50 miles of the project site.
- Use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines for on-road and off-road diesel equipment.

MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components). To control fugitive PM₁₀ and PM_{2.5} emissions during construction of any project component, the project proponent/operator and/or its contractor(s) for each component shall implement the following dust control measures in compliance with SDAPCD Rule 55. The following shall be conditions in any Coastal Development Permit or City-issued permit (such as grading and building permits) and shall be implemented by that project proponent/operator and/or its contractor(s).

- Water the grading areas at a minimum of three times daily to minimize fugitive dust.
- Stabilize graded areas as quickly as possible to minimize fugitive dust.
- 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 onsite stockpiles of excavated material.
- Enforce a 15 mph speed limit on unpaved surfaces.
- On dry days, sweep up any dirt and debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather.
- Hydroseed, landscape, or develop as quickly as possible all disturbed areas and as directed by the District and/or SDAPCD to reduce dust generation.
- Limit the daily grading volumes/area.

The project proponent/operator and/or its contractor(s) for each component shall submit evidence of the use of fugitive dust reduction measures to the District or City after the completion of construction.

MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component). To control VOC emissions during any painting activities during construction, the project proponent/operator and/or its contractor(s) for all phases of GB Capital Component (Phase 1 and Phase 2) and City Program – Development Component shall use low-VOC coatings for all surfaces that go beyond the requirements of SDAPCD Rule 67.0. If architectural coatings (painting) of any single component or multiple components would exceed 10,000 square feet per day, then each project component active on that day shall use coatings with a VOC content of 10 grams per liter or less for all surfaces to be painted. If architectural coatings (painting) of any single component or multiple components would be below 10,000 square feet per day, then each component shall use coatings with a VOC content of 75 grams per liter or less. Prior to the commencement of construction activities associated with the GB Capital Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the District's Development Services Department. Prior to the commencement of construction activities associated with the City Program – Development Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the City's Community Development Department. The District and City, for their respective jurisdictions, may conduct inspections during construction to

verify the use of low-VOC coatings.

MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component). Prior to commencing any waterside construction or activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including but not limited to tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:

- For all construction between 2022 and 2025, ensure all equipment is Tier 3 or better (cleaner).
- For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits less emission than Tier 4 or better (cleaner) is not available, then the project proponent shall ensure all equipment is Tier 4 or better.
- Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.

If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District's Development Services Department and/or the City's Community Development Department prior to commencement of waterside construction activities, that equipment meeting the above tiering requirements or better standards is not available for use during the duration of all in-water activities. Regardless of the equipment used, the project proponent/operator and/or its contractor(s) for each component shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each component shall submit a report prepared by the mechanic experienced with such equipment of the condition of the construction and operations vehicles and equipment to the District's Development Services Department and/or the City's Community Development Department prior to commencement of their use.

MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). Each project proponent/operator and/or its contractor(s) shall submit a construction schedule and assumed construction activity at least 3 months prior to the start of construction to the District and City. If grading and waterside construction activities (associated with GB Capital Component Phase 1)

are to take place at the same time, they shall be reduced or staggered as to not to exceed daily air quality thresholds and such reduction or staggering shall be a condition of grading and building permits. However, multiple project components' grading may take place at the same time. The District and City, for their respective jurisdictions, may conduct inspections during construction to verify activity.

Implementation of mitigation measures MM-AQ-2 through MM-AQ-6 would reduce potential impacts from construction-related emissions to less-than-significant levels, as shown in Tables 4.2-18 through 4.2-23 in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR, by implementing measures and practices that reduce emissions and limit the overlap of activities associated with separate projects and project components.

4.2.3 Impact-AQ-3: Emissions in Excess of Criteria Pollutant Thresholds During Proposed Project Operation (GB Capital Component, City Program Component, and Balanced Plan)

Potentially Significant Impact: The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-3) resulting unmitigated emissions during project operation exceeding criteria pollutant thresholds for volatile organic compound (VOC) and particulate matter (PM)₁₀. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk identified as Impact-AQ-3 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on air quality and health risk (Impact-AQ-3) is analyzed in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*. Potential Impact-AQ-3 would result from emissions during the operation of the GB Capital Component, City Program Component, and the Balanced Plan exceeding the VOC and PM₁₀ thresholds that have been set to attain the NAAQS and CAAQS. The major component of VOC and PM₁₀ emissions during operation are woodburning hearths and fireplaces that may be attributed to RV park uses.

The potentially significant impact on air quality and health risk (Impact-AQ-3) would be reduced to below a level of significance by implementation of mitigation measure MM-AQ-7: Restrict Installation of Fireplaces and Firepits in New Construction, which is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. This mitigation measure is discussed in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR and provides as follows:

MM-AQ-7: Restrict Installation of Fireplaces and Firepits in New Construction (City Program, GB Capital Component [Phase 1 and Phase 2], and Balanced Plan). The

proponent/operator and/or its contractor(s) of the City Program – Development Component, the GB Capital Component, and the Balanced Plan shall ensure that no outdoor woodburning stoves, fireplaces, or firepits are installed, and all fireplaces and firepits shall be fueled by natural gas. The project proponent/operator and/or its contractor(s) for each component shall submit evidence that no outdoor woodburning stoves, fireplaces, or firepits are wood-burning to the District (or City for City Program), and the District (or City for City Program) may conduct inspections during construction to verify the details that were submitted are accurate.

Implementation of mitigation measure MM-AQ-7 would reduce potential impacts associated with emissions from the operation of the proposed project to a less-than-significant level, as shown in Table 4.2-24 in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR, by restricting the installation of fireplaces and firepits in new construction.

4.2.4 Impact-AQ-4: Health Effects During Construction (All Project Components)

Potentially Significant Impact: The EIR identifies a potentially significant impact on human health risk (Impact-AQ-4) from project-related emissions during construction exceeding applicable significance thresholds for VOC, PM₁₀, PM_{2.5}, nitrogen oxide (NO_x), and carbon monoxide (CO). Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk identified as Impact-AQ-4 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on air quality and health risk (Impact-AQ-4) is analyzed in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*. Potential Impact-AQ-4 would result from unmitigated project emissions during construction exceeding applicable significance thresholds that have been set to attain the NAAQS and CAAQS, the purpose of which is to provide for the protection of public health.

The potentially significant impact on air quality and health (Impact-AQ-4) would be reduced to below a level of significance by implementation of mitigation measures MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components), MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components), MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component), MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component), and MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). These mitigation measures are set forth in full above and in the MMRP and Table

2-3 in the *Executive Summary* and are discussed in Section 4.2, *Air Quality and Health Risk*, in Volume 2 of the Final EIR.

Implementation of mitigation measures MM-AQ-2 through MM-AQ-6 would reduce potential health impacts from construction-related emissions to less-than-significant levels by implementing measures and practices that reduce emissions and limiting the overlap of activities associated with separate projects and project components.

4.3 Biological Resources

4.3.1 Impact-BIO-1: Impacts on Estuary Seablite During Construction (Bayshore Bikeway Component Route 3)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-1) related to construction activities that could result in direct mortality of estuary seablite, a special-status plant species. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-1 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-1) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-1 would result from indirect effects, such as trampling or other inadvertent impacts on estuary seablite during construction due to the plant's proximity to the work areas for the Bayshore Bikeway Component.

The potentially significant impact on biological resources (Impact-BIO-1) would be reduced to below a level of significance by implementation of mitigation measure MM-BIO-1: Conduct Surveys and Monitoring for Estuary Seablite (Bayshore Bikeway Component Route 3). This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-1: Conduct Surveys and Monitoring for Estuary Seablite (Bayshore Bikeway Component 3): An authorized biologist shall be present onsite during construction within or adjacent to suitable habitat for estuary seablite to ensure that avoidance and minimization measures are in place according to specifications and to monitor construction in the vicinity of the estuary seablite population at a frequency necessary to ensure that avoidance and minimization measures are followed properly. The biological monitor shall report any noncompliance to CDFW within 24 hours.

Before ground disturbance or other activities associated with construction of

Bayshore Bikeway Component Route 3, a qualified botanist shall survey all proposed construction and access areas for presence of special-status plant species. Preconstruction surveys shall occur during the appropriate season and in accordance with established protocols up to 1 year in advance of construction, provided temporary construction easements have been granted to construction areas. These surveys shall be conducted in all construction areas that contain suitable habitat for special-status plant species. These surveys shall be for the purpose of documenting plant locations relative to the construction areas and ensure avoidance, where feasible. If construction starts prior to the appropriate season, and it is unfeasible to conduct preconstruction surveys, then plant documentation for avoidance and ESA fencing shall rely on previous population locations.

Populations of estuary seablite or other special-status plant species observed during these surveys shall be clearly mapped and recorded, along with the approximate numbers of individuals in each population and their respective conditions. Construction areas and construction access roads shall avoid loss of individual estuary seablite and other special status species.

MM-BIO-1 requires (1) a qualified botanist to conduct a preconstruction survey to document the location of special-status plant species and ensure avoidance, and (2) an authorized biologist to be present onsite during construction within or adjacent to suitable habitat for estuary seablite to ensure that avoidance and minimization measures are in place and followed properly. Implementation of mitigation measure MM-BIO-1 would reduce inadvertent impacts on estuary seablite (Impact-BIO-1) to less-than-significant levels by requiring surveys, monitoring, and avoidance measures when construction activities occur in close proximity to habitat for this species.

4.3.2 Impact-BIO-3: Impacts on Nesting Avian Species (GB Capital Component and Bayshore Bikeway Component Route 3)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-3) from construction-related noise (e.g., grading, site preparation) in close proximity to salt marsh habitats supporting Belding's Savannah sparrow or light-footed Ridgway's rail and in-water construction near low-potential California least tern nesting habitat (although very low probability to occur) that could cause nest or chick abandonment. These impacts would be a violation of the Migratory Bird Treaty Act (MBTA) or California Fish and Game Code (CFGF). Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-3 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-3) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-3 would result from the noise from construction activity that could impede the use of bird nesting sites during the nesting season. Disturbance to nesting activity would be considered a significant impact in violation of the MBTA or CFGC.

The potentially significant impact on biological resources (Impact-BIO-3) would be reduced to below a level of significance by mitigation measure MM-BIO-3: Avoid Avian Species During the Breeding Season. This mitigation measure is set forth in full in the MMRP and in Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

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

To ensure protection of California least terns nesting at the D Street colony, project proponents shall avoid impact pile during the least tern nesting season. The nesting season for California least terns is defined here as April 1 through September 15.

MM-BIO-3 requires all construction activities occurring within 300 feet of salt marsh habitat to take place outside of the light-footed Ridgway's rail and Belding's Savannah sparrow breeding season (i.e., February 15–September 15). Implementation of mitigation measure MM-BIO-3 would reduce the biological resources impact associated with disturbance to nesting activity (Impact-BIO-3) to less-than-significant levels by requiring that the start of construction activities occurs outside of the breeding season for light-footed Ridgway's rail and Belding's Savannah sparrow.

4.3.3 Impact-BIO-4: Impacts on Nesting Osprey (Pepper Park Expansion, Pasha Rail Improvement Component, and Roadway Configuration in Balanced Plan)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-4) associated with construction-related noise in close proximity to osprey nests, such as those proposed for the Pepper Park Expansion, Pasha Rail Improvement Component, and roadway improvements envisioned in the Balanced Plan that could cause nest or chick abandonment. These impacts would be inconsistent with the MBTA or CFGC. Detailed

information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-4 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-4) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-4 would result from construction activities could generate noise that has the potential to cause nest or chick abandonment.

The potentially significant impact on biological resources (Impact-BIO-4) would be reduced to below a level of significance by mitigation measure MM-BIO-4: Avoid Impacts on Osprey During Nesting Season (January 15–June 15). This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-4: Avoid Impacts on Osprey During Nesting Season (January 15–June 15) (Pepper Park Expansion and Roadway Configuration in Balanced Plan, and Pasha Rail Improvement Component). To ensure nesting ospreys are not disturbed, the project proponent for the Balanced Plan (specifically, the roadway improvements and Pepper Park expansion), as well as the project proponent for the Pasha Rail Improvement Component, shall avoid all noise-generating construction activities during the osprey nesting season (January 15–June 15) within all proposed construction areas or shall implement all of the following:

- Surveys of historical nest locations maintained by the District shall be conducted to determine current occupancy status within 72 hours prior to construction/onset of noise-generating activities. If nests are occupied, or if the nest occupancy cannot be determined due to the height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.
- Surveys of all potential osprey nest locations, including existing utility poles, shall be conducted within 72 hours prior to construction/ onset of noise-generating activities within 500 feet of any proposed work areas where noise-generating activities could affect nest success. These surveys could be conducted concurrent with those anticipated under MM-BIO-5 for MBTA avian species or conducted separately.

If nests are occupied, or if the nest occupancy cannot be determined due to the

height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.

MM-BIO-4 requires the project proponent to avoid all noise-generating construction activities during the osprey nesting season (January 15 – June 15) within all proposed construction areas or to retain a qualified biologist to conduct preconstruction surveys and flag and map occupied nest locations and avoidance buffers on the construction plans. Implementation of mitigation measure MM-BIO-4 would reduce the impact related to construction noise causing potential osprey nest or chick abandonment (Impact-BIO-4) to less-than-significant levels by requiring that the start of construction activities occurs outside of the osprey breeding and nesting season or by implementing preconstruction surveys, construction avoidance and minimization measures (e.g., avoidance buffers), and monitoring.

4.3.4 Impact-BIO-5: Potential Disturbance or Destruction of Nests Protected by the Migratory Bird Treaty Act and CFGC (Pepper Park Expansion and Roadway Configuration in Balanced Plan, GB Capital Component, and Bayshore Bikeway Component Route 3)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-5) from the removal of Diegan coastal sage scrub habitat during construction, as well as noise from construction activity, which could impede the use of bird breeding sites during the nesting season (February 15–September 15). The destruction of an occupied nest would be considered a significant impact if it were a violation of the MBTA or CFGC. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-5 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-5) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-5 would result from active nests being destroyed or abandoned (e.g., due to human disturbance or noise) during construction, such as vegetation removal, grading, or site-preparation activities.

The potentially significant impact on biological resources (Impact-BIO-5) would be reduced to below a level of significance by mitigation measure MM-BIO-5: Avoid Impacts on MBTA Avian Species, Including Non-Listed Avian Species. This

mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-5: Avoid Impacts on MBTA Avian Species, Including Non-Listed Avian Species (Pepper Park Expansion and Roadway Configuration in Balanced Plan, GB Capital Component, and Bayshore Bikeway Component Route 3). To ensure compliance with the MBTA and similar provisions under CFGC Sections 3503 and 3503.5, the project proponent for the Balanced Plan (specifically, roadway improvements, Pepper Park expansion), GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component, and City Program – Development Component shall conduct all vegetation removal during the non-breeding season between September 15 and January 14 or shall implement the following:

- If construction activities are scheduled between January 15 and September 14, a biological survey for nesting bird species shall be conducted within the proposed impact area and at least a 300-foot buffer within 72 hours prior to construction. The nesting bird survey is applicable to all avian species protected under the MBTA and Fish and Game Code. The number of surveys required for covering this area shall be commensurate with the schedule for construction and the acreage that shall be covered. Multiple surveys for nesting birds shall be separated by at least 48 hours in order to be confident that nesting is detected, but the survey shall be no more 72 hours prior to the onset of construction.
- If any active nests are detected, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.
- Nest buffers, nest survey techniques, and nest monitoring requirements shall be determined based on the project proponent's avian biologist. In accordance with this mitigation measure, nest buffers shall be implemented to ensure compliance with the MBTA and Fish and Game Code Sections 3503, 3503.5, and 3513. Additionally, if grading activities, construction activities, or other noise-generating activities lapse for more than 48 hours, an additional nesting bird survey shall be conducted. The results of the nesting bird surveys and buffers, including any determinations to reduce buffers, shall be included in a monitoring report submitted to the project proponent.
- If a nesting bird management plan is required as part of the site-specific impact analysis and mitigation for a particular component, then the parameters in this mitigation measure shall be applied as the minimum requirements for that particular component. More restrictive measures than these can be stipulated in the nesting bird management plan for that

particular project component.

Implementation of MM-BIO-5 would reduce impacts on common and special-status avian species during construction activities (Impact-BIO-5) to less-than-significant levels by requiring that the start of construction activities occurs outside of the breeding and nesting season or implementing construction measures and conducting preconstruction surveys in accordance with the MBTA and similar provisions under Sections 3503 and 3503.5 of the CFGC.

4.3.5 Impact-BIO-6: Bat Roost Site Direct Impacts (GB Capital Component, and Bayshore Bikeway Component Route 3)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-6) related to removal or trimming of suitable roost trees, which could directly harm roosting bats, resulting in mortality of common or special-status bat species. These impacts could result in large bat mortality events and would be significant absent mitigation. Temporary indirect effects, such as noise, vibration, dust, and night lighting from construction, also could disturb roosting bats, should they be present within the area. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-6 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-6) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-6 would result from the removal or trimming of suitable roost trees, which could directly harm roosting bats, should they be present within the area during project construction.

The potentially significant impact on biological resources (Impact-BIO-6) would be reduced to below a level of significance by mitigation measure MM-BIO-6: Conduct Surveys for Maternal Bat Roost Site Surveys and Avoid Seasonal Impacts. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-6: Conduct Surveys for Maternal Bat Roost Site Surveys and Avoid Seasonal Impacts (GB Capital Component and Bayshore Bikeway Component Route 3). Prior to the start of project construction on the GB Capital Component or Bayshore Bikeway Component Route 3, a qualified bat biologist shall conduct a daytime assessment to examine structures and trees suitable for bat use. If bat sign is observed at that time, then nighttime bat surveys shall be conducted to confirm whether the structures or trees with suitable habitat identified during the preliminary assessment are utilized by bats for day roosting or night roosting, ascertain the level of bat foraging and roosting activity at each of these locations,

and perform exit counts to determine visually the approximate number of bats utilizing the roosts. Acoustic monitoring shall also be used during these surveys to identify the bat species present and determine an index of relative bat activity for that site on that specific evening.

If maternity sites are identified during the preconstruction bat habitat assessment, then no construction activities at that location shall be allowed during the maternity season (i.e., April 1–August 31) unless a qualified bat biologist has determined that the young have been weaned. If maternity sites are present, and it is anticipated that construction activities cannot be completed outside of the maternity season, then the qualified bat biologist, in consultation with CDFW, shall complete bat exclusion activities at maternity roost sites either as soon as possible after the young have been weaned or outside of the maternity season, or the qualified bat biologist, in coordination with CDFW, otherwise approves.

The removal of mature trees and snags shall be minimized to the greatest extent practicable. Prior to tree removal or trimming, qualified bat biologist shall examine large trees and snags to ensure that no roosting bats are present. Palm frond trimming, if necessary, shall be conducted outside the maternity season (i.e., April 1–August 31) to avoid potential mortality to flightless young and outside the bat hibernation season (November–February).

Implementation of MM-BIO-6 would avoid impacts on bat maternal roost colonies by requiring that project proponents survey for maternal bat roost sites and avoid impacts on these sites through seasonal avoidance or monitoring prior to the start of construction activities.

4.3.6 Impact-BIO-7: Potential Disruption of Fishes, Green Sea Turtle, and Marine Mammals and Altered Prey Availability to Sensitive Fish-Feeding Avian Species (GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-7) associated with impact-hammer and vibratory-hammer pile-driving activities that could potentially generate enough underwater noise to injure (Level A Harassment) or alter behavior (Level B Harassment) of green sea turtles, fishes, and marine mammals. Noise-generating impacts resulting from project construction activities that cause fish to flee the project area could mean increased foraging distance for California least terns, resulting in lowered nest success for California least terns using the D Street nesting colony. The increased turbidity due to suspension of marine sediments during pile driving (impact, vibratory, jetting) or other sediment-disturbing activities can reduce the ability of fish-feeding marine birds to capture prey. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or

substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-7 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-7) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-7 would result from pile driving activities that could generate underwater noise that has the potential to injure (Level A Harassment) or alter behavior (Level B Harassment) of green sea turtles, fishes, and marine mammals.

The potentially significant impact on biological resources (Impact-BIO-7) would be reduced to below a level of significance by mitigation measure MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities (GB Capital Component). During in-water pile installation, the contractor shall utilize pile jetting or vibratory methods (vibratory methods subject to additional measures below) to reduce the daily number of pile strikes to the extent practicable and must use fewer than 750 pile strikes per day to set pilings.

Prior to construction activities involving impact-hammer and vibratory in-water pile driving, the project proponent shall prepare and implement a marine mammal, fish injury, and green sea turtle monitoring program such as a Marine Fish Species Impact Avoidance and Minimization Plan. The District shall review the monitoring program, which shall include the following requirements:

- For a period of 15 minutes prior to the start of in-water construction, a qualified biologist, retained by the project proponent (i.e., GB Capital) and approved by the District's Director of Development Services or their designee, shall monitor around the active pile driving areas to ensure that special-status species are not present. Monitors shall also monitor for injured fish and have the authority to stop work if there is an observation of concern.
- The construction contractor shall not start work if any observations of special-status species are made prior to starting pile driving.
- In-water pile driving shall begin with soft starts, gradually increasing the force of the pile driving. This allows marine mammals, green sea turtles, and fishes to flee areas adjacent to pile-driving activities.
- All monitors must meet the minimum requirements as defined by the National Oceanic Atmospheric Administration (NOAA)'s *Guidance for Developing a Marine Mammal Monitoring Plan* (NOAA 2019).
- Recommendations in the marine mammal and green sea turtle monitoring program shall be consistent with the District's Regional General Permit (RGP) 72.
- If the biological monitor determines that underwater noise is causing an

- observable impact to any sensitive species, the biological monitor stop in-water construction or may require a bubble curtain be placed around pilings during impact driving to reduce the intensity of underwater sound pressure levels.
- A silt curtain shall be placed around the pile driving activity to restrict the distribution of turbidity associated with the re-suspension of marine sediments. The silt curtain shall be placed such that it does not drag on the bottom or contact eelgrass resources. In addition, the project proponent shall have a qualified contractor prepare and implement a water quality monitoring plan for the District's review and approval to ensure that turbidity outside of the silt curtain does not increase more than 20% above ambient conditions during pile driving.
 - The monitoring plan shall be implemented during all pile driving activities and be a part of any construction contracts of GB Capital's in-water construction.

Implementation of MM-BIO-7 would reduce impacts on marine mammals, fishes, and green sea turtles (Impact-BIO-7) to less-than-significant levels by monitoring for marine mammals and green sea turtles prior to and during impact-hammer and vibratory pile driving and halting in-water pile-driving activities until the species has left the construction area. MM-BIO-7 would also reduce impacts on nesting California least tern to less than significant by ensuring that their prey (fish) is not disturbed during the nesting season by pile driving. Finally, MM-BIO-7 would reduce turbidity impacts on the foraging success of California brown pelican and other fish foraging marine birds to less than significant by maintaining water clarity and thereby allowing for foraging success similar to areas beyond the project area.

4.3.7 Impact-BIO-9: Reflective Materials and Increased Bird Strikes (GB Capital Component and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-9) from the use of reflective building and glass finishes associated with hotel development, which may confuse birds in flight, leading to an increase in strikes. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-9 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-9) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-9 would result from the use of reflective building and glass finishes associated with hotel development, which may confuse birds in flight, leading to an increase in strikes. 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 potentially significant impact on biological resources (Impact-BIO-9) would be reduced to below a level of significance by mitigation measure MM-BIO-9: Implement Bird Strike Reduction Measures on New Structures. This mitigation measure is set forth in full in the MMRP and Table 2-3 of the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-9: Implement Bird Strike Reduction Measures on New Structures (GB Capital Component and City Program – Development Component). Prior to issuance of any building construction/permits for any portion of the GB Capital Component or City Program – Development Component where the building would be taller than three stories, an ornithologist (retained by the respective project proponent and pre-approved by the District for the GB Capital Component or the City for the City Program – Development Component) familiar with local species will review building plans to verify that the proposed building has incorporated specific design strategies that qualify for Leadership in Energy and Environmental Design (LEED) credits, as described in the American Bird Conservancy's *Bird-Friendly Building Design* (Sheppard and Phillips 2015) or an equivalent guide to avoid or reduce the potential for bird strikes. Final building design strategies shall be in accordance with the *Bird-Friendly Building Design*, by incorporating strategies to minimize the threat to avian species, including but not limited to the following:

- Building Façade and Site Structures.
 - Develop a building façade and site design that are visible as physical barriers to birds.
- Elements such as Netting, Screens, Grilles, Shutters, and Exterior Shades to Preclude Collisions.
 - Incorporate materials that have a low threat potential based on the Bird Collision Threat Rating and the Bird Collision Threat Rating Calculation Spreadsheet to achieve a maximum total building Bird Collision Threat Rating of 15 or less.
 - High Threat Potential: Glass: Highly Reflective or Completely Transparent Surface.
 - Least Threat Potential: Opaque Surface
- Exterior Lighting
 - Fixtures not necessary for safety, entrances, and circulation shall be automatically shut off from midnight until 6:00 a.m.
 - Exterior luminaires must meet these requirements for all exterior luminaires located inside project boundary based on the following:
 - Photometric characteristics of each luminaire when mounted in the same orientation and tilt as specified in the project design; and
 - The lighting zone of the project property (at the time

construction begins). Classify the project under one lighting zone using the lighting zones definitions provided in the *Illuminating Engineering Society and International Dark Sky Association (IES/IDA) Model Lighting Ordinance (MLO) User Guide* (2011).

- Performance Monitoring Plan
 - The project proponent (e.g., GB Capital) shall develop a 3-year postconstruction monitoring plan to routinely monitor the effectiveness of the building and site design in preventing bird collisions for buildings over three stories high that shall include methods to identify and document locations where repeated bird strikes occur, the number of collisions, the date, the approximate time, and features that may be contributing to collisions, and shall list potential design solutions and provide a process for adaptive management.
 - The project proponent (e.g., GB Capital) shall provide an adaptive monitoring report demonstrating which design strategies have been incorporated and the results of adaptive monitoring for District review.

Implementation of MM-BIO-9 would reduce impacts on birds in flight (Impact-BIO-9) to less-than-significant levels by requiring the incorporation of design strategies that enable birds to recognize structures from the open sky.

4.3.8 Impact-BIO-10: Disruption of Wildlife Behavior Due to Additional Lighting (GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-10) from new parking and landscape lighting that would be added to the GB Capital Component area as a result of the proposed development, including an RV park, retail, expanded marina, modular cabins, and hotel buildings, that would disrupt wildlife behaviors. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-10 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-10) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-10 would result from the new lighting added to the GB Capital Component area as a result of the proposed development, including an RV park, retail, expanded marina, modular cabins, and hotel buildings, that would disrupt wildlife behaviors.

The potentially significant impact on biological resources (Impact-BIO-10) would

be reduced to below a level of significance by mitigation measure MM-AES-8: Limit Lighting. This mitigation measure is set forth in full in the MMRP and Table 2-3 of the *Executive Summary* in the Final EIR and provides as follows:

MM-AES-8: Limit Lighting (GB Capital Component). Proposed outdoor lighting in the parking lots, in the marina, and outside of buildings shall not exceed a correlated color temperature of 2,700 Kelvins in order to emit less high frequency blue light. The project proponent shall provide details (i.e., Kelvins) of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.

Implementation of MM-AES-8 would reduce the potential to disrupt wildlife behaviors from additional lighting sources (Impact-BIO-10) to less-than-significant levels by requiring lighting features that would emit less high-frequency blue light from the GB Capital Component.

4.3.9 Impact-BIO-11: Potential Loss of Diegan Coastal Sage Scrub During Project Construction (GB Capital Component and Bayshore Bikeway Component Route 3)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-11) related to the potential removal of Diegan coastal sage shrub (including restored and baccharis-dominated forms) from construction activities, such as grading. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-11 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-11) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-9 would result from construction activities for the Bayshore Bikeway Component and GB Capital Component, which has the potential to remove Diegan coastal sage scrub. The potentially significant impact on biological resources (Impact-BIO-11) would be reduced to below a level of significance by mitigation measure MM-BIO-10: Provide Compensatory Mitigation for Impacts on Coastal Sage Scrub. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-10: Provide Compensatory Mitigation for Impacts on Coastal Sage Scrub (GB Capital Component and Bayshore Bikeway Component Route 3). Compensation for permanent impacts on Diegan coastal sage scrub habitats shall occur at a minimum 1:1 ratio, with compensation occurring as creation, enhancement, or restoration. The compensation can occur through a combination

of one or more of the following: onsite enhancement, re-establishment, or creation; or payment into an agency-approved in-lieu fee, mitigation program, or other approved mitigation provider. Compensation type and final mitigation ratios shall be determined during the project's coastal development permitting phase. Temporary impacts on Diegan coastal sage scrub habitats shall be replaced at a 1:1 ratio through onsite restoration. Onsite, in-kind restoration of temporarily affected Diegan coastal sage scrub would occur at their current locations on completion of construction, consisting of returning affected areas to original contour grades, decompacting the soil, and replanting with hydroseeding or container plantings using a plant palette composed of native species from the local region prior to disturbance. All revegetated areas shall avoid the use of any nonnative plant species.

For any areas that shall be restored, enhanced, or created onsite, the project proponent (e.g., National City for Bayshore Bikeway; GB Capital, etc.) shall prepare a Habitat Mitigation and Monitoring Plan (HMMP) prior to project construction in accordance with requirements of the CCC. The HMMP shall outline all required components, including, but not limited to, a project description, goal of the mitigation, mitigation site, implementation plan, monitoring plan, completion of mitigation/ success criteria, and contingency measures. The HMMP shall address the onsite restoration of temporary impact areas and compensatory mitigation at on- or offsite areas to mitigate permanent impacts.

Implementation of MM-BIO-10 would mitigate for impacts (Impact-BIO-11) on Diegan coastal sage scrub to less-than-significant levels by requiring the project proponent to provide assurances for the provision of compensatory mitigation at ratios agreed on by the resource agencies.

4.3.10 Impact-BIO-13: Potential Reduction in Eelgrass Habitat and Productivity During Construction (GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-13) related to eelgrass beds within the waterside portion of the GB Capital Component being potentially reduced by in-water construction activities. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-13 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-13) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-13 would result from in-water construction activities, which have the potential to affect eelgrass beds within the waterside portion of the GB Capital Component. Impacts to eelgrass

may include direct physical disturbance to the beds from anchoring, propeller wash, and staging of equipment, temporary shading from construction-related equipment, and elevated turbidity levels from construction-related activities such as pile driving.

The potentially significant impact on biological resources (Impact-BIO-13) would be reduced to below a level of significance by mitigation measures MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities, MM-BIO-12: Provide Contractor Education, Utilize Ecological Moorings, and Develop an Eelgrass Mitigation and Monitoring Plan in Compliance with the California Eelgrass Mitigation Policy, and MM-BIO-13: Implement Overwater Coverage Mitigation Through the USACE Permitting Process in Consultation with CCC, NMFS, USFWS, RWQCB, and the District to Compensate for Loss of Open Water Habitat and Function. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. MM-BIO-7 also is set forth in full above and MM-BIO-12 and MM-BIO-13 provide as follows:

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

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

Prior to the start of any in-water construction, the project proponent shall retain a qualified marine biologist to develop an eelgrass mitigation plan in compliance with the California Eelgrass Mitigation Policy. The mitigation plan shall be submitted to the District and resource agencies for approval and shall be implemented to compensate for losses to eelgrass in the event that the surveys described below indicate the project affected eelgrass. The eelgrass mitigation plan shall use updated eelgrass monitoring data to establish the amount of eelgrass present, and that data shall be collected within six months of the first draft of the mitigation plan. Additionally, the mitigation plan shall provide a summary of all mitigation sites considered during the evaluation and provide the rationale for the chosen

mitigation site(s). A mitigation site must be secured prior to in-water construction that would impact eelgrass. Finally, the plan shall also include a habitat loss/gain analysis table and any changes to the losses or gains shall be captured in revisions to the mitigation plan as additional surveys as specified below are performed.

To the extent practical, the mitigation shall attempt to achieve the creation of a contiguous eelgrass bed with eelgrass density at or above that present within the patchy eelgrass beds present within the Sweetwater River Channel. This will provide for enhanced fisheries benefit and therefore benefit to fish-foraging avian species such as California least tern. The mitigation plan shall be provided with permit applications required under the Rivers and Harbors Act (Section 10) and CWA (Section 401, Section 404), which would require supplemental resource agency consultation during the permitting process. The specific eelgrass mitigation plan elements shall include the following:

- Prior to the commencement of any in-water construction activities, a qualified marine biologist that the project proponent retains and the District approves shall conduct a preconstruction eelgrass survey per the California Eelgrass Mitigation Policy. Surveys for eelgrass shall be conducted during the active eelgrass growing season (March–October), and results shall be valid for 60 days, unless completed in September or October; if completed in those months, results shall be valid until resumption of the next growing season. The qualified marine biologist shall submit the results of the preconstruction survey to the District and resource agencies within 30 days.
- Within 30 days of completion of in-water construction activities, a qualified marine biologist that the project proponent retains and the District approves shall conduct a postconstruction eelgrass survey during the active eelgrass growing season. The postconstruction survey shall evaluate potential eelgrass impacts associated with construction. On completion of the postconstruction survey, the qualified marine biologist shall submit the survey report to the District and resource agencies within 30 days.
- At least 2 years of annual postconstruction eelgrass surveys shall be conducted during the active eelgrass growing season. The additional annual surveys shall evaluate the potential for operational impacts on eelgrass. Specifically, the surveys shall be designed to evaluate potential shading impacts noted in the project's marine biological assessment (Appendix H of the EIR).
- In the event that eelgrass impacts are detected during post-construction monitoring, the project proponent shall implement the following:
 - A qualified marine biologist that the project proponent retains for the GB Capital Component and the District approves shall develop a mitigation plan for in-kind mitigation per the California Eelgrass Mitigation Policy. The qualified marine biologist shall submit the mitigation plan to the District and resource agencies within 60 days following the postconstruction survey.
 - Mitigation for eelgrass impacts shall be at a ratio of 1.2:1, and the

- project proponent shall determine eelgrass mitigation sites prior to the commencement of construction activities.
- Mitigation shall commence within 135 days of any noted impacts on eelgrass, such that mitigation commences within the same eelgrass growing season that impacts occur.
 - Any mitigation that requires harvesting and transplantation of eelgrass shall require the qualified marine biologist to obtain a scientific collecting permit from CDFW for the purpose of harvesting eelgrass to support the mitigation.
 - Upon completing mitigation, the qualified biologist shall conduct mitigation performance monitoring at performance milestones of 0, 12, 24, 36, 48, and 60 months. The qualified biologist shall conduct all mitigation monitoring during the active eelgrass growing season and shall avoid the low-growth season (November–February). Performance standards shall be in accordance with those prescribed in the California Eelgrass Mitigation Policy.
 - The qualified biologist shall submit the monitoring reports and spatial data to the District and resource agencies within 30 days after the completion of each monitoring period. The monitoring reports shall include all of the specific requirements identified in the California Eelgrass Mitigation Policy.

MM-BIO-13: Implement Overwater Coverage Mitigation through the USACE Permitting Process in Consultation with CCC, NMFS, USFWS, RWQCB, and the District to Compensate for Loss of Open Water Habitat and Function (GB Capital Component). The waterside GB Capital Component within Sweetwater Channel shall require implementation of regulatory agency-approved mitigation prior to implementation of the project to reduce overwater coverage. This may include reduction in overwater coverage at another location in San Diego Bay, restoration of upland riparian habitats, restoration of submerged aquatic vegetation, water quality-improvement techniques, restoration of soft-bottom habitats, such as mud flats, or use of mitigation bank credits or credits from the USACE permit for the construction of the marina from uplands or paying an in lieu fee (once a program is developed but prior to increase in overwater coverage). Detailed shading studies would be required in the future when construction and project design details are available, which would require supplemental environmental review. The project proponent shall conduct the shading studies and implement the following:

- To the extent practical, overwater structures shall be placed in a manner that minimizes shading of eelgrass and avoids scouring impacts on the seabed.
- Prior to issuance of a Coastal Development Permit, the project proponent (i.e., GB Capital) shall request a pre-application meeting with the USACE, in consultation with CCC, NMFS, USFWS, RWQCB, and the District, to identify locations within San Diego Bay or the San Diego region to mitigate

impacts on both sensitive avian species and nearshore habitat associated with loss of beneficial uses associated with overwater coverage and loss of open water- habitat function as a result of increased structural fill within San Diego Bay.

- Prior to the commencement of construction activities of the waterside improvements of the GB Capital Component, the project proponent shall implement mitigation options that the regulatory agencies identified above review and approve.
- The project proponent shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction.

Implementation of MM-BIO-7, MM-BIO-12, and MM-BIO-13 would reduce impacts on eelgrass during construction (Impact-BIO-13) to less-than-significant levels by mitigating any loss of eelgrass habitat at a ratio of 1.2:1, as prescribed in the California Eelgrass Mitigation Policy, and requiring mitigation to be reviewed and approved by appropriate resource agencies.

4.3.11 Impact-BIO-14: Potential Loss of Eelgrass Habitat Due to Overwater Coverage or Shading Impacts During Operations (GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-14) related to the potential loss of eelgrass habitat within the waterside portion of the GB Capital due to shading from overwater structures, including the floating dock, docked vessels, and moored vessels. Scouring from mooring chains and tackle can also directly disturb soft-bottom vegetated habitats. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-14 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-14) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-14 would result from operations associated with the waterside portion of the GB Capital Component, which have the potential to affect eelgrass beds due to shading of eelgrass habitat from overwater structures, including the floating dock, docked vessels, and moored vessels.

The potentially significant impact on biological resources (Impact-BIO-14) would be reduced to below a level of significance by mitigation measures MM-BIO-12: Provide Contractor Education, Utilize Ecological Moorings, and Develop an Eelgrass Mitigation and Monitoring Plan in Compliance with the California Eelgrass

Mitigation Policy, and MM-BIO-13: Implement Overwater Coverage Mitigation Through the USACE Permitting Process in Consultation with CCC, NMFS, USFWS, RWQCB, and the District to Compensate for Loss of Open Water Habitat and Function. These mitigation measures are set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of MM-BIO-12 and MM-BIO-13 would reduce impacts on eelgrass during construction (Impact-BIO-14) to less-than-significant levels by mitigating any loss of eelgrass habitat at a ratio of 1.2:1, as prescribed in the California Eelgrass Mitigation Policy, and requiring mitigation to be reviewed and approved by appropriate resource agencies.

4.3.12 Impact-BIO-15: Potential Conflict with the INRMP (Pepper Park Expansion and Roadway Configuration Balanced Plan, GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-15) related to the potential conflict with related strategies and objectives of the INRMP. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-15 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-15) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-15 would result from potential conflicts between strategies and objectives of the INRMP and operations associated with the waterside portion of Pepper Park Expansion and Roadway Configuration Balanced Plan and the GB Capital Component.

The potentially significant impact on biological resources (Impact-BIO-15) would be reduced to below a level of significance by implementation of mitigation measures MM-BIO-1 through MM-BIO-10. These mitigation measures are set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of MM-BIO-1 through MM-BIO-10 would reduce impacts relating to conflict with the strategies and objectives of the INRMP (Impact-BIO-15) to less-than-significant levels by avoiding or reducing the related physical impacts to biological resources and ensuring that the project does not conflict with or obstruct implementation of the INRMP.

4.3.13 Impact-BIO-16: Potential Conflict with City General Plan – Agriculture and Open Space Element (Bayshore Bikeway Component Route 3)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-16) related to the potential conflict with related strategies and objectives of the City General Plan – Agriculture and Open Space Element (Bayshore Bikeway Component Route 3). Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-16 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-16) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-16 would result from potential conflicts between strategies and objectives of the City General Plan – Agriculture and Open Space Element and the Bayshore Bikeway Component Route 3.

The potentially significant impact on biological resources (Impact-BIO-16) would be reduced to below a level of significance by implementation of mitigation measures MM-BIO-1 through MM-BIO-10. These mitigation measures are set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of MM-BIO-1 through MM-BIO-10 would reduce impacts relating to conflict with the strategies and objectives of the City General Plan – Agriculture and Open Space Element (Impact-BIO-16) to less-than-significant levels by avoiding or reducing the related physical impacts to biological resources and ensuring that the project does not conflict with or obstruct implementation of the City General Plan – Agriculture and Open Space Element.

4.4 Cultural Resources, Tribal Cultural Resources, and Paleontological Resources

4.4.1 Impact-CUL-2: Excavation Related to the Proposed Project Would Potentially Damage Significant Archaeological Resources (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on archeological resources (Impact-CUL-2) resulting from inadvertently unearthing significant unknown archaeological resources during ground-disturbing construction activities in areas of archaeological sensitivity. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2

(Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on cultural resources, tribal cultural resources, and paleontological resources identified as Impact-CUL-2 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on archeological resources (Impact-CUL-2) is analyzed in Volume 2 (Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological Resources*. Potential Impact-CUL-2 would result from inadvertently damaging or destroying significant unknown archaeological resources during ground-disturbing construction activities in areas of archaeological sensitivity (defined as the area east of the mean high tide line and south of Bay Marina Drive).

The potentially significant impact on archaeological resources (Impact-CUL-2) would be reduced to below a level of significance by mitigation measures MM-CUL-2: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan, MM-CUL-3: Prepare and Implement a Cultural Resources Awareness Training Prior to Project Construction, MM-CUL-4: Conduct Archaeological Monitoring in Areas of Sensitivity, and MM-CUL-5: Conduct Native American Monitoring in Areas of Sensitivity. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-CUL-2: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component). Prior to the commencement of any ground-disturbing activities within the areas requiring archaeological monitoring (i.e., activities occurring in the area that is both east of the mean high tide line and south of Bay Marina Drive), the respective project proponent shall retain a qualified archaeologist (approved by the District for components within its jurisdiction or the City for components within its jurisdiction) who meets the SOI Professional Qualification Standards (36 CFR 61) to prepare a CRMDP for designated portions of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component that are sensitive for archaeological resources, defined as the area east of the mean high tide line and south of Bay Marina Drive. Monitoring areas are defined as land-based ground-disturbing activities associated with project components east of the mean high tide line and south of Bay Marina Drive. Procedures to follow in the event of an unanticipated discovery apply to all applicable project components. The CRMDP shall be submitted to the City and District, as applicable based on the jurisdiction in which the project component is located, and shall be reviewed and approved by

the relevant agency. If the District or City do not have in-house expertise to review the CRMDP, they shall respectively hire an expert who meets the SOI Professional Qualification Standards (36 CFR 61) and the project proponent shall pay for said expert.

The District's CRMDP review shall ensure that appropriate procedures to monitor construction and treat unanticipated discoveries are in place. District review and approval of the CRMDP shall occur prior to the commencement of any construction activities subject to the requirements of the CRMDP. The CRMDP shall include required qualifications for archaeological monitors and supervising archaeologists and shall lay out protocols to be followed in relation to cultural resources, including both archaeological and tribal cultural resources. The CRMDP shall provide a summary of sensitivity for buried cultural resources. In addition, it shall describe the roles and responsibilities of archaeological and Native American monitors, District personnel (as applicable), City personnel (as applicable), and construction personnel. Additionally, the CRMDP shall describe specific field procedures to be followed for archaeological monitoring, including field protocol and methods to be followed should there be an archaeological discovery. Evaluation of resources; consultation with Native American individuals, tribes, and organizations; treatment of cultural remains and artifacts; curation; and reporting requirements shall also be described. The CRMDP shall also delineate the requirements, procedures, and notification processes in the event human remains are encountered.

The CRMDP shall delineate the area(s) of archaeological sensitivity that require archaeological monitoring. Mapping of the area(s) shall be made available to the project proponent, who shall incorporate this information into the respective construction specifications for the Balanced Plan Component, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component.

MM-CUL-3: Prepare and Implement a Cultural Resources Awareness Training Prior to Project Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component). Prior to, and for the duration of, project-related ground disturbance in the areas east of the mean high tide line and south of Bay Marina Drive, the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component respective project proponent shall hire a qualified archaeologist who meets the SOI Professional Qualifications Standards (36 CFR 61) and is approved by the District for components within its jurisdiction, and the City for components within its jurisdiction, to provide cultural resources awareness training to project construction personnel. The training shall include a discussion of applicable laws and penalties under the law; samples or visual representations of artifacts that might be found in the project vicinity; and the steps that must be taken if cultural resources are encountered during construction, including the authority of archaeological monitors, if required to be on site during the project, to halt

construction in the area of a discovery. A hard copy summary of cultural resource laws, discovery procedures, and contact information shall be provided to all construction workers. Completion of the training shall be documented for all construction personnel, who shall be required to sign a form confirming they have completed the training. The form shall be retained by the project proponent to demonstrate compliance with this mitigation measure.

MM-CUL-4: Conduct Archaeological Monitoring in Areas of Sensitivity (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component). Within the areas of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component east of the mean high tide line and south of Bay Marina Drive, the project proponent shall retain a qualified archaeologist(s) who meets the SOI Professional Qualifications Standards as promulgated in 36 CFR 61. The qualified archaeologist(s) shall supervise archaeological monitoring of all proposed ground-disturbing activities for the project in the archaeologically sensitive portion(s) of the project site. The archaeologically sensitive portion(s) of the project site is defined as land-based ground-disturbing activities associated with project components east of the mean high tide line and south of Bay Marina Drive. Monitoring actions and procedures shall be completed per the CRMDP described in MM-CUL-2.

MM-CUL-5: Conduct Native American Monitoring in Areas of Sensitivity (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component). A Kumeyaay Native American monitor shall be present at all areas designated for archaeological monitoring—defined as land-based ground-disturbing activities associated with the portions of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component that are east of the mean high tide line and south of Bay Marina Drive. This monitoring shall occur on an as-needed basis and is intended to ensure that Native American concerns are considered during the construction process. Native American monitors shall be retained from tribes who have expressed an interest in the project and have participated in discussions with the District. If a tribe has been notified of scheduled construction work and does not respond, or if a Native American monitor is not available, work may continue without the Native American monitor. Roles and responsibilities of the Native American monitors shall be detailed in the CRMDP described in mitigation measure MM-CUL-2. Costs associated with Native American monitoring shall be borne by the project proponent.

After implementation of mitigation measures MM-CUL-2 through MM-CUL-5, Impact-CUL-2 would be reduced to a less-than-significant level because the preparation and implementation of a Cultural Resources Monitoring and Discovery Plan and Cultural Resources Awareness Training, as well as archaeological and Native American monitoring of any ground-disturbing activities on designated

portions of the project site, would minimize the potential to damage, or result in the loss of, unknown subsurface archaeological resources.

4.4.2 Impact-CUL-3: Excavation Related to the Proposed Project Would Potentially Damage Tribal Cultural Resources (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on tribal cultural resources (Impact-CUL-3) resulting from inadvertently unearthing significant unknown tribal cultural resources during ground-disturbing construction activities in areas of archaeological sensitivity. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on cultural resources, tribal cultural resources, and paleontological resources identified as Impact-CUL-3 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on tribal cultural resources (Impact-CUL-3) is analyzed in Volume 2 (Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological Resources*. Potential Impact-CUL-3 would result from inadvertently damaging or destroying significant unknown tribal cultural resources during ground-disturbing construction activities in areas of archaeological sensitivity (defined as the area east of the mean high tide line and south of Bay Marina Drive).

The potentially significant impact on tribal cultural resources (Impact-CUL-3) would be reduced to below a level of significance by mitigation measures MM-CUL-2: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan, MM-CUL-3: Prepare and Implement a Cultural Resources Awareness Training Prior to Project Construction, MM-CUL-4: Conduct Archaeological Monitoring in Areas of Sensitivity, and MM-CUL-5: Conduct Native American Monitoring in Areas of Sensitivity. These mitigation measures are set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

After implementation of mitigation measures MM-CUL-2 through MM-CUL-5, Impact-CUL-3 would be reduced to a less-than-significant level because the preparation and implementation of a Cultural Resources Monitoring and Discovery Plan and Cultural Resources Awareness Training, as well as archaeological and Native American monitoring of any ground-disturbing activities on designated portions of the project site, would minimize the potential to for damage or loss of unknown tribal cultural resources.

4.4.3 Impact-CUL-4: Excavation Related to the Proposed Project Would Potentially Disturb Buried Paleontological Resources (City Program – Development Component, Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on paleontological resources (Impact-CUL-4) related to the excavation for the proposed project at the City Program – Development Component and portions of the proposed Bayshore Bikeway Component. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological Resources*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on cultural resources, tribal cultural resources, and paleontological resources identified as Impact-CUL-4 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on paleontological resources (Impact-CUL-4) is analyzed in Volume 2 (Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological Resources*. Potential Impact-CUL-4 has the potential to result from excavation in excess of 1,000 cubic yards and to depths greater than 10 feet, which could directly or indirectly impact a unique paleontological resource or site.

The potentially significant impact on paleontological resources (Impact-CUL-4) would be reduced to below a level of significance by mitigation measure MM-CUL-6: Conduct Paleontological Monitoring in Areas of Sensitivity. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-CUL-6: Conduct Paleontological Monitoring in Areas of Sensitivity (City Program – Development Component, Bayshore Bikeway Component). A qualified paleontologist meeting the Society for Vertebrate Paleontology qualifications (retained by the respective project proponent and pre-approved by the District or City as applicable) shall review the paleontological records search prepared by the San Diego Natural History Museum to confirm the locations of paleontologically sensitive areas as well as the existing literature for the proposed project area. The following monitoring measures shall be implemented to recover remains before they are lost or destroyed.

- Where highly sensitive fossil-bearing deposits are likely to be affected and the proposed construction methodology allows for the recovery of fossils, then paleontological monitoring shall be incorporated into the project specifications.
- A qualified paleontologist shall attend preconstruction meetings to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues. A qualified paleontologist is defined as an individual with an M.S. or Ph.D. in

paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of San Diego County, and who has worked as a paleontological monitoring project supervisor in the county for at least 1 year.

- A paleontological monitor shall be on site on a full-time basis during the original cutting of previously undisturbed deposits of high-sensitivity formations to inspect exposures for contained fossils. The paleontological monitor shall work under the direction of the qualified paleontologist. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.
- If fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time; however, some fossil specimens, such as a complete large mammal skeleton, may require an extended salvage period. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovering of small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on site.
- Fossil remains collected during the monitoring and salvage portion of the program shall be cleaned, repaired, sorted, and catalogued.
- Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections, such as the San Diego Natural History Museum. Donation of the fossils by the project proponent shall be accompanied by financial support for initial specimen storage.
- A final data recovery report shall be completed that outlines the results of the monitoring program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.

After implementation of mitigation measure MM-CUL-6, Impact-CUL-4 would be reduced to a less-than-significant level because the recommended monitoring of any ground-disturbing activities in areas of paleontological sensitivity would minimize the potential to directly or indirectly destroy a unique paleontological resource or site or a unique geologic feature.

4.5 Energy

4.5.1 Impact-EN-1: Potential Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources During Construction (Balanced Plan, Bayshore Bikeway Component, GB Capital Component, Pasha Rail Improvement, Pasha Road Closures Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on energy (Impact-EN-1) due to the potential wasteful, inefficient, or unnecessary

consumption of energy resources during construction of the proposed project. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.5, *Energy*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on energy (Impact-EN-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on energy (Impact-EN-1) is analyzed in Volume 2 (Final EIR), Section 4.5, *Energy*. Potential Impact-EN-1 would result from the potential wasteful, inefficient, or unnecessary consumption of energy resources during construction.

The potentially significant impact on energy (Impact-EN-1) will be reduced to below a level of significance by mitigation measures MM-GHG-1: Implement Diesel-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-3: Comply with the Applicable City CAP Measures, MM-GHG-4: Implement Diesel Emission-Reduction Measures During Project Waterside Construction Activities, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, MM-GHG-6: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities on Tidelands or Within Offsite Tidelands, or Within another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program, MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program, and MM-AQ-5 Use Modern Harbor Craft During Construction Activities. These measures are discussed in detail and set forth in full in Section 4.2, *Air Quality and Health Risk*, and Section 4.6, *Greenhouse Gas Emissions and Climate Change*, of Volume 2 of the EIR and are incorporated herein by this reference. These mitigation measures also are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

MM-GHG-1 would help ensure that the use of diesel-operated vehicles during construction would not be wasteful. MM-GHG-2 and MM-GHG-3 (applies to the City Program Component) would require several sustainability measures to help ensure the project would reduce energy demand and avoid inefficient use of energy resources. MM-GHG-4 would require use of modern harbor craft for waterside construction activities. MM-GHG-5 would require all development to meet the state's draft zero net energy standards, if and when adopted as part of the California Building Code, and for the City and the District to encourage project developers to construct all-electric buildings. MM-GHG-6 and MM-GHG-7 would require project proponents to incorporate renewable energy and/or the purchase of an equivalent of greenhouse gas (GHG) offsets at the time of future design. MM-AQ-5 would require the GB Capital Component to use modern harbor craft during construction to reduce emissions. Implementation of mitigation measures MM-GHG-1 through MM-GHG-7, and MM-AQ-5, would reduce potential impacts

related to the wasteful, inefficient, and unnecessary consumption of energy (Impact-EN-1) to less-than-significant levels.

4.5.2 Impact-EN-2: Potential Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources During Operation (Balanced Plan, GB Capital Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on energy (Impact-EN-2) due to the potential wasteful, inefficient, or unnecessary consumption of energy resources during operation of the proposed project. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.5, *Energy*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on energy (Impact-EN-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on energy (Impact-EN-2) is analyzed in Volume 2 (Final EIR), Section 4.5, *Energy*. Potential Impact-EN-2 would result from the potential wasteful, inefficient, or unnecessary consumption of energy resources during operation.

The potentially significant impact on energy (Impact-EN-2) will be reduced to below a level of significance by mitigation measures MM-GHG-1: Implement Diesel-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-3: Comply with the Applicable City CAP Measures, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, MM-GHG-6: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities on Tidelands or Within Offsite Tidelands, or Within another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program, and MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program, . These measures also are discussed in detail in Section 4.6, *Greenhouse Gas Emissions and Climate Change*, of Volume 2 of the EIR and are incorporated herein by this reference. These mitigation measures also are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

MM-GHG-1 would help ensure that the use of diesel-operated vehicles during construction would not be wasteful. MM-GHG-2 and MM-GHG-3 (applies to the City Program Component) would require several sustainability measures to help ensure the project would reduce energy demand and avoid inefficient use of energy resources. MM-GHG-5 would require all development to meet the state's draft zero net energy standards, if and when adopted as part of the California Building Code, and for the City and the District to encourage project developers to

construct all-electric buildings. MM-GHG-6 and MM-GHG-7 would require project proponents to incorporate renewable energy and/or the purchase of an equivalent of greenhouse gas (GHG) offsets at the time of future design. Implementation of mitigation measures MM-GHG-1 through MM-GHG-3 and MM-GHG-5 through MM-GHG-7 would reduce potential impacts related to the wasteful, inefficient, and unnecessary consumption of energy (Impact-EN-2) to less-than-significant levels.

4.5.3 Impact-EN-3: Potential Inconsistency with Applicable Energy Use Reduction Plans (All Project Components)

Potentially Significant Impact: The EIR identifies a potentially significant impact on energy (Impact-EN-3) due to the project's potential inconsistency with applicable energy use reduction plans. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.5, *Energy*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on energy (Impact-EN-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on energy (Impact-EN-3) is analyzed in Volume 2 (Final EIR), Section 4.5, *Energy*. Potential Impact-EN-3 would result from the project's potential inconsistency with the District's Climate Action Plan (CAP) and the City's CAP, since the project does not include measures specific to either CAP. The potentially significant impact on energy (Impact-EN-3) will be reduced to below a level of significance by mitigation measures MM-GHG-2: Comply with District CAP Measures and MM-GHG-3: Comply with the Applicable City CAP Measures. These measures are discussed in detail and set forth in full in Section 4.6, *Greenhouse Gas Emissions and Climate Change*, of Volume 2 of the EIR and are incorporated herein by this reference. These mitigation measures also are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Mitigation measure MM-GHG-2 is designed to ensure that the District's CAP measures will be incorporated into the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component [Only Area within District Jurisdiction]). Mitigation measure MM-GHG-3 is designed to ensure that applicable City CAP measures will be incorporated into the City Program – Development Component. Implementation of MM-GHG-2 and MM-GHG-3 would ensure compliance with the District's CAP and the City's CAP, respectively, and would reduce Impact-EN-3 to less-than-significant levels.

4.6 Greenhouse Gas Emissions and Climate Change

4.6.1 Impact-GHG-1: Inconsistency with District and City Climate Action Plan Numerical Targets (All Project Components)

Potentially Significant Impact: The EIR identifies a potentially significant impact on greenhouse gas emissions (GHG) and climate change (Impact-GHG-1) because the project construction and operations would not meet efficiency targets in 2025 or 2050 and therefore the project would be inconsistent with the District and City CAPs. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on GHG emissions and climate change (Impact-GHG-1) as identified in the EIR. However, it cannot be stated with certainty that such measures would reduce the significant effects to a level below significance and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

Facts in Support of Finding: The potentially significant impact of the proposed project on GHG emissions and climate change (Impact-GHG-1) is analyzed in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*. Potential Impact-GHG-1 would result from the project's potential inconsistency with the District's Climate Action Plan (CAP) and the City's CAP, since the project construction and operations would not meet numerical efficiency targets in 2025 or 2050.

The potentially significant impact on GHG emissions and climate change (Impact-GHG-1) would require the following mitigation measures to be implemented: MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-3: Comply with the Applicable City CAP Measures, MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, MM-GHG-6: Implement a Renewable Energy Project Onsite, or Other Verifiable Actions or Activities on Tidelands or Within Another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program, and MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program. These measures are discussed in detail in Section 4.6, *Greenhouse Gas Emissions and Climate Change*, of Volume 2 of the EIR and are incorporated herein by this reference. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation (All Project Components). The project proponent/operator and/or its contractor(s) for each component of the proposed project shall implement the following measures during project construction and operation and, where specified below, submit reports demonstrating compliance for review and approval to the District's Development Services Department (or successor department) for project components in the District's jurisdiction or the City's Community Development Department for project components in the City's jurisdiction.

1. Construction:

a. The project proponent shall verify that all construction equipment is maintained and properly tuned, in accordance with manufacturers' specifications. Prior to the commencement of construction activities using diesel-powered vehicles or equipment, the project proponent shall verify that all vehicles, as well as equipment, have been checked by a certified mechanic and determined to be running in proper condition prior to admittance into the delivery driveway and loading areas. The project proponent shall submit a report prepared by the certified mechanic regarding the construction vehicles' and equipment's compliance with this requirement to the District's Development Services Department (or successor department) or the City's Community Development Department prior to commencement of their use.

b. The project proponent shall limit all construction truck idling times by shutting down trucks when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the construction entrance(s) and shall submit monthly reports of violators to the District. Repeat violators shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.

c. Prior to commencing construction activities, the project proponent shall ensure that all off-road construction equipment shall meet the following criteria: (i) For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner); (ii) For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits fewer emissions than Tier 4 or better (cleaner) equipment is not available, then the project proponent shall ensure all equipment is Tier 4 or better; and (iii) Use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.

2. Operation: The project proponent shall limit all delivery truck idling times by shutting down trucks when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the delivery driveway and loading areas and shall submit annual reports of violators to the District. This measure shall be implemented by

the hotel and marina supervisors. Repeat violators shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.

MM-GHG-2: Comply with District CAP Measures (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component [Only Area within District Jurisdiction]). Prior to approval of the final design plans, the project proponent/operator and/or its contractor(s) for each component of the proposed project shall list all applicable GHG-reducing measures from the District CAP and demonstrate in the plans where the measures shall be located. A report demonstrating compliance shall be submitted to the District's Development Services Department (or successor department). Buildings associated with the proposed project components shall achieve certification under the Leadership in Energy and Environmental Design (LEED) program, or the Green Building Rating Systems of the Green Building Certification Institute, or achieve equivalent efficiency if it is determined that LEED certification cannot be achieved because of site factors or other reasons. For construction where LEED or an equivalent program or efficiency certification is not applicable (e.g., dry boat storage), all other applicable measures below shall be required, subject to verification of the District's Development Services Department (or successor department). The following is a list of the proposed sustainability measures that would be consistent with the District CAP. Any measures selected shall be required and incorporated into the Coastal Development Permit for each project component.

- General Measures
 - No commercial drive-through shall be implemented.
- Water
 - Indoor water consumption shall be reduced to a level 20% lower than that of the baseline buildings (defined by LEED as indoor water use after meeting Energy Policy Act of 1992 fixture performance requirements) through use of low-flow fixtures in all administrative and common-area bathrooms.
 - Plantings with low water requirements and drip irrigation shall be installed, and domestic water demand from the City system for landscaping purposes shall be minimized.
- Waste
 - Compliance with AB 939 shall be mandatory and shall include recycling at least 50% of solid waste; recycling of demolition debris shall be mandatory and shall include recycling at least 65% of all construction and demolition debris. This measure shall be applied during construction and operation of the proposed project.
 - All commercial, restaurant, and retail uses shall recycle, compost food waste and other organics, and use reusable products instead of disposable products to divert solid waste from the landfill stream.

- Recycled, regional, and rapidly renewable materials shall be used where appropriate during project construction.
- Energy
 - Renewable energy design features that may be implemented are as follows:
 - Implement onsite renewable energy to new buildings, unless the system cannot be built because of structural and operational constraints. (Evidence must be provided if not feasible, subject to District concurrence.)
 - Install co-generation systems (i.e., combined heat and power systems) in new buildings constructed at the project site.
 - Ensure that, at a minimum, 6% of parking spaces are equipped with electric-vehicle charging stations.
 - For all construction after 2025, ensure all construction vehicles and equipment are alternatively fueled or electrically powered, to the extent feasible and available. (GB Capital Component and Balanced Plan only)
 - For all construction, use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. (GB Capital Component and Balanced Plan only)
 - Construct buildings that are ZNE or, if full ZNE is infeasible, implement all feasible measures identified in the feasibility analysis. (GB Capital and Balanced Plan only)
 - Incorporate renewable energy (a) on the project site, (b) within the District's jurisdiction, or (c) within the adjacent community or member city outside of the District's jurisdiction. Undertake other verifiable actions or activities on tidelands approved by the District, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program on tidelands; or similar activities or actions that reduce operational GHG emissions. (GB Capital and Balanced Plan only)
 - Energy-efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards shall be incorporated. The measures that may be implemented are as follows:
 - Use only fluorescent lights, light-emitting diodes (LEDs), compact fluorescent lights, or the most energy-efficient lighting that meets

required lighting standards and is commercially available. This measure also requires replacement of existing lighting on the project site if not already highly energy efficient.

- Install occupancy sensors for all vending machines in new buildings at the project site.
 - Install high-performance glazing with a low solar heat-gain coefficient value that reduces the amount of solar heat allowed into the building, without compromising natural illumination.
 - Install increased insulation.
 - Install cool roofs with an R value of 30 or better.
 - Install sun shading devices as appropriate.
 - Install high-efficiency heating, ventilating, and air-conditioning systems and controls.
 - Install programmable thermostats.
 - Install variable frequency drives.
 - Install Energy Star-rated appliances.
 - Install shore power capabilities where suitable upgrades are feasible in marinas.
- Mobile Sources
 - Implement a construction transportation demand management plan for each project component that promotes ride-sharing, vanpooling, alternate work schedules, and offsite parking with shuttles and provides subsidies for transit passes to reduce worker trips and parking demand, which provides incentives for using alternative modes of transportation instead of individual vehicles.
 - Implement an operational transportation demand management plan for each project component that requires mandatory employer commuting measures, such as carpooling, transit subsidies, and vanpools, to reduce worker trips and parking demand, which provides incentives for using alternative modes of transportation instead of individual vehicles.
 - Ensure that bicycle parking is included in the project design. The number of spaces shall be, at a minimum, 5% of the new automobile parking spaces.
 - Carbon Sequestration and Land Use
 - Install trees and shrub planters throughout the project area as part of the landscape plan.

MM-GHG-3: Comply with the Applicable City CAP Measures (City Program – Development Component). Prior to approval of the final design plans, the project

proponent/operator and/or its contractor(s) for the City Program – Development Component shall list all GHG-reducing measures from the City’s CAP and demonstrate in the plans where these measures shall be located. A report demonstrating compliance shall be submitted to the City’s Community Development Department. Buildings associated with the proposed project component shall achieve certification under the LEED program, or the Green Building Rating Systems of the Green Building Certification Institute, or achieve equivalent efficiency if it is determined that LEED certification cannot be achieved because of site factors or other reasons. The following is a list of proposed sustainability measures from the City CAP that shall be required and incorporated into the Coastal Development Permit for the City Program – Development Component:

- Incorporate energy-efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards.
- Prioritize parking for high-occupancy vehicles as well as carpooling, vanpooling, and transit vehicles.
- Ensure that at a minimum 6% of parking spaces are equipped with electric-vehicle charging stations.
- Ensure that bicycle parking is included in the project design. The number of spaces shall be, at a minimum, 5% of the new automobile parking spaces.
- Encourage telework programs and alternative work schedules for new businesses.
- Provide financial incentives for commuters to reduce the number of vehicle trips by walking, bicycling, using public transit, and carpooling.
- Implement programs to reduce, reuse, and recycle construction and demolition waste.
- Encourage rooftop gardens for flat-roofed commercial buildings.
- Pursue a pump-efficiency cycling schedule.
- Adopt water efficiency principles similar to the Ahwahnee Water Principles for Resource Efficient Land Use (available at https://www.lgc.org/wordpress/docs/ahwahnee/ahwahnee_water_principles.pdf), such as the following:
 - Use compact, mixed-use, walkable, and transit-oriented community designs;
 - Preserve and restore natural resources such as wetlands, floodplains, recharge zones, riparian areas, open spaces, and native habitats;

- Utilize water holding areas such as creek beds, recessed athletic fields, ponds, cisterns, and other features that serve to recharge groundwater, reduce runoff, improve water quality, and decrease flooding;
 - Use low-water plantings in landscaping;
 - Use permeable surfaces for hardscapes;
 - Install dual plumbing that allows reuse of gray water;
 - Maximize use of recycled water in the project design;
 - Use low-flow toilets, efficient clothes washers, and efficient water-using industrial equipment in new construction; and
 - Maximize the use of drought-proof water supplies, such as groundwater treatment and brackish water desalination.
- Install trees and shrub planters throughout the project area as part of the landscape plan.

MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities (GB Capital Component). Prior to commencing any waterside construction or activities the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including, but not limited to, tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:

- For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner);
- For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits fewer emissions than Tier 4 or better (cleaner) equipment is not available, then the project proponent shall ensure all equipment is Tier 4 or better; and
- Use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.

If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize the use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District's Development Services Department (or successor

department) or the City's Community Development Department, depending upon the jurisdiction that the project component is located in, prior to commencement of waterside construction activities. Regardless of the equipment used, the project proponent/ operator and/or its contractor(s) for each project component with waterside construction activities shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each project component with waterside construction activities shall submit a report prepared by the mechanic experienced with such equipment regarding the condition of the vehicles and equipment for construction and operations to the District's Development Services Department (or successor department) or the City's Community Development Department, depending upon the jurisdiction that the project component is located in, prior to commencement of their use.

MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings (GB Capital Component, Balanced Plan, City Program – Development Component). The City and the District shall require all development to meet the state's ZNE standards, if and when adopted as part of the California Building Code. In addition, the City and the District shall encourage project developers to construct buildings that are ZNE. Prior to issuance of any Coastal Development Permit or City-issued permit, as applicable, the project proponents/operators and/or its contractor(s) shall submit a feasibility analysis, prepared by a qualified consultant, regarding the construction of buildings as ZNE, and the project component shall implement all feasible measures identified in the feasibility analysis (e.g., electric heating). Prior to implementation of all feasible measures, this report shall be submitted to the District for review and approval for the GB Capital Component (all phases) and Balanced Plan, and submitted to verification the City for review and approval for the City Program – Development Component.

MM-GHG-6: Implement a Renewable Energy Project Onsite, or Other Verifiable Actions or Activities on Tidelands or Within Another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB–Approved Registry or a Locally Approved Equivalent Program (GB Capital Component and Balanced Plan).

A. Options for Reducing GHG Emissions.

To reach the numerical efficiency metric, each project proponent shall, in order of preference, considering availability of structures and feasibility, implement the following, which may be combined with consideration to the preference described below:

1. Incorporate renewable energy

- a) On the project site,
- b) Within the District's jurisdiction, or

c) Within the adjacent community or member city outside of the District's jurisdiction.

2. Undertake other verifiable actions or activities on tidelands approved by the District, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program on tidelands; or similar activities or actions that reduce operational GHG emissions;

3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable, as specified in California Health and Safety Code Section 38562(d)(1) and (2) and further defined in CCR Title 17, Section 95802 (see below); (2) use a protocol consistent with or as stringent as CARB protocol requirements under CCR Title 17, Section 95972(a); and (3) are issued by an CARB-approved offset registry. For offset credits from projects outside California, the project proponent must demonstrate in writing to the satisfaction of the District that the offset project meets requirements equivalent to or stricter than California's laws and regulations, ensuring the validity of offset credits.

For purposes of this section, the definitions are as follows:

a) "Real" means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802]

b) "Additional" means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals otherwise required by law, regulation, or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario. [17 CCR 95802]

c) "Permanent" means, in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]

d) "Quantifiable" means, in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary while accounting for uncertainty and activity-shifting leakage and market-shifting leakage. [17 CCR 95802]

e) "Verifiable" means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California's with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well

documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]

f) “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [Adapted from definition in 17 CCR 95802 for use in this measure.] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.

B. Required Annual GHG Emissions Reductions: The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the proposed project, assuming full buildout of each project component:

- Balanced Plan (only Pepper Park Expansion) = 836 MTCO_{2e} per year or 4,317 MWh/year.
- GB Capital Component = 6,627 MTCO_{2e} per year or 34,219 MWh/year.

The required reductions may be reduced by the District, based on the actual amount of development and activities associated with that development and the other adjustment provisions specified below.

C. Implementation of GHG Emissions Reduction Options. Prior to becoming operational and annually thereafter, the District shall notify the project proponent of the option(s) available for achieving its respective annual maximum GHG required emissions reduction, as identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:

1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the District to meet or partially meet the required amount of MTCO_{2e} or MWh reductions specified above.

a) If the project proponent develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project proponent shall submit to the District’s Planning Department (or successor department, for its review and approval, a report specifying the annual amount of MTCO_{2e} or MWh reduction achieved by the renewable energy project(s), or actions, or activities; submit evidence that the renewable energy project(s), actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the District’s Planning Department (or successor department), to verify the amount of GHG emissions reduction achieved by the renewable energy project, or actions or activities (collectively, “GHG Emission Reduction Report”).

b) If the GHG Emission Reduction Report is approved by the District, a reduction to the required offsets shall be calculated by the District’s Planning Department (or successor department), and the reduction of offsets shall be transmitted to the project proponent in writing and the amount of GHG reduction shall count toward

the required GHG reduction for the proposed project component (“GHG Reduction”).

2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO_{2e} or MWh specified above, which may be decreased by the amount of annual MTCO_{2e} or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO_{2e} or MWh shall occur as follows:

- a) Each project component shall purchase offsets for its first 2 years of operation;
- b) Purchase offsets at least annually thereafter, prior to becoming operational, beginning with the third year of operation, for the life of the proposed project component’s operations or until the termination of a lease agreement (for GB Capital Component only) between the District and the project proponent. The project proponent may purchase more than 1 year of operation emissions offsets, consistent with the amount of MTCO_{2e} or MWh reduction specified above for the corresponding project component.
- c) On or before the first year of operation of the respective project proponent and annually thereafter, the project proponent shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the District that the offsets meet the requirements for GHG emission offset credits set forth in paragraph A(3) above, to the District’s Planning Department (or successor department).

D. Adjustments to Required GHG Emissions Reductions.

If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO_{2e} or MWh reductions specified above, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the reduction target, then nothing further shall be required under this mitigation measure.

1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project proponent may be required by the District to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the development of a renewable energy project(s), the project proponent shall submit a GHG Emission Reduction Report for the District Planning Department’s (or successor department’s) review, pursuant to the process specified above in paragraph C(1) above, and required offsets shall be determined by the District and reduced.

2. Reduction of Emissions through Verifiable Actions or Activities on Tidelands Requirement: Although none are identified at this time, the project proponent may be required by the District to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the other verifiable actions or activities on tidelands, the project proponent shall submit a GHG Emission Reduction Report for the District Planning Department's (or successor department's) review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the District and reduced.

3. Reduction of Emissions through Purchase of Offsets: Subsequent to purchasing GHG emission offsets pursuant to paragraph C(2) above, the project proponent's future annual purchase of offsets to achieve the GHG emissions reduction specific in paragraph B above may be adjusted if the development is less than assumed here, which is the following:

- Balanced Plan includes a 2.54-acre park.
- GB Capital Component landside features, including 134 RV sites; 40,000 square feet of dry boat storage; 60 modular cabins; 10,000-square-foot administration/recreation building; 10,000-square-foot building with restrooms, laundry facilities, and staff support services in the vicinity of the existing marina buildings; and a 4,000-square-foot maintenance building and associated approximately 8,200-square-foot maintenance yard northeast of the proposed dry boat storage. Waterside uses include 20 moorings in Sweetwater Channel; 620-foot-long and 8-foot-wide floating dock that includes up to 30 fingers, which accommodate up to 50 boats; and a 580-foot-long and 8-foot-wide dock with two 80-foot-long and 5-foot-wide gangways within the existing marina basin north of the jetty to accommodate up to 25 smaller boats.

4. The District or a District-retained consultant (at the project proponent cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets, based on the actual development constructed and in operation. Any unused offsets shall be used for the next year of operation of the project component, and the project proponent shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(3)(c), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days of receiving notice of the noncompliance. After verification of unused and available offsets, unused offsets may replace previously compliant offsets should those offsets subsequently be determined noncompliant with paragraph A(3). At the project proponent's written request to the District, the project proponent may waive the annual adjustment described above and purchase the required MTCO₂e or MWh offsets

on at least an annual basis.

MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB–Approved Registry or a Locally Approved Equivalent Program (City Program – Development Component).

A. Options for Reducing GHG Emissions.

To reach the numerical efficiency metric, each project proponent shall, in order of preference, considering availability of structures and feasibility, implement the following, which may be combined with consideration to the preference described below:

1. Incorporate renewable energy
 - a) On the project site,
 - b) Within the City’s jurisdiction, or
 - c) Within the adjacent community or the city.
2. Undertake other verifiable actions or activities approved by the City, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program within the city; or similar activities or actions that reduce operational GHG emissions;
3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable, as specified in California Health and Safety Code Section 38562(d)(1) and (2) and further defined in California CCR Title 17, Section 95802 (see below); (2) use a protocol consistent with or as stringent as CARB protocol requirements under CCR Title 17, Section 95972(a); and (3) are issued by an CARB-approved offset registry.⁷ For offset credits from projects outside California, the project proponent must demonstrate in writing to the satisfaction of the City that the offset project meets requirements equivalent to or stricter than California’s laws and regulations, ensuring the validity of offset credits.

For purposes of this section, the definitions are as follows:

- a) “Real” means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market- shifting leakage. [17 CCR 95802]
- b) “Additional” means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals otherwise required by law, regulation, or legally binding mandate and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario. [17 CCR 95802]

c) “Permanent” means, in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]

d) “Quantifiable” means, in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary while accounting for uncertainty and activity-shifting leakage and market-shifting leakage. [17 CCR 95802]

e) “Verifiable” means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California’s with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]

f) “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [Adapted from definition in 17 CCR 95802 for use in this measure.] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.

B. Required Annual GHG Emissions Reductions:

The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the proposed project, assuming full buildout of each project component:

- City Program = 3,549 MTCO₂e per year or 18,323 MWh/year.

The required reductions may be reduced by the City, based on the actual amount of development and activities associated with that development and the other adjustment provisions specified below.

C. Implementation of GHG Emissions Reduction Options.

Prior to becoming operational and annually thereafter, the City shall notify the project proponent of the option(s) available for achieving its respective annual maximum GHG required emissions reduction, as identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:

1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the City to meet or partially meet the required amount of

MTCO₂e or MWh reductions specified above.

a) If the project proponent develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project proponent shall submit to the City's Community Development Department, for its review and approval, a report specifying the annual amount of MTCO₂e or MWh reduction achieved by the renewable energy project(s), or actions, or activities; submit evidence that the renewable energy project(s), actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the City's Community Development Department to verify the amount of GHG emissions reduction achieved by the renewable energy project, or actions or activities (collectively, "GHG Emission Reduction Report").

b) If the GHG Emission Reduction Report is approved by the City, a reduction to the required offsets shall be calculated by the City's Community Development Department, and the reduction of offsets shall be transmitted to the project proponent in writing and the amount of GHG reduction shall count toward the required GHG reduction for the proposed project ("GHG Reduction").

2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO₂e or MWh specified above, which may be decreased by the amount of annual MTCO₂e or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO₂e or MWh shall occur as follows:

a) Each project component shall purchase offsets for its first 2 years of operation;

b) Purchase offsets at least annually thereafter, prior to becoming operational, beginning with the third year of operation, for the life of the proposed project component's operations or until the termination of any lease agreement between the City and the project proponent. The project proponent may purchase more than 1 year of operation emissions offsets, consistent with the amount of MTCO₂e or MWh reduction specified above for the corresponding project component.

c) On or before the first year of operation of the respective project proponent and annually thereafter, the project proponent shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the City that the offsets meet the requirements for GHG emission offset credits set forth in paragraph A(3) above, to the City's Community Development Department.

D. Adjustments to Required GHG Emissions Reductions.

If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO_{2e} or MWh reductions specified above in the reduction target, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the reduction target, then nothing further shall be required under this mitigation measure.

1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project proponent may be required by the City to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the development of a renewable energy project(s), the project proponent shall submit a GHG Emission Reduction Report for the City's Community Development Department's review, pursuant to the process specified above in paragraph C(1) above, and required offsets shall be determined by the City and reduced.

2. Reduction of Emissions through Verifiable Actions or Activities in the City of National City Requirement: Although none are identified at this time, the project proponent may be required by the City to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the other verifiable actions or activities on tidelands, the project proponent shall submit a GHG Emission Reduction Report for the City's Community Development Department's review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the City and reduced.

3. Reduction of Emissions through Purchase of Offsets: Subsequent to purchasing GHG emission offsets pursuant to paragraph C(2) above, the project proponent's future annual purchase of offsets to achieve the GHG emissions reduction specific in paragraph B above may be adjusted if the development is less than assumed here, which is the following:

- City Program Plan includes a 150-room hotel along with 15,500 square feet of restaurant space and 12,000 square feet of retail space.

4. The City or a City-retained consultant (at the project proponent cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets, based on the actual development constructed and in operation. Any unused offsets shall be used for the next year of operation of the project component, and the project proponent shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to

paragraph C(3)(c), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days of receiving notice of the noncompliance. After verification of unused and available offsets, unused offsets may replace previously compliant offsets should those offsets subsequently be determined noncompliant with paragraph A(3). At the project proponent's written request to the City, the project proponent may waive the annual adjustment described above and purchase the required MTCO_{2e} or MWh offsets on at least an annual basis.

Implementation of MM-GHG-1 through MM-GHG-7 would result in emissions below the numerical target. Mitigation would ensure the project would generally comply with plans, policies, and regulatory programs outlined in the adopted Scoping Plan and those adopted or recommended by CARB or other California agencies for the purpose of reducing the emissions of GHGs. However, because no plans, policies, and regulatory programs have been adopted to achieve the carbon neutrality goal set by Executive Order B-55-18, it cannot be stated with certainty that the project would result in emissions that would represent a fair share of the requisite reductions toward the statewide carbon neutrality goal. Therefore, Impact-GHG-1 would remain significant and unavoidable and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

4.6.2 Impact-GHG-2: Inconsistency with District Climate Action Plan and Only Partial Consistency with Statewide Greenhouse Gas Reduction Plans, Policies, and Regulatory Programs (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on GHG emissions and climate change (Impact-GHG-2) because the project would only partially comply with plans, policies, and regulatory programs outlined in applicable District CAP measures and applicable state reduction goals and plans, policies, or regulations. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on GHG emissions and climate change (Impact-GHG-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on GHG emissions and climate change (Impact-GHG-2) is analyzed in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*. Potential Impact-GHG-2 would result because the project would only partially comply with plans, policies, and regulatory programs outlined in applicable

City CAP measures and applicable state reduction goals and plans, policies, or regulations for the purpose of reducing GHG emissions.

The potentially significant impact on GHG emissions and climate change (Impact-GHG-2) would require the following mitigation measures to be implemented: MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities, and MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings. These measures are discussed in detail in Section 4.6, *Greenhouse Gas Emissions*, of Volume 2 of the EIR and are set forth in full above. These mitigation measures also are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of MM-GHG-1, MM-GHG-2, MM-GHG-4, and MM-GHG-5 would reduce Impact-GHG-2 to less than significant levels because the project would be consistent with the relevant plans, policies, and regulatory programs.

4.6.3 Impact-GHG-3: Inconsistency with City Climate Action Plan and Only Partial Consistency with Statewide Greenhouse Gas Reduction Plans, Policies, and Regulatory Programs (City Program – Development Component, a Portion of the Bayshore Bikeway Component, and a Portion of the GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on GHG emissions and climate change (Impact-GHG-3) because the project would only partially comply with plans, policies, and regulatory programs outlined in applicable City CAP measures and applicable state reduction goals and plans, policies, or regulations. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on GHG emissions and climate change (Impact-GHG-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on GHG emissions and climate change (Impact-GHG-3) is analyzed in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*. Potential Impact-GHG-3 would result because the project would only partially comply with plans, policies, and regulatory programs outlined in applicable City CAP measures and applicable state reduction goals and plans, policies, or regulations for the purpose of reducing GHG emissions.

The potentially significant impact on GHG emissions and climate change (Impact-GHG-3) would require the following mitigation measures to be implemented: MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project

Construction and Operation, MM-GHG-3: Comply with City CAP Measures, MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities, and MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings. These measures are discussed in detail in Section 4.6, *Greenhouse Gas Emissions*, of Volume 2 of the EIR and are set forth in full above. These mitigation measures also are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of MM-GHG-1, MM-GHG-3, MM-GHG-4, and MM-GHG-5 would reduce Impact-GHG-3 to less than significant levels because the project would be consistent with the relevant plans, policies, and regulatory programs.

4.7 Hazards and Hazardous Materials

4.7.1 Impact-HAZ-1: Residual Soil Contamination (City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards and hazardous materials (Impact-HAZ-1) from the disturbance of potentially contaminated soils during project construction activities that could result in a release of hazardous materials and exacerbate the existing hazardous conditions. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on hazards and hazardous materials (Impact-HAZ-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on hazards and hazardous materials (Impact-HAZ-1) is analyzed in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*. Potential Impact-HAZ-1 would result from the disturbance of potentially contaminated soils during project construction activities that could result in a release of hazardous materials and exacerbate the existing hazardous conditions.

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-1) will be reduced to below a level of significance by mitigation measures MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan, MM-HAZ-2: Prepare and Implement a Monitoring and Reporting Program, and MM-HAZ-3: Prepare and Submit a Project Closeout Report. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan (City Program – Development Component). Prior to the City's approval of the project grading plans and the commencement of any construction activities that

would disturb the soil on the City Program – Development Component site, the project proponent shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration to prepare and submit a Soil and Groundwater Management Plan to the City for review and approval. After the City’s review and approval, the project proponent shall implement the Soil and Groundwater Management Plan, which shall include the following:

- *A Site Contamination Characterization Report* (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site’s past uses throughout the City Program – Development Component construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.
- *A Soil Testing and Profiling Plan* (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22–compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential presence of contaminated soils and for compliance with the Testing and Profiling Plan.
- *A Soil Disposal Plan* (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring.
- *A Site Worker Health and Safety Plan* (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site

contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.

MM-HAZ-2: Prepare and Implement a Monitoring and Reporting Program (City Program – Development Component). Prior to commencement of construction of the City Program – Development Component, the project proponent shall prepare a Monitoring and Reporting Program and submit it to the City for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of the City Program – Development Component. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan, as required by MM-HAZ-1. The Monitoring and Reporting Program shall include a requirement that the project proponent submit monthly reports (starting with the first ground disturbance activities and ending at the completion of ground disturbance activities) to the City, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.

MM-HAZ-3: Prepare and Submit a Project Closeout Report (City Program – Development Component). Within 30 days of completion of landside construction of the City Program – Development Component, the project proponent shall prepare a Project Closeout Report and submit it to the City for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan, as required by MM-HAZ-1, and the Monitoring and Reporting Program, as required by MM-HAZ-2.

Mitigation measure MM-HAZ-1 would ensure the proper handling and disposal of contaminated soil during construction activities. In addition, MM-HAZ-2 and MM-HAZ-3 requires the preparation and submittal of a Monitoring and Reporting Program and a Project Closeout Report, which would ensure that the Soil Management Plan is properly implemented and documented. Implementation of MM-HAZ-1, MM-HAZ-2, and MM-HAZ-3 would reduce Impact-HAZ-1 to less-than-significant levels by ensuring safeguards would be implemented during ground-disturbing construction activities to ensure upset and accidental conditions do not occur, and detrimental effects in the event of unanticipated upset conditions would be minimized.

4.7.2 Impact-HAZ-2: Residual Soil Contamination (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards and hazardous materials (Impact-HAZ-2) from the disturbance of potentially contaminated soils during project construction activities associated with the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component that could result in the release of hazardous materials and exacerbate the existing hazardous conditions. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on hazards and hazardous materials (Impact-HAZ-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on hazards and hazardous materials (Impact-HAZ-2) is analyzed in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*. Potential Impact-HAZ-2 would result from the disturbance of potentially contaminated soils during project construction activities that could result in a release of hazardous materials and exacerbate the existing hazardous conditions.

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-2) will be reduced to below a level of significance by mitigation measures MM-HAZ-4: Prepare and Implement a Soil and Groundwater Management Plan, MM-HAZ-5: Prepare and Implement a Monitoring and Reporting Program, and MM-HAZ-6: Prepare and Submit a Project Closeout Report. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-HAZ-4: Prepare and Implement a Soil and Groundwater Management Plan (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). Prior to the District's and the City's, as applicable, approval of the project's grading plans and the commencement of any construction activities that would disturb the soil, the project proponent shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration, to prepare and submit a Soil and Groundwater Management Plan to the District's Environmental Protection Department and the City, as applicable, for review and approval. After the District's and the City's, as applicable, review and approval, the project proponent shall implement the Soil and Groundwater Management Plan, which shall include the following:

- *A Site Contamination Characterization Report* (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site's past uses throughout the Pasha Road Closure

Component construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.

- A Soil Testing and Profiling Plan (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22–compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential presence of contaminated soils and for compliance with the Testing and Profiling Plan.
- A *Soil Disposal Plan* (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring.
- A Site Worker Health and Safety Plan (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.

MM-HAZ-5: Prepare and Implement a Monitoring and Reporting Program (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). Prior to commencement of construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component, the respective project proponent shall prepare a Monitoring and Reporting Program and submit it to the District's Environmental Protection

Department and the City, as applicable, for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan, as required by MM-HAZ-4. The Monitoring and Reporting Program shall include a requirement that the project proponent submit monthly reports (starting with the first ground disturbance activities and ending at the completion of ground disturbance activities) to the District's Development Services Department and the City, as applicable, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.

MM-HAZ-6: Prepare and Submit a Project Closeout Report (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). Within 30 days of completion of landside construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component, the project proponent shall prepare a Project Closeout Report and submit it to the District's Environmental Protection Department and the City, as applicable, for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan, as required by MM-HAZ-4, and the Monitoring and Reporting Program, as required by MM-HAZ-5.

Mitigation measure MM-HAZ-4 would ensure the proper handling and disposal of contaminated soil during construction activities related to the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component. In addition, MM-HAZ-5 and MM-HAZ-6 require the preparation and submittal of a Monitoring and Reporting Program and a Project Closeout Report, which would ensure that the Soil Management Plan is properly implemented and documented. Implementation of MM-HAZ-4, MM-HAZ-5, and MM-HAZ-6 would reduce Impact-HAZ-2 to less-than-significant levels by ensuring safeguards would be implemented during ground-disturbing construction activities to ensure upset and accidental conditions do not occur, and detrimental effects in the event of unanticipated upset conditions would be minimized.

4.7.3 Impact-HAZ-3: Conflict with Conditions of Regulatory Closure (City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards and hazardous materials (Impact-HAZ-3) resulting from a conflict with the requirements of the Department of Environmental Health (DEH) closure and the proposed development of the City Program – Development Component, which would include hotel uses. Detailed information and analysis regarding this

potentially significant impact are provided in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on hazards and hazardous materials (Impact-HAZ-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on hazards and hazardous materials (Impact-HAZ-3) is analyzed in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*. Potential Impact-HAZ-3 would result from the development of City Program – Development Component for hotel use, which would conflict with the requirements of the DEH closure and could exacerbate existing hazardous conditions.

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-3) will be reduced to below a level of significance by mitigation measure MM-HAZ-7: Coordinate with the DEH. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-HAZ-7: Coordinate with the DEH (City Program – Development Component). Prior to ground disturbing activities on the City Program – Development Component site, the project proponent for the City Program – Development Component shall coordinate with the DEH to reopen VAP Cases #H23772-005, #H36620-001, and #H23772-004 to determine if the existing conditions would be below acceptable cleanup thresholds for hotel use. If the DEH determines the onsite conditions do not meet thresholds for future hotel uses, the project proponent must comply with the requirements of the DEH to achieve remediation standards.

Implementation of MMHAZ-7 would reduce Impact-HAZ-3 to less-than-significant levels because coordination with the DEH would ensure the cases would be reviewed, and remediated if necessary, to the appropriate remediation standard for future hotel use.

4.7.4 Impact-HAZ-4: Inadequate Emergency Access from Temporary Road Closures During Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards and hazardous materials (Impact-HAZ-4) from construction activities causing potential road blockages that could prevent emergency response vehicles from accessing parts of the project site or vicinity and physically interfere with the implementation of an emergency access or response plan. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on hazards and hazardous materials (Impact-HAZ-4) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on hazards and hazardous materials (Impact-HAZ-4) is analyzed in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*. Potential Impact-HAZ-4 would result from construction activities causing potential road blockages that could prevent emergency response vehicles from accessing parts of the project site or vicinity and physically interfere with the implementation of an emergency access or response plan.

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-4) will be reduced to below a level of significance by mitigation measures MM-TRA-3: Implement Traffic Control Measures During Construction, and MM-HAZ-8: Maintain Emergency Access Road During Construction. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-TRA-3: Implement Traffic Control Measures During Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, City Program – Development Component). See Section 4.12, *Transportation, Circulation, and Parking*.

MM-HAZ-8: Maintain Emergency Access Road During Construction (Pasha Road Closures Component). A temporary emergency access road shall be maintained by the project proponent at all times during construction of the Pasha Road Closures Component. The location and components, as defined per the California Fire Code, of the temporary emergency access road shall be submitted to the City Fire Marshal for review and approval prior to closure of the roadway(s) to through-traffic. Written verification of inclusion of the temporary emergency vehicle access shall be provided to the District's Director of Planning prior to closure of the roadway(s) to through-traffic. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal's designee, or verification can be provided with a copy of the Fire Permit.

MM-TRA-3 would require the implementation of a Traffic Control Plan, which would maintain emergency access to the proposed project and nearby properties. MM-HAZ-8 would require the project proponent to submit the location and components of the temporary emergency access road to the City Fire Marshal. Implementation of MM-TRA-3 and MM-HAZ-8 would reduce Impact-HAZ-4 to less-than-significant levels by ensuring emergency vehicle access would be maintained to the proposed project site and nearby properties during construction.

4.7.5 Impact-HAZ-5: Inadequate Emergency Access from the Closure of Tidelands Avenue During Operation (Pasha Road Closures Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards (Impact-HAZ-5) due to inadequate emergency access during operation from the closure of portions of Tidelands Avenue. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on hazards (Impact-HAZ-5) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on hazards (Impact-HAZ-5) is analyzed in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*. Potential Impact-HAZ-5 would result from the closure of portions of Tidelands Avenue causing inadequate emergency access during operation.

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-5) will be reduced to below a level of significance by mitigation measure MM-HAZ-9: Coordinate with the City Fire Marshal. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-HAZ-9: Coordinate with the City Fire Marshal (Pasha Road Closures Component). Prior to closure of the Pasha Road Closures Component to through-traffic, the project proponent for said project component shall prepare and submit plans to the City Fire Marshal for review and approval that demonstrate compliance with applicable state and local fire code regulations related to secondary access, emergency access, and maximum dead-end road length. At a minimum, the plans shall demonstrate that the project will include the following items related to emergency vehicle access:

- An emergency access road, on the existing alignment of Tidelands Avenue between Bay Marina Drive and the 32nd Street, that has an unobstructed minimum width of 20 feet (or 26 feet when a fire hydrant is located on the emergency access road), exclusive of shoulders or rolled curbs. The emergency access road shall be paved using an all-weather surface and shall support the imposed loads (75,000 pounds) of a fire apparatus. The emergency access road shall include official approved signs or other approved notices or markings that include the words “NO PARKING – FIRE LANE.” At all times, the emergency access road shall not be obstructed in any manner, including the parking of vehicles.
- Any entrance/exit gates to/from the Pasha Road Closures Component shall be equipped with Knox Key Switches and Emergency Strobes to provide

emergency vehicle access, including ingress and egress. A lock box (Knox Key Switch for fire and police) shall be required in conjunction with a detector/strobe switch to allow emergency vehicles to flash a vehicle-mounted strobe light towards the detector/strobe switch, which in turn overrides the system and opens the gate. The lock box and detector/strobe switch shall be placed at the front of each gate (the side of the gate that is adjacent to a public street). Any electric gate opener shall be listed in accordance with UL 325. Gates utilizing emergency strobe operation shall be designed, constructed, and installed to comply with requirements of ASTM F2200, and shall be maintained operational at all times, including but not limited to, in the event of an electrical outage. Any entrance/exist gates to/from the Pasha Road Closures Component shall maintain an unobstructed vertical clearance of a minimum of 13 feet, 6 inches.

- Fire hydrants shall be located throughout the Pasha Road Closures Component site and shall be spaced no less than 400 feet apart. Fire hydrants shall be located within 400 feet of all locations that are roadway accessible (measurement starts from the nearest existing fire hydrant to the Pasha Road Closures Component site). Where a fire hydrant is located on an emergency access road, the minimum road width shall be 26 feet. All turns available for fire access and travel shall maintain a minimum radius of 28 feet.

Prior to utilization of the Pasha Road Closures Component for marine-related operations, the above-described emergency vehicle access shall be field-verified by the City Fire Marshal, or the Fire Marshal's designee. Written verification of inclusion of the above-described emergency vehicle access shall be provided to the District's Director of Planning prior to Pasha's utilization of the Pasha Road Closures Component for marine-related operations. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal's designee, or verification can be provided with a copy of the Fire Permit.

MM-HAZ-9 would require coordination with the City Fire Marshal that would ensure that necessary features would be included as part of the Pasha Road Closures Component, such as an emergency access road, entrance/exit gates, and fire hydrants. Implementation of MM-HAZ-9 would reduce Impact-HAZ-5 to less-than-significant levels by ensuring emergency vehicle access would be maintained to the proposed project site and nearby properties during operation.

4.7.6 Impact-HAZ-7: Inadequate Emergency Access from Marina Way Realignment (Balanced Plan or GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards (Impact-HAZ-7) associated with inadequate emergency access during operation from the implementation of traffic calming devices along Marina Way. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on hazards (Impact-HAZ-7) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on hazards (Impact-HAZ-7) is analyzed in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*. The realignment of Marina Way (Balanced Plan or GB Capital Component, if that alignment of Marina Way is selected) has the potential to result in inadequate emergency access during operation through the installation of traffic-calming devices (Impact-HAZ-7).

The potentially significant impact on hazards (Impact-HAZ-7) will be reduced to below a level of significance by mitigation measure MM-HAZ-11: Manage Marina Way Realignment Conditions. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-HAZ-11: Manage Marina Way Realignment Conditions (Balanced Plan or GB Capital Component). The Marina Way Realignment proposed as part of the Balanced Plan (or GB Capital Component) shall not include traffic calming devices (e.g., speed humps), unless prior-written approval is obtained from the City Fire Marshal.

MM-HAZ-11 would ensure that any traffic-calming devices incorporated as part of the Marina Way alignment (whether it is the alignment in the Balanced Plan or the alignment in the GB Capital Component) would be approved by the City Fire Marshal. Implementation of MM-HAZ-11 would reduce Impact-HAZ-7 to less-than-significant levels by ensuring unapproved traffic calming devices would not be installed and emergency vehicle access would be maintained to the proposed project site and nearby properties.

4.8 Land Use and Planning

4.8.1 Impact-LU-2: Temporary Inundation for 2030 and 2050 (Balanced Plan, GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on land use and planning (Impact-LU-2) associated with temporary inundation that is projected to impact the Pepper Park expansion of the Balanced Plan and the jetty area of the GB Capital Component. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.9, *Land Use and Planning*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on land use and planning (Impact-LU-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on land use and planning (Impact-LU-2) is analyzed in Volume 2 (Final EIR), Section 4.9, *Land Use and Planning*. Potential Impact-LU-2 would result from temporary inundation that is anticipated to impact greater portions of Pepper Park and park expansion site as well as the jetty area of the GB Capital Component. The potentially significant impact on land use and planning (Impact-LU-2) would be reduced to below a level of significance by mitigation measures MM-LU-2: Design the Pepper Park Expansion to Account for Sea Level-Rise through 2050 and MM-LU-3: Conduct Engineering-Level, Site-Specific Assessment of Sea Level-Rise through 2050. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-LU-2: Design the Pepper Park Expansion to Account for Sea-Level Rise through 2050 (Balanced Plan). The project proponent for the Pepper Park expansion shall design the park to accommodate water during future flooding events. Methods to accommodate water during future flooding events include, but are not limited to:

- Elevating the waterside promenades;
- Regrading coastal edges and/or inland portions of the park as appropriate;
- Creating living shorelines;
- Ensuring that any new vegetation is salt tolerant;
- Developing an operational plan to close the parking lot and move parked vehicles prior to storm events;
- Including pervious surfaces such as turf, sand, and pervious concrete.

Moreover, public access to Pepper Park shall be restricted during flood events.

If any structures are constructed in Pepper Park, prior to construction, the project proponent shall conduct an engineering-level, site-specific assessment of the projected SLR at the site through 2050.

Additionally, the project proponent shall create an early warning system to monitor the risk of potential flooding of any structure. An early warning system should consist of protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken. Also, the project proponent shall establish emergency evacuation procedures for people to relocate to higher ground on short notice. Before a large storm, deployment of sandbags or inflatable barriers shall occur if deemed necessary.

MM-LU-3: Conduct Engineering-Level, Site-Specific Assessment of Sea-Level Rise through 2050 (GB Capital Component). The project proponent for the GB Capital Component shall conduct an engineering-level, site-specific assessment of the projected SLR at the site through 2050. If the assessment projects the jetty to be temporarily inundated by 2050, the development on the jetty shall include the following:

Smart Design Decisions – to be incorporated into building design and part of construction:

- Place any mechanical and electrical equipment at least 2 feet above the design flood elevation to reduce risk of flood damage. If equipment must be placed in lower areas, elevate base or ensure assets are composed of flood damage-resistant materials.
- Design water supply, sanitary sewage, and stormwater systems to minimize or eliminate infiltration of flood waters into systems and vice versa.
- Ensure that all building exterior walls are composed of materials that have an impermeable and waterproof membrane.

Future Adaptation Strategies – to be incorporated into building design and part of construction:

- Ensure that building foundations, if any, are capable of supporting future flood walls or temporary flood barriers.
- Design building openings (e.g., doors, windows, utility penetrations) to be capable of future retrofitting to make them watertight and resistant to flood loads.
- Design key structural elements of the jetty to allow future increases in the elevation of the jetty.

Operational Strategies – to be implemented during operation:

- Establish an early warning system to monitor the risk of potential flooding. An early warning system should consist of:
 - Protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken;
 - Protocols for monitoring water levels at nearby storm gauges prior to the storm arrival, and regular checking of the water levels along the jetty as the storm progresses;
- Establish emergency evacuation procedures for people to relocate to higher ground on short notice;
- Obtain backup power generators for occupiable development on the jetty and portable pumps and ensure there is sufficient fuel to operate these. Establish protocols for operating said generators and pumps during storm events or other such events;
- Before a large storm, deploy sandbags or inflatable barriers;
- Before a storm, test emergency power sources and pumps and ensure there is sufficient fuel to run these, and inspect building exteriors to ensure there are no penetrations that lack flood proofing;
- Restrict public access during storms or flooding events.

Prior to issuance of the first building permit for any development on the jetty, the assessment and project plans (revised pursuant to the findings of the assessment, if the assessment projects inundation by 2050) shall be submitted to the District's

Development Services Department and the City's building permit department for review and approval.

Implementation of mitigation measures MM-LU-2 and MM-LU-3 would reduce Impact-LU-2 to a less-than-significant level because those project components would be designed and constructed to accommodate projected inundation. However, because permanent inundation at Pepper Park is not expected until closer to 2100, coastal protections that effectively mitigate permanent inundation could be implemented later in the century, rather than in the near future.

4.8.2 Impact-LU-3: Temporary and/or Permanent Inundation for 2100 (Balanced Plan, GB Capital Component, Pasha Road Closures Component, Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on land use and planning (Impact-LU-3) associated with temporary and permanent inundation that is projected to occur in 2100 at the Pepper Park expansion and the first point of rest parcel of the Balanced Plan, the jetty area of the GB Capital Component, the Pasha Road Closures Component, and the Bayshore Bikeway Component. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.9, *Land Use and Planning*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on land use and planning (Impact-LU-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on land use and planning (Impact-LU-3) is analyzed in Volume 2 (Final EIR), Section 4.9, *Land Use and Planning*. Potential Impact-LU-3 would result from temporary and permanent inundation that is anticipated to impact Pepper Park expansion and the first point of rest parcel of the Balanced Plan, the jetty area of the GB Capital Component, the Pasha Road Closures Component, and the Bayshore Bikeway Component in 2100.

The potentially significant impact on land use and planning (Impact-LU-3) would be reduced to below a level of significance by mitigation measures MM-LU-4: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (Balanced Plan, GB Capital Component, Pasha Road Closures Component, portion of Bayshore Bikeway Component) and MM-LU-5: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (most of Bayshore Bikeway Component). These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-LU-4: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (Balanced Plan, GB Capital Component, Pasha Road Closures Component, portion of Bayshore Bikeway Component). For areas of the Balanced Plan (Pepper Park and the FPR), the GB Capital Component, the Pasha Road Closures Component, and the portions of the Bayshore Bikeway Component

(within the District's jurisdiction) that are projected to be inundated in 2100, the District shall conduct ongoing monitoring of these project component sites every 5 to 10 years. If, through monitoring, the observed SLR conditions appear to be consistent with the 2100 projections identified in this EIR, a site-specific assessment shall be conducted to identify future SLR projections using the best science available at the time and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from SLR. Such strategies may include a neighborhood-level effort, raising of grades, additional shoreline protection, removal or movement of assets, and conversion of impervious surfaces to pervious surfaces.

MM-LU-5: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (most of Bayshore Bikeway Component). For the areas of the Bayshore Bikeway Component that are within the City's jurisdiction, the City shall conduct ongoing monitoring of these areas every 5 to 10 years. If, through monitoring, the observed SLR conditions appear to be consistent with the 2100 projections identified in this EIR, a site-specific assessment shall be conducted to identify future SLR projections using the best science available at the time and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from SLR. Such strategies may include a neighborhood-level effort, raising of grades, additional shoreline protection, or removal or movement of assets.

Implementation of mitigation measures MM-LU-4 and MM-LU-5 would reduce Impact-LU-3 to a less-than-significant level because ongoing monitoring of these project component sites would be conducted to observe SLR conditions and, if necessary, site-specific assessments would be prepared to identify appropriate adaptation strategies to ensure that areas projected to be inundated are resilient.

4.9 Noise and Vibration

4.9.1 Impact-NOI-1: Exceedance of the City's Noise Ordinance During Project Construction (Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, Pasha Road Closures Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-1) associated with construction-related noise that would exceed the threshold of 70 dBA L_{max} at noise-sensitive receptors. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-1) as identified in the EIR. However, such changes or alterations may not reduce all construction noise levels to a level below significance and a

Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-1) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-1 would result from project construction noise exceeding 70 dBA L_{max} between 7:00 a.m. and 7:00 p.m. at noise-sensitive receptors. These impacts would occur during construction of the Bayshore Bikeway at residential receptors within 520 feet of the selected bikeway alignment; at residential receptors north of the site (on Cleveland Avenue) and the National City Adult School to the east (across I-5) during pile driving at the City Program – Development Component; and at the proposed Balanced Plan Pepper Park due to construction at the GB Capital Component and the Pasha Road Closures Component.

The potentially significant impact on noise and vibration (Impact-NOI-1) would be reduced by mitigation measures MM-NOI-1: Prohibit Exterior Construction Activities Outside of the Permitted Construction Hours (Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, Pasha Road Closures Component), MM-NOI-2: Avoid or Reduce Construction Noise from Pile Driving (City Program – Development Component, GB Capital Component), and MM-NOI-3: Avoid or Reduce Construction Noise from Other (Non-Pile-Driving) Construction Activities (Bayshore Bikeway Component, GB Capital Component, Pasha Road Closures Component). These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-NOI-1: Prohibit Exterior Construction Activities Outside of the Permitted Construction Hours (Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, Pasha Road Closures Component). For the Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, and Pasha Road Closures Component, the project proponent for that respective project component shall require their contractor(s) not to conduct exterior construction activities outside the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. Material or equipment deliveries and collections shall also be prohibited outside of these hours. Except for construction personnel specifically working on interior construction tasks within a completed building shell, construction personnel shall not be permitted on the job site outside of the permitted hours.

MM-NOI-2: Avoid or Reduce Construction Noise from Pile Driving (City Program – Development Component, GB Capital Component). During all pile driving at the City Program – Development Component and GB Capital Component, the project proponent shall require its construction contractor to implement one of the following methods to reduce maximum pile-driving noise levels at the affected noise-sensitive receptors (residences on Cleveland Avenue, the National City

Adult School, and Pepper Park) to 70 dBA L_{max} or less:

- Avoid impact pile driving by using quieter alternative installation methods, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles).
- Use an acoustical shroud around impact pile driving. The shroud shall be constructed of materials that provide a minimum sound transmission class (STC) of 28 (examples include sound-rated acoustical blankets).

MM-NOI-3: Avoid or Reduce Construction Noise from Other (Non-Pile-Driving) Construction Activities (Bayshore Bikeway Component, GB Capital Component, Pasha Road Closures Component). During all non-pile-driving construction activity at the Bayshore Bikeway Component, GB Capital Component, and the Pasha Road Closures Component, the project proponent shall require their construction contractor(s) to implement one of the following methods to reduce maximum noise levels at the affected noise-sensitive receptors (residences on Cleveland Avenue and McKinley Avenue, and Pepper Park) to 70 dBA L_{max} or less:

- Avoid operating high impact demolition equipment (hydraulic breakers, jackhammers, concrete saws) within 520 feet of any noise-sensitive receptors and avoid operating all other mechanized construction equipment within 280 feet of the affected noise-sensitive receptors.
- Where the above-specified distances cannot be maintained, install temporary noise barrier(s) between construction activities and the noise-sensitive receptor(s). Barriers may be constructed around the site perimeter or, when construction activities are restricted to a smaller portion of the site, around that smaller portion of the site, or around any noisy stationary construction equipment such as generators or dewatering pumps. All such barriers must be at least 8 feet high and of sufficient height to break the line-of-sight between the construction equipment and the ground floor of any noise-sensitive receptor. These barriers shall be constructed in one of the following ways that the project proponent establishes, in writing and to the satisfaction of the District, shall achieve a minimum sound transmission class (STC) rating of 28:
 - From acoustical blankets hung over or from a supporting frame. The blankets should be firmly secured to the framework. The blankets should be overlapped by at least 4 inches at seams and taped and/or closed with hook-and-loop fasteners (i.e., Velcro®) so that no gaps exist. The blankets shall be draped to the ground to eliminate any gaps at the base of the barrier.
 - From commercially available acoustical panels lined with sound-absorbing material (the sound-absorptive faces of the panels should face the construction equipment).

- From common construction materials such as plywood.

Implementation of mitigation measures MM-NOI-1, MM-NOI-2, and MM-NOI-3 would reduce Impact-NOI-1. However, it may not be possible to fully reduce all construction noise levels to comply with the noise limits specified in the City's Noise Ordinance (Municipal Code Section 12.10.160). Limitations may include the inability to use alternative pile-driving methods or acoustical shrouds due to engineering, constructability, or safety considerations; the need to operate construction equipment in proximity to noise-sensitive receptors; or the inability to construct efficient temporary noise barriers due to local terrain conditions, or engineering, constructability, or safety considerations. As a result, construction noise impacts would remain significant and unavoidable and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

4.9.2 Impact-NOI-2: Exceedance of the City's General Plan Noise Exposure Standards Due to Traffic Noise at Onsite Visitor Accommodations (City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-2) associated with traffic noise that could exceed 65 dB CNEL at the proposed City Program – Development Component proposed hotel site due to traffic on Cleveland Avenue and Bay Marina Drive. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-2) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-2 would result from traffic noise that could exceed 65 dB CNEL at the proposed City Program – Development Component proposed hotel site due to traffic on Cleveland Avenue and Bay Marina Drive.

The potentially significant impact on noise and vibration (Impact-NOI-2) would be reduced by mitigation measure MM-NOI-4: Design and Construct the Proposed Hotel at the City Program – Development Component Site to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-NOI-4: Design and Construct the Proposed Hotel at the City Program – Development Component Site to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces (City Program – Development Component). During the architectural and engineering design, prior to the issuance

of any building permits for the hotel, the project proponent for the City Program – Development Component shall retain an acoustical consultant to ensure that the building design provides adequate noise insulation to achieve the City’s interior noise standard of 45 dB CNEL, as specified in the National City General Plan Noise Element, at occupied spaces. If necessary, the consultant shall recommend design features such as, but not limited to, fresh-air supply systems (to allow windows to remain closed), sound-rated windows, or other façade upgrades. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all recommended design features have been incorporated into the project design, to the City’s Community Development Department for review and approval prior to hotel construction.

Implementation of mitigation measure MM-NOI-4 would reduce Impact-NOI-2 to less-than-significant levels because it would ensure that development at the City Program – Development Component site would be designed and constructed to control exterior-to-interior noise that could affect sensitive occupied spaces. As a result, interior noise levels would comply with the interior noise standards specified in the National City General Plan Noise Element (i.e., 45 dB CNEL at sensitive interior spaces).

4.9.3 Impact-NOI-3: Exceedance of the City’s General Plan Noise Exposure Standards Due to Rail Noise at Proposed Onsite Visitor Accommodations (GB Capital Component, Pasha Rail Improvement Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-3) associated with rail noise exposure that could exceed 65 dB CNEL at the proposed hotels and RV resort at the GB Capital Component site due to operations of the proposed Pasha Rail Improvement Component and existing National City Marine Terminal rail operations. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-3) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-3 would result from rail noise exposure that could exceed 65 dB CNEL at the proposed hotels and RV resort at the GB Capital Component site due to operations of the proposed Pasha Rail Improvement Component and existing National City Marine Terminal rail operations.

The potentially significant impact on noise and vibration (Impact-NOI-3) would be reduced by mitigation measures MM-NOI-5: Reduce Rail Noise Levels at the

Proposed GB Capital RV Sites to 65 dB CNEL or Less and MM-NOI-6: Design and Construct the Hotels at the GB Capital Component to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-NOI-5: Reduce Rail Noise Levels at the Proposed GB Capital RV Sites to 65 dB CNEL or Less (Pasha Rail Component, GB Capital Component). The project proponent for the GB Capital Component shall design its dry boat storage so that it is enclosed and made from solid material (versus fabric, chain link fencing or similar pervious/open materials) and shall submit a noise study conducted by an acoustical consultant that analyzes the noise from the Pasha Rail Improvement Component with the enclosed dry boat storage as a buffer, demonstrating the noise levels at the proposed RV park location. The noise study shall be submitted to the District's Development Services Department for its review 3 months after issuance of a Coastal Development Permit (CDP) for any phase of the GB Capital Component and prior to the construction of the RV park. The project proponent shall construct the dry boat storage as designed. If the noise study shows that the rail noise exposure at the proposed RV sites is at or below 65 dB CNEL, then no additional steps as specified in this mitigation measure shall be required.

If the noise study shows that noise levels are above 65 dB CNEL at the proposed RV sites, then prior to occupancy of the GB Capital RV Resort or operation of the Pasha Rail Improvement Component, whichever occurs last, a sound barrier shall be constructed to reduce the rail noise exposure at the proposed RV sites to 65 dB CNEL or less. The noise barrier shall be the equal (50/50) shared financial responsibility of the project proponents for the Pasha Rail Improvement Component and the GB Capital Component. In the event that both components are not constructed at the same time, the project proponent (Payee) of the component last constructed shall construct and pay for the entire specified noise control and the other project proponent (Reimbursee) shall reimburse the Payee 50% of the actual cost of designing, permitting, and constructing the noise control unless another payment arrangement is agreed upon between the project proponents and approved by the District. Such reimbursement shall be a condition of the CDPs for the Pasha Rail Improvement Component and the RV resort associated with the GB Capital Component. The noise barrier shall be constructed between the south side of the Pasha Rail Improvement Component and the GB Capital RV Resort. The barrier shall fully block the line-of-sight between the RV sites and a standard freight locomotive on the Pasha Rail Improvement Component site, and is anticipated to be a minimum barrier height of 16 feet relative to the finished track elevation. The barrier shall be a continuous structure without gaps or openings and shall extend from the north end of the Pasha Rail Improvement Component to Tidelands Avenue. The barrier shall be constructed of a solid material and, if necessary to meet the noise requirement, the density of 4 pounds per square foot (e.g., concrete block or concrete panels).

MM-NOI-6: Design and Construct the Hotels at the GB Capital Component to

Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces (GB Capital Component). During the architectural and engineering design, prior to the issuance of any building permits for the hotels, the project proponent for the GB Capital Component shall retain an acoustical consultant to ensure that the project design provides adequate noise insulation to achieve the City's interior noise standard of 45 dB CNEL, as specified in the National City General Plan Noise Element, at occupied spaces. If necessary, the consultant shall recommend design features such as, but not limited to, fresh-air supply systems (to allow windows to remain closed), sound-rated windows, or other façade upgrades. The project proponent shall submit a copy of the acoustical consultant's report, along with evidence that all recommended design features have been incorporated into the project design, to the District's Development Services Department for review and approval prior to construction of any hotel.

Implementation of mitigation measures MM-NOI-5 and MM-NOI-6 would reduce Impact-NOI-3 to less-than-significant levels. Mitigation measure MM-NOI-5 would require a noise barrier or the dry boat storage (proposed by GB Capital) to be enclosed and made from solid material to reduce the rail noise exposure at the proposed GB Capital Component RV sites to 65 dB CNEL or less for compliance with the City's exterior noise compatibility guidelines, as specified in the National City General Plan Noise Element. Mitigation measure MM-NOI-6 would ensure GB Capital Component hotels would be designed and constructed so as to control exterior-to-interior noise that could affect sensitive occupied spaces. As a result, interior noise levels would be in compliance with the interior noise standards specified in the National City General Plan Noise Element (i.e., 45 dB CNEL at sensitive interior spaces).

4.9.4 Impact-NOI-4: Potential Exceedance of the City's Municipal Code Noise Standards at Existing Offsite Sensitive Receptors Due to Onsite Operations (City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-4) associated with mechanical equipment noise levels from the City Program – Development Component proposed hotel, which could exceed the municipal code limits at nearby homes to the north and at the Best Western Hotel to the south. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-4) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-4) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-4 would result from mechanical equipment noise levels from the City Program – Development

Component proposed hotel potentially exceeding the nighttime limits of 45 dBA L_{eq} at nearby homes to the north and 60 dBA L_{eq} at the Best Western Hotel to the south. Mechanical equipment noise would also cause a nighttime ambient noise increase of 5 dB at the Best Western Hotel.

The potentially significant impact on noise and vibration (Impact-NOI-4) would be reduced by mitigation measure MM-NOI-7: Design and Install All Onsite Mechanical Equipment at the City Program – Development Component Site to Comply with the City’s Noise Ordinance. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-NOI-7: Design and Install All Onsite Mechanical Equipment at the City Program – Development Component Site to Comply with the City’s Noise Ordinance (City Program – Development Component). During the architectural and engineering design phase, prior to the issuance of any building permits for the City Program – Development Component, the project proponent for the City Program – Development Component shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that all aspects of this project component, including mechanical equipment and other onsite stationary sources (e.g., trash compactors, loading docks), are designed and will be installed to comply with the City’s Noise Ordinance (Municipal Code Chapter 12.06). Such recommendations may include, but are not limited to, changes in equipment locations; sound power limits or specifications; rooftop parapet walls; acoustic absorption materials, louvers, screens, or enclosures; or intake and exhaust silencers. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all recommended design features have been incorporated into the project design, to the City’s Community Development Department for review and approval prior to hotel construction.

Implementation of mitigation measure MM-NOI-7 would reduce Impact-NOI-4 to less-than-significant levels by ensuring that development at the City Program – Development Component site would be designed and constructed so that noise from onsite mechanical equipment and other onsite stationary sources would comply with the City’s Noise Ordinance.

4.9.5 Impact-NOI-5: Potential Exceedance of the City’s Municipal Code Noise Standards at Onsite Sensitive Receptors Due to Onsite Operations (GB Capital Component, Balanced Plan)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-5) associated with noise levels from the dry boat storage facility which could exceed municipal code noise limits at the Phase 1 and Phase 2 RV resort at the GB Capital Component. Additionally, noise levels from events at the potential Balanced Plan Pepper Park amphitheater could exceed nighttime noise limits at GB Capital Component RV Resort Phase 1, Hotel #1, Hotel #2, and modular cabins. Detailed information and analysis regarding this

potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-5) as identified in the EIR. Although such changes or alterations would reduce noise impacts associated with the potential Balanced Plan Pepper Park Amphitheater to below a level of significance, impacts from noise from the dry boat storage facility would remain significant even after implementation of the required changes or alterations and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-5) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-5 would result from noise levels from the dry boat storage facility, which could exceed both the daytime and nighttime limits of 60 and 65 dBA L_{eq} , respectively, at the Phase 1 and Phase 2 RV resort at the GB Capital Component. Noise levels from events at the proposed Balanced Plan Pepper Park amphitheater could exceed nighttime limits of 60 dBA L_{eq} at GB Capital Component RV Resort Phase 1, Hotel #1, Hotel #2, and modular cabins. Noise from the amphitheater could also exceed the daytime limits of 65 dBA L_{eq} at the GB Capital Component RV Resort Phase 1, Hotel #1, and modular cabins.

The potentially significant impact on noise and vibration (Impact-NOI-5) would be reduced by mitigation measures MM-NOI-8: Design and Operate the Proposed Dry Boat Storage Facility to Comply with the City's Noise Ordinance at the Adjacent Proposed RV Resort and MM-NOI-9: Regulate Organized Events at Pepper Park, Including Use of the Proposed Amphitheater. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-NOI-8: Design and Operate the Proposed Dry Boat Storage Facility to Comply with the City's Noise Ordinance at the Adjacent Proposed RV Resort (GB Capital Component). During the architectural and engineering design phase for the dry boat storage facility, prior to the issuance of any building permits for such, the project proponent for the GB Capital Component shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that operation of the dry boat storage facility will comply with the City's Noise Ordinance (Municipal Code Chapter 12.06.020) at the adjacent RV sites during the sensitive evening and nighttime hours of 7:00 p.m. to 7:00 a.m. (i.e., 65 dBA L_{eq} between 7 p.m. and 10 p.m., and 60 dBA L_{eq} between 10 p.m. and 7 a.m.). Noise control techniques may include, but are not limited to, restricting hours of operation to daytime hours (7:00 a.m. to 7:00 p.m.), selecting quieter equipment (when commercially available), or installing additional noise barriers to screen the facility from the RV resort. The project proponent shall submit a copy of the

acoustical consultant's report, along with evidence that all design features have been incorporated into the project design (to ensure that operation of the dry boat storage facility would comply with the City Noise Ordinance at the adjacent RV sites during the sensitive evening and nighttime hours), to the District's Development Services Department for review and approval prior to commencement of construction of the dry boat storage facility. The project proponent shall implement the noise control techniques.

MM-NOI-9: Regulate Organized Events at Pepper Park, Including Use of the Proposed Amphitheater (Balanced Plan). Organized events at Pepper Park shall be properly regulated for noise control. Per Section 8.02 of the District's Port Code, any event with over 25 attendees shall obtain a permit from the District. As further stipulated by Section 8.02 of the Port Code, each "permit shall be subject to the requirements regarding noise...as contained in the Municipal Code of the particular City in which the park is located." Therefore, any event for which noise generating activities will occur at the amphitheater will be subject to the City's Noise Ordinance. Although the City's Noise Ordinance indicates that daytime and nighttime noise standards would be 65 and 60 dBA $L_{eq}(h)$, respectively, at the GB Capital Component visitor accommodations (RV resort and hotels), the City's Noise Ordinance also includes exceptions for these noise standards; the exceptions are on a case-by-case basis and include temporary noise exceedances for organized events (e.g., parades, concerts). Further, as part of the District's permitting process for organized events that are proposed to have amplified sounds (e.g., concerts), the District shall coordinate with the City, and if the City requires a maximum decibel level limit or hours in which all noise needs to cease, that information shall be added to the District permit for that organized event. In addition, the District shall coordinate notification to adjacent tenants of upcoming organized large events, and the permittee of the organized event shall coordinate with the same tenants within 2 weeks of the organized event.

Implementation of mitigation measures MM-NOI-8 and MM-NOI-9 would reduce Impact-NOI-5. However, it is possible that full implementation of MM-NOI-8 would not be feasible due to factors such as the type of mechanical equipment required to lift and transport boats, the desired hours of operation (including the sensitive evening and nighttime hours), the proximity to the RV sites, and the difficulty in providing effective shielding given the height of the storage structure and the southerly access to the facility from Marina Way. Mitigation measure MM-NOI-9 would ensure that events at Pepper Park would be conducted in compliance with local requirements including obtaining and complying with the terms of an applicable event permit granted by the District and coordination with the City and adjacent tenants. Therefore, potential noise impacts associated with operation of Pepper Park would be reduced to less than significant with implementation of MM-NOI-9. However, given the uncertainty associated with implementing adequate noise control, Impact-NOI-5 would remain potentially significant and unavoidable with respect to noise from the dry boat storage facility and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

4.9.6 Impact-NOI-6: Exceedance of Caltrans Guideline Criteria for Potential Building Damage During Project Construction (GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-6) associated with vibration levels from pile driving which could exceed Caltrans Guideline Criteria during construction of Hotel #3 at the GB Capital Component. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-6) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-6) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-6 would result from vibration levels from pile driving which could exceed 0.5 in/sec at the closest structure (Waterfront Grill at the Pier 32 Marina) during construction of Hotel #3 at the GB Capital Component.

The potentially significant impact on noise and vibration (Impact-NOI-6) would be reduced by mitigation measure MM-NOI-10: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component). This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-NOI-10: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component). Where feasible, the project proponent for the GB Capital Component shall require its construction contractor(s) to avoid pile driving within a 32-foot buffer zone of existing buildings at the Pier 32 Marina. If piling cannot be avoided within this distance, the following shall be implemented:

- Alternative installation methods shall be used, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles).
- The following steps shall be taken to protect buildings within 32 feet of pile-driving locations:
 - The project proponent/contractor shall retain a qualified structural or geotechnical engineer to conduct preconstruction surveys of neighboring structures (including photographing and/or videotaping) to document existing building conditions for future comparison if any vibration-related damage is suspected or results from construction-related activities; and

- Based on review of the specific buildings involved, the structural/geotechnical engineer may provide updated vibration thresholds and buffer distances for potentially affected buildings; and
- Monitoring shall be conducted during construction to check for vibration-related damage during pile driving; such monitoring shall include vibration measurements obtained inside or outside of the buildings or other tests and observations deemed necessary; and
- The person(s) conducting the monitoring shall have the authority to issue a stop work order to the pile-driving contractor if excessive vibration levels are measured or other observations occur that indicate potential building damage may occur; in the event of such an occurrence, the monitor shall notify the project proponent (GB Capital) and the District; and
- If any damage to existing buildings is determined to occur as a result of pile driving at the GB Capital Component, the project proponent shall be financially responsible for the necessary repairs, structural or cosmetic, to return the damaged building to its pre-existing state.

Implementation of mitigation measure MM-NOI-10 would reduce Impact-NOI-6 to less-than-significant levels because the measure would ensure that buildings located close to proposed pile driving would be protected from potential damage or repaired if any cosmetic or structural damage was to occur.

4.9.7 Impact-NOI-7: Exceedance of Caltrans Guideline Criteria for Potential Human Annoyance During Project Construction (Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-7) associated with vibration levels from vibratory rollers (compactors) or heavy earthmoving equipment which could exceed Caltrans Guideline Criteria at the closest residential structures during construction of the proposed Bayshore Bikeway. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-7) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-7) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-7 would result from vibration levels due to vibratory rollers (compactors) or heavy earthmoving

equipment, which could exceed 0.04 in/sec at the closest residential structures during construction of the proposed Bayshore Bikeway.

The potentially significant impact on noise and vibration (Impact-NOI-7) would be reduced to less than significant by mitigation measure MM-NOI-11: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component). This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-NOI-11: Avoid or Reduce Groundborne Vibration from Bikeway Construction (Bayshore Bikeway Component). During all construction activity at the Bayshore Bikeway Component, the project proponent shall require its construction contractor(s) to observe the following buffer zones to reduce groundborne vibration at nearby at nearby residences to 0.04 in/sec or less:

- Avoid the use of hydraulic breakers within 130 feet of residential buildings.
- Avoid vibratory compaction within 115 feet of residential buildings.
- Avoid the use of heavy earthmoving equipment within 55 feet of residential buildings.

If the listed buffer distances cannot be maintained, impacts can be reduced to less than significant by using alternative equipment that avoids or reduces high vibration levels at the source. Jackhammers (manually held and operated, not mounted to any other construction equipment) may be used in place of other breakers, non-vibratory rollers may be used in place of vibratory roller, and smaller earthmovers (Bobcat, skid steer, etc.) may be used instead of full-size heavy earthmoving equipment.

Implementation of mitigation measure MM-NOI-10 would reduce Impact-NOI-6 to less-than-significant levels because the measure would ensure that buildings located close to proposed pile driving would be protected from potential damage or repaired if any cosmetic or structural damage was to occur.

4.10 Transportation, Circulation, and Parking

4.10.1 Impact-TRA-1: Generate Vehicle Miles Traveled in Exceedance of Employment-Based Thresholds During Project Operations (Phase 1 and Phase 2 of GB Capital Component, City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-1) associated with vehicle miles traveled (VMT) exceeding employment-based thresholds during project operations. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-1) as identified in the EIR. However, the changes or alterations required will not reduce the significant effects (Impact TRA-1) below a level of significance and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-1) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-1 would result because employment associated with operation of the proposed project would not reduce VMT to 15% below the 2050 regional average. Therefore, employment uses associated with the proposed project (GB Capital Component, City Program – Development Component) would have a significant VMT impact.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-1) would be reduced by mitigation measure MM-TRA-1: Implement TDM and VMT Reduction Measures. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-TRA-1: Implement TDM and VMT Reduction Measures (GB Capital Component, City Program – Development Component). To reduce VMT generated by employee trips, the project proponent (GB Capital and City) shall implement the following TDM and VMT reduction measure from the SANDAG Mobility Management Toolbox, using the VMT Reduction Calculator Tool (SANDAG 2019b), starting the first day of project operations for the GB Capital Component and City Program – Development Component.

- **Mandatory Employer Commute Program** – The employer for the GB Capital Component and City Program – Development Component shall offer and pay for an employer commute-trip reduction program, which may include a carpool program, transit subsidy passes, or a vanpool program. Implementing these measures could result in a 2.6% reduction in the project's employee VMT.

Mitigation measure MM-TRA-1 would reduce Impact-TRA-1 by requiring implementation of transportation-demand-management (TDM) and VMT reduction measures from the San Diego Association of Governments (SANDAG) Mobility Management Toolbox, using the VMT Reduction Calculator Tool, which would reduce employment-based VMT generated during project operations. However, despite implementation of the measures, employment-based VMT generated by the proposed project would not be below the applicable threshold. Therefore, this

impact would remain significant and unavoidable and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

4.10.2 Impact-TRA-3: Inadequate Emergency Access from Temporary Road Closures During Project Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-3) associated with blocked roadways during construction, which could prevent access to the project site or surrounding vicinity by emergency vehicles. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-3) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-3 would result from inadequate emergency access from temporary road closures during project construction. Lanes and/or entire roadways may be closed during construction for each of the project components because of equipment, material deliveries, or construction activities within the right-of-way.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-3) will be reduced to below a level of significance by mitigation measure MM-TRA-3: Implement Traffic Control Measures During Construction. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-TRA-3: Implement Traffic Control Measures During Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component). For any project components that temporarily require partial and/or full roadway closures during construction, the project proponent [requiring the partial or full roadway closure(s)] shall require its contractor to plan, use, place, and maintain traffic control devices while in use at the construction site to ensure that adequate emergency access is provided throughout the duration of the road closure. If construction activities require blocking of a traffic lane(s), the project proponent shall require its contractor to use a flashing arrow board during daytime hours; however, a solar flashing arrow board shall be required for any nighttime construction that requires the closure of any traffic lanes. In certain lane closures, the use of high-level warning flags, along with other devices, is

acceptable if installed in accordance with the provisions set forth in the Caltrans *California Manual on Uniform Traffic Control Devices* (Caltrans 2018). The City shall verify the proper use of traffic control devices for the Bayshore Bikeway Component, City Program – Development Component, and potentially the GB Capital Component if the proposed roadway is a City street, while the District shall verify the proper use of traffic control devices for the Balanced Plan, Pasha Rail Improvement Component, Pasha Road Closures Component, and potentially the GB Capital Component if the proposed roadway is a District street.

In addition to traffic control measures, the project proponent shall require its contractor to maintain the following traffic lane requirements throughout the duration of the partial or full road closure:

1. For two-way streets (e.g., a four-lane roadway), a minimum of one lane shall be provided in each direction.
2. The minimum width of a traffic lane shall be 10 feet. The lane shall be clear of obstructions, including traffic cones or delineators. Emergency vehicle access may require a traffic lane of up to 14 feet wide.
3. A separate left- or right-turn lane shall be provided if there is an existing left- or right-turn lane.
4. Complete closure of a roadway shall not be permitted without a valid Special Traffic Permit (STP) or a City-approved traffic routing plan. This includes a plan that allows one lane to be used for two directions of traffic (i.e., two-way flag control). An STP is required to use two-way flag control.
5. If work occurs at or within 100 feet of an intersection on a two-way street, an STP is required to prohibit left turns at the intersection. This requirement applies where two lanes are reduced to one and through vehicles cannot physically pass a left-turning vehicle.
6. If needed, room for a traffic lane(s) may be made available by temporarily prohibiting parking. Traffic lanes must be at least 10 feet wide and provide a sufficient transition before the lane begins and after the lane ends.

To ensure that the traffic lanes provided are adequate and continuous, only one contractor at a time shall be allowed to work on any one block. If a second contractor is planning to work on a block that has a contractor, or on an adjacent block, then the second contractor shall obtain an STP before starting any work. Moreover, a contractor shall not be allowed to work within a block of a project that is under City contract without receiving approval from the Resident Engineer for the subject contract, obtaining an STP, and notifying the City Fire Department and City Police Department.

Flagging personnel shall be required when workers or equipment will temporarily block a traffic lane that is used for access into and out of a construction site. Flagging personnel shall ensure that traffic congestion and permanently blocked

roads do not occur. The following shall apply to the flagging personnel required during project construction:

1. Flaggers must be properly equipped with a Type II vest (daytime) or Type III vest (nighttime) and a sign paddle.
2. Flaggers must be certified and have their certification card at all times.
3. A minimum of two flaggers shall be required when one lane is to be used for two directions of traffic (i.e., two-way flag control).
4. Police officers may be hired to provide flag control.

A construction TDM plan shall be prepared by the respective project proponent for each project component and implemented during construction activities. The TDM plan shall be submitted by the respective project proponent to the City or District, depending on the jurisdiction where the project component is located, for review and approval prior to construction. The TDM plan shall incorporate various TDM strategies to reduce congestion during construction and may include, but is not limited to, the following:

- Implementation of a ride-sharing program to encourage carpooling among workers.
- Adjusting work schedules so workers do not access the site during peak hours.
- Providing offsite parking locations for workers outside the area, with shuttle services to bring them onsite.
- Providing subsidized transit passes for construction workers.

Mitigation measure MM-TRA-3 would reduce Impact-TRA-3 to less-than-significant levels by requiring implementation of traffic control measures during project construction. This would ensure that emergency vehicle access to the project site and surrounding area would be maintained.

4.10.3 Impact-TRA-5: Inadequate Emergency Access from the Closure of Tidelands Avenue During Operation (Pasha Road Closures Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-5) from the closure of Tidelands Avenue during project operations, which could result in inadequate emergency access. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-5) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-5) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-5 would result from the closure of Tidelands Avenue during project operations, which could result in inadequate emergency access.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-5) will be reduced to below a level of significance by mitigation measure MM-HAZ-9: Coordinate with the City Fire Marshal. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-HAZ-9: Coordinate with the City Fire Marshal (Pasha Road Closures Component). Prior to closure of the Pasha Road Closures Component to through-traffic, the project proponent for said project component shall prepare and submit plans to the City Fire Marshal for review and approval that demonstrate compliance with applicable state and local fire code regulations related to secondary access, emergency access, and maximum dead-end road length. At a minimum, the plans shall demonstrate that the project will include the following items related to emergency vehicle access:

- An emergency access road, on the existing alignment of Tidelands Avenue between Bay Marina Drive and the 32nd Street, that has an unobstructed minimum width of 20 feet (or 26 feet when a fire hydrant is located on the emergency access road), exclusive of shoulders or rolled curbs. The emergency access road shall be paved using an all-weather surface and shall support the imposed loads (75,000 pounds) of a fire apparatus. The emergency access road shall include official approved signs or other approved notices or markings that include the words “NO PARKING – FIRE LANE.” At all times, the emergency access road shall not be obstructed in any manner, including the parking of vehicles.
- Any entrance/exit gates to/from the Pasha Road Closures Component shall be equipped with Knox Key Switches and Emergency Strobes to provide emergency vehicle access, including ingress and egress. A lock box (Knox Key Switch for fire and police) shall be required in conjunction with a detector/strobe switch to allow emergency vehicles to flash a vehicle-mounted strobe light towards the detector/strobe switch, which in turn overrides the system and opens the gate. The lock box and detector/strobe switch shall be placed at the front of each gate (the side of the gate that is adjacent to a public street). Any electric gate opener shall be listed in accordance with UL 325. Gates utilizing emergency strobe operation shall be designed, constructed, and installed to comply with requirements of ASTM F2200, and shall be maintained operational at all times, including but not limited to, in the event of an electrical outage. Any entrance/exist gates to/from the Pasha Road Closures Component shall maintain an unobstructed vertical clearance of a minimum of 13 feet, 6 inches.

- Fire hydrants shall be located throughout the Pasha Road Closures Component site and shall be spaced no less than 400 feet apart. Fire hydrants shall be located within 400 feet of all locations that are roadway accessible (measurement starts from the nearest existing fire hydrant to the Pasha Road Closures Component site). Where a fire hydrant is located on an emergency access road, the minimum road width shall be 26 feet. All turns available for fire access and travel shall maintain a minimum radius of 28 feet.

Prior to utilization of the Pasha Road Closures Component for marine-related operations, the above-described emergency vehicle access shall be field-verified by the City Fire Marshal, or the Fire Marshal's designee. Written verification of inclusion of the above-described emergency vehicle access shall be provided to the District's Director of Planning prior to Pasha's utilization of the Pasha Road Closures Component for marine-related operations. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal's designee, or verification can be provided with a copy of the Fire Permit.

Mitigation measure MM-HAZ-9 would reduce Impact-TRA-5 to less-than-significant levels by requiring coordination with the City Fire Marshal to ensure that necessary features would be included as part of the Pasha Road Closures Component, such as an emergency access road, entrance/exit gates, and fire hydrants.

4.10.4 Impact-TRA-7: Inadequate Emergency Access from Marina Way Realignment (Balanced Plan)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-7) associated with the realignment of Marina Way, which could result in inadequate emergency access during operation through the installation of traffic-calming devices. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-7) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-7) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-7 could result in inadequate emergency access during operation through the installation of traffic-calming devices.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-7) will be reduced to below a level of significance by mitigation measure MM-HAZ-11 Manage Marina Way Realignment Conditions. This

mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-HAZ-11: Manage Marina Way Realignment Conditions (Balanced Plan or GB Capital Component). The Marina Way Realignment proposed as part of the Balanced Plan (or GB Capital Component) shall not include traffic calming devices (e.g., speed humps), unless prior-written approval is obtained from the City Fire Marshal.

Mitigation measure MM-HAZ-11 would reduce Impact-TRA-7 to less-than-significant levels by ensuring that any traffic-calming devices incorporated into the realignment Marina Way would be approved by the City Fire Marshal.

4.10.5 Impact-TRA-8: Insufficient Parking During Project Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-8) related to loss of parking during construction of the proposed project, which could temporarily decrease public coastal access. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-8) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-8) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-8 would result from the potential overlap of construction for several of the project components and number of daily construction workers and trucks, which could cause a temporarily insufficient parking supply that would lead to a temporary decrease in public coastal access.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-8) will be reduced to below a level of significance by mitigation measure MM-TRA-5: Require Offsite Parking, Shuttle Transportation, and Incentives for Transit Use for Construction Workers and Wayfinding Signage for Visitors. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-TRA-5: Require Offsite Parking, Shuttle Transportation, and Incentives for Transit Use for Construction Workers and Wayfinding Signage for Visitors (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City

Program – Development Component). Prior to the commencement of construction activity, the project proponent for each component shall provide an offsite parking location for construction workers and a shuttle service from the offsite parking location to the project site and back. For project components within the District's jurisdiction, the designated offsite parking location shall be approved by the District's Development Services Department (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, and Pasha Road Closures Component). For project components within the City's jurisdiction, the designated offsite parking location shall be approved by the City. In addition, the project proponent shall provide incentives for construction workers to use public transit. Workers who cannot commute by transit and must use personal vehicles shall be required to park at the offsite parking facility. The parking requirements for the workers shall be detailed in their contract with the project proponent. Moreover, during the construction phase, some public parking shall remain open, to the extent feasible, through the phasing of construction. If onsite public parking is displaced, the project proponent shall provide conspicuous signage to direct visitors to available parking facilities throughout the duration of the construction that displaced the public parking to maintain public coastal access.

With implementation of MM-TRA-5, impacts related to the loss of parking during construction and its effects on public coastal access (Impact-TRA-8) would be reduced to less than significant because public parking would continue to be accessible, and construction workers would be required to park at an offsite location and use a shuttle system or use public transit, thereby maintaining sufficient parking and continued coastal access for the public.

4.10.6 Impact-TRA-9: Insufficient Parking for Terminal Employees During Operations (Pasha Road Closures Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-9) related to loss of parking for National City Marine Terminal (NCMT) employees from proposed road closures, which could inhibit public coastal access. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-9) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-9) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-9 would result from the proposed road closures (Pasha Road Closures Component) causing a net decrease in the number of parking spaces available for NCMT employees who would have to park on adjacent roadways, which could inhibit public coastal access.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-9) will be reduced to below a level of significance by mitigation measure MM-TRA-6: Reconfigure Lot Q [located on the southwest corner of Bay Marina Drive and Tideland Avenue] to Accommodate 590 Striped Parking Spaces. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-TRA-6: Reconfigure Lot Q to Accommodate 590 Striped Parking Spaces (Pasha Road Closures Component). Prior to implementation of the Pasha Road Closures Component, the project proponent shall restripe Lot Q (located on the southwest corner of Bay Marina Drive and Tideland Avenue) to provide additional parking for employees and offset the loss of 249 parking spaces. Upon completion of this restriping, there would be 590 parking spaces in Lot Q; this would accommodate the 574 existing NCMT employees. Once completed, evidence indicating completion of the restriping shall be provided by the project proponent for the Pasha Road Closures Component to the District's Development Services Department. Pasha shall require its employees to use Lot Q and allow other employees at NCMT to use the parking lot.

Mitigation measure MM-TRA-6 would reduce Impact-TRA-9 to less-than-significant levels by increasing the amount of employee parking at Lot Q to accommodate the existing NCMT employees and ensure sufficient parking.

4.10.7 Impact-TRA-10: Insufficient Parking for Pepper Park Expansion and Reconfiguration (Balanced Plan)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-10) related to insufficient parking for the Pepper Park expansion, which could inhibit public coastal access. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-10) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-10) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-10 would result from an insufficient amount of parking for the Pepper Park expansion, which could inhibit public coastal access.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-10) will be reduced to below a level of significance by mitigation measure MM-TRA-7: Accommodate 23 Additional Flex Parking Spaces at the Pepper Park Parking Lot. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-TRA-7: Accommodate 23 Additional Flex Parking Spaces at the Pepper Park Parking Lot (Balanced Plan). Prior to issuance of the Coastal Development Permit for Pepper Park (Balanced Plan), the District shall accommodate an additional 23 parking spaces, for a total of 116 parking spaces at Pepper Park. The additional 23 spaces shall be designed to be flex spaces that can be used as either an active area of the park or parking for public uses and coastal access within the project area. Following the completion of the Pepper Park expansion (including the 23 spaces), the District shall prepare a study that determines the actual (i.e., on-the-ground) demand for parking at the newly expanded park. If the results of the study demonstrate that the amount of parking can be reduced, the District will reduce the number of parking spaces to the actual on-the-ground demand identified in the study (but no more than a reduction of 23 spaces).

With implementation of MM-TRA-7, impacts related to the loss of parking at Pepper Park and its impacts on public coastal access (Impact-TRA-10) would be reduced to less than significant because adequate parking would be added at Pepper Park, thereby maintaining sufficient parking for continued coastal access for the public.

4.11 Utilities and Service Systems

4.11.1 Impact-UTIL-1: Insufficient Water Facilities Available to Serve the Proposed Project (Balanced Plan, GB Capital Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and service systems (Impact-UTIL-1) associated with a potentially significant increase in water demand because of implementation of the proposed project which could require relocation or construction of new or expanded water facilities to provide water to the project components. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on utilities and service systems (Impact-UTIL-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on utilities and service systems (Impact-UTIL-1) is analyzed in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*. Potential Impact-UTIL-1 would result from a potentially significant increase in water demand because of implementation of the proposed project, which could require relocation or construction of new or expanded water facilities to provide water to the project components.

The potentially significant impact on utilities and service systems (Impact-UTIL-1) will be reduced to below a level of significance by mitigation measures MM-UTIL-1: Prepare Utility Infrastructure Study and MM-UTIL-2: Implement Water Conservation Measures. These mitigation measures are set forth in full in the

MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-UTIL-1: Prepare Utility Infrastructure Study (Balanced Plan, GB Capital Component, and City Program – Development Component). Prior to the issuance of the building permits for the Balanced Plan, GB Capital Component, and City Program – Development Component, the respective project proponent shall prepare a utility infrastructure study and submit the study to the District's Development Services Department (Balanced Plan and GB Capital Component only) and the City's Community Development Department (GB Capital Component and City Program – Development Component only) for review and approval. The utility infrastructure study shall identify the capacity of existing utilities, the ability of those utilities to serve the project proponent's project component, any necessary utility improvements that would be needed to serve project proponent's project component, and alternative locations and best management practices (BMPs), if necessary, to meet the standards described as follows: avoidance of sensitive habitat and species, construction BMPs related to ground disturbance such as daily watering in high-dust areas and use of a stabilized construction entrance to reduce offsite tracking, a soil and groundwater management plan pursuant to MM-HAZ-1 and MM-HAZ-4, including recommendations on pipe materials based on Sweetwater Authority Design Standards, if disturbed areas may be subject to contamination, a soil disposal plan (if applicable), a traffic management plan if roadways will need temporary closures, consistency with the City's Noise Ordinance, and avoidance of historical, archaeological, tribal cultural, and paleontological resources. The project proponent shall implement any and all new utility improvements or upgrades identified in the utility infrastructure study.

MM-UTIL-2: Implement Water Conservation Measures (Balanced Plan, GB Capital Component, and City Program – Development Component). The project proponent for the respective project component shall incorporate and implement water-efficient design measures into its individual project component. Water-efficient design measures shall at a minimum, include:

- Implement indoor water reduction measures, including high-efficiency toilets, high-efficiency urinals, low-flow faucets, and low-flow showers (as applicable).
- Install only drought-tolerant landscaping and perform any landscaping watering through a drip system or low-flow irrigation devices.
- Install cisterns above or below ground that shall collect and store runoff from rooftops and other impervious surfaces.
- Install water-efficient water coolers and equipment and monitor cooling tower and boiler water chemistry to minimize mineral buildup in the system and maximize the number of times water can be recycled through the system.
- Limit the use of turf and, in Pepper Park, limit the use of turf to activity fields.
- Educate employees on water conservation measures on an annual basis and post water conservation stickers, signs, and posters in bathrooms, kitchens,

cafeterias, conference rooms, and other places where employees congregate.

Mitigation measure MM-UTIL-1 would ensure the capacity of utility facilities are assessed prior to construction, and mitigation measure MM-UTIL-2 would require the implementation of water conservation measures, which would require the application of BMPs to reduce potential impacts on the environment should new or expanded facilities be required. Therefore, implementation of MM-UTIL-1 and MM-UTIL-2 would reduce Impact-UTIL-1 to a level below significance.

4.11.2 Impact-UTIL-2: Insufficient Pipeline Capacity to Meet the Fire Flow Demands Plus Maximum Day Demands (GB Capital Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and service systems (Impact-UTIL-2) associated with the pipeline upgrades that are needed in order to accommodate the fire-flow demands of the project. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on utilities and service systems (Impact-UTIL-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on utilities and service systems (Impact-UTIL-2) is analyzed in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*. Potential Impact-UTIL-2 would result in the event that upsizing of the pipelines does not occur because the current pipeline capacity is insufficient to accommodate fire-flow demands of the project.

The potentially significant impact on utilities and service systems (Impact-UTIL-2) will be reduced to below a level of significance by mitigation measure MM-UTIL-3: Upsize the Existing Bay Marina Drive Pipeline and Install New Pipeline Along the Proposed Road Realignment to Meet Project Fire Flow Demands. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-UTIL-3: Upsize the Existing Bay Marina Drive Pipeline and Install New Pipeline Along the Proposed Road Realignment to Meet Project Fire Flow Demands (GB Capital Component and City Program – Development Component). Prior to occupancy and operation of the proposed City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component, whichever occurs first, the project proponent for that project component (Payee) shall upsize the existing 12-inch PVC pipeline on Bay Marina Drive between the intersection of Harrison Avenue and Cleveland Avenue to a 16-inch PVC pipeline. In addition, the Payee shall install approximately 1,500

linear feet of 16-inch main pipeline along Marina Way and upsize approximately 1,700 linear feet of the existing 12-inch PVC pipeline with 16-inch pipeline. Design, permitting, and construction of the new pipelines shall be coordinated with the City Fire Marshal and SWA.

Prior to occupancy and operation of the project component that is constructed second (i.e., the GB Capital Component if the City Program – Development Component is constructed first, or the City Program – Development Component if the GB Capital Component is constructed first), the project proponent for that project component (Reimbursee) shall reimburse the Payee 50% of the actual cost of designing, permitting, and constructing the new pipelines. Such reimbursement shall be a condition of the Coastal Development Permits for the City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component.

Mitigation measure MM-UTIL-3 would reduce Impact-UTIL-2 to less-than-significant levels by requiring the upsizing of existing 12-inch PVC pipeline on Bay Marina Drive to ensure sufficient fire flow would be available to serve the proposed project.

4.11.3 Impact-UTIL-3: Insufficient Sewer Facilities to Convey Wastewater Generated by Future Development (Balanced Plan, GB Capital Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and service systems (Impact-UTIL-3) associated with potentially insufficient capacity to accommodate future project-specific generated wastewater. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on utilities and service systems (Impact-UTIL-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on utilities and service systems (Impact-UTIL-3) is analyzed in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*. Potential Impact-UTIL-3 would occur in the event that wastewater facility improvements are required and do not occur, resulting in insufficient capacity to accommodate future project-specific generated wastewater.

The potentially significant impact on utilities and service systems (Impact-UTIL-3) will be reduced to below a level of significance by mitigation measures MM-UTIL-1: Prepare Utility Infrastructure Study, and MM-UTIL-4: Issue Payment for City's Sewer Capacity Fee. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-UTIL-1: Prepare Utility Infrastructure Study (Balanced Plan, GB Capital Component, and City Program – Development Component), as described above.

MM-UTIL-4: Issue Payment for City's Sewer Capacity Fee (Balanced Plan, GB Capital Component, and City Program – Development Component). Prior to the issuance of the respective building permits for the Balanced Plan, GB Capital Component, and City Program – Development Component, the respective project proponent shall pay the City's established sewer capacity fee.

Mitigation measure MM-UTIL-1 would require the preparation of a utility infrastructure study that would require sufficient sewer, stormwater, electricity, natural gas, and telecommunications facilities to be available to serve operation of the proposed project. Mitigation measure MM-UTIL-4 would require project proponents to issue payment for the City's sewer capacity fee. Therefore, mitigation measures MM-UTIL-1 and MM-UTIL-4 would reduce impacts associated with sewer capacity (Impact-UTIL-3) to less-than-significant levels.

4.11.4 Impact-UTIL-4: Insufficient Stormwater Facilities to Convey Stormwater Generated by Future Development (Balanced Plan, GB Capital Component, City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and service systems (Impact-UTIL-4) associated with potentially insufficient capacity to accommodate future project-specific generated stormwater. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on utilities and service systems (Impact-UTIL-4) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on utilities and service systems (Impact-UTIL-4) is analyzed in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*. Potential Impact-UTIL-4 would occur in the event that stormwater facility improvements are required and do not occur, resulting in insufficient capacity to accommodate future project-specific generated stormwater.

The potentially significant impact on utilities and service systems (Impact-UTIL-4) will be reduced to below a level of significance by mitigation measure MM-UTIL-1: Prepare Utility Infrastructure Study. This mitigation measure is set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Mitigation measure MM-UTIL-1 would require the preparation of a utility infrastructure study that would require sufficient sewer, stormwater, electricity, natural gas, and telecommunications facilities to be available to serve operation of

the proposed project. Therefore, mitigation measure MM-UTIL-1 would reduce Impact-UTIL-4 to less-than-significant levels.

4.11.5 Impact-UTIL-5: Insufficient Electricity, Natural Gas, and Telecommunications Facilities to Serve the Project Components (Balanced Plan, GB Capital Component, City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and service systems (Impact-UTIL-5) associated with potential construction of new or expanded electricity, natural gas, or telecommunications facilities to serve the project components, which could result in physical impacts on the environment. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on utilities and service systems (Impact-UTIL-5) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on utilities and service systems (Impact-UTIL-5) is analyzed in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*. Potential Impact-UTIL-5 would result from the potential construction of new or expanded electricity, natural gas, or telecommunications facilities to serve the project components, which could have physical impacts on the environment.

The potentially significant impact on utilities and service systems (Impact-UTIL-5) will be reduced to below a level of significance by mitigation measure MM-UTIL-1: Prepare Utility Infrastructure Study. This mitigation measure is set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Mitigation measure MM-UTIL-1 would reduce Impact-UTIL-5 to less-than-significant levels by ensuring electricity, natural gas, and telecommunications facilities with the ability to serve the project components are assessed prior to construction.

4.11.6 Impact-UTIL-6: Insufficient Water Supplies Available to Serve the Proposed Project (Balanced Plan, GB Capital Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and service systems (Impact-UTIL-6) related to uncertainties around available water supply which is necessary for the operation of the proposed project. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on utilities and service systems (Impact-UTIL-6) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on utilities and service systems (Impact-UTIL-6) is analyzed in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*. Potential Impact-UTIL-5 would result from the proposed project having insufficient water availability to serve the project and reasonably foreseeable future development. Sweetwater Authority cannot guarantee that at some point in the future, supply of imported water would not be diminished due to uncertainty with the pending lawsuit filed by the Imperial Irrigation District, potential cutback in Colorado River water deliveries in accordance with the Lower Basin Drought Contingency Plan, and potential for prolonged droughts due to climate change that could last more than the multiple 3-dry-year scenario analyzed in the Water Supply Assessment prepared for the proposed project.

The potentially significant impact on utilities and service systems (Impact-UTIL-5) will be reduced to below a level of significance by mitigation measures MM-UTIL-1: Prepare Utility Infrastructure Study, MM-UTIL-2: Implement Water Conservation Measures, MM-UTIL-5: Confirm Water Supply Availability for Recreational or Ornamental Water Feature, and MM-UTIL-6: Confirm Water Supply Availability for Development Project Components Prior to Issuance of Building Permits. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-UTIL-1: Prepare Utility Infrastructure Study (Balanced Plan, GB Capital Component, and City Program – Development Component), as described above.

MM-UTIL-2: Implement Water Conservation Measures (Balanced Plan, City Program – Development Component, and GB Capital Component), as described above.

MM-UTIL-5: Confirm Water Supply Availability for Recreational or Ornamental Water Feature (Balanced Plan, City Program – Development Component, and GB Capital Component). Prior to construction of any recreational or ornamental water feature, if it is determined that there is a low water supply, then the feature shall not be constructed until water supply is secured or there is an alternative design that incorporates low water use.

MM-UTIL-6: Confirm Water Supply Availability for Development Project Components Prior to Issuance of Building Permits (Balanced Plan, City Program – Development Component, and GB Capital Component). Water availability shall be confirmed by SWA prior to issuance of building permits. The confirmation of water availability shall be provided in written form by SWA. If SWA indicates there is not sufficient water supply to serve the project, the scale of the project shall be reduced to a level that is serviceable by SWA or use recycled water.

Implementation of mitigation measure MM-UTIL-1 would ensure the capacity of utility facilities is assessed prior to construction, and mitigation measure MM-UTIL-2 would require the implementation of water conservation measures. Implementation of MM-UTIL-5 and MM-UTIL-6 would ensure sufficient water supplies are available or require project design to match availability, prior to construction and issuance of building permits, respectively. Therefore, MM-UTIL-1, MM-UTIL-2, MM-UTIL-5, and MM-UTIL-6 would reduce Impact-UTIL-6 to a less-than-significant level.

5.0 FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS

CEQA requires a lead agency to evaluate the cumulative impacts of a proposed project (State CEQA Guidelines §15130(a)). Cumulative impacts are those that are considered significant when viewed in connection with the impacts of other closely related past, present, and reasonably foreseeable future projects (State CEQA Guidelines §15355). Cumulative impacts can result from individually minor but collectively significant projects taking place over time.

The EIR analyzes cumulative impacts by compiling a list of past, present, and probable future projects producing related or cumulative impacts, including projects outside the agency's jurisdiction (State CEQA Guidelines §15130(b)(1)(A)). The list of "past, present and probable future projects" should include related projects that 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 (State CEQA Guidelines §15130, *Discussion of Cumulative Impacts*). The list must include not only projects under review by the lead agency, but also those under review by other relevant public agencies.

The EIR cumulative analysis of near-term conditions for a majority of issue areas used the List Method, which is "a list of past, present, and probable activities producing related or cumulative impacts" based on State CEQA Guidelines Section 15130(b). However, the Transportation Impact Analysis for the proposed project bases the 2050 future year conditions on the San Diego Association of Governments' (SANDAG's) Series 13 Travel Demand Model. Consequently, the cumulative analyses for transportation as well as traffic-related impacts on air quality, greenhouse gas emissions, and noise and vibration use the Plan Method. Additionally, the cumulative analysis related to future water supply in the utilities and service systems chapter uses the Plan Method because it is based on the adopted 2015 Sweetwater Authority Urban Water Management Plan (UWMP).

The EIR considered 53 cumulative projects in the evaluation of cumulative impacts. The projects listed in the proposed project's cumulative study area have had applications submitted or have been approved, are under construction, or have recently been completed. A detailed description of these cumulative projects is provided in Table 5-2 and a map depicting the location of these projects in relation to the project site is provided on Figure 5-1 (project numbering

corresponds to numbers shown in Table 5-2) in Chapter 5, *Cumulative Impacts*, of Volume 2 (Final EIR).

The proposed project would contribute to cumulative impacts related to air quality and health risk, GHG emissions and climate change, noise and vibration, and transportation, circulation, and parking. The findings below identify each of the significant cumulative environmental impacts, the mitigation measures adopted to substantially lessen or to avoid them, or the reasons proposed mitigation measures are infeasible due to specific economic, social, or other considerations, if an impact is identified as significant and unavoidable. The findings incorporate by reference the analysis of significant cumulative impacts contained in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts*.

The significant cumulative impacts related to air quality and health risk, and noise and vibration identified in the EIR would be reduced to a level below significance after implementation of all feasible mitigation measures. However, even with mitigation incorporated, the proposed project would result in cumulatively considerable and unavoidable contributions to impacts related to GHG emissions and climate change; and transportation, circulation, and parking.

5.1 Air Quality and Health Risk

5.1.1 Impact-C-AQ-1: New Land Use Designations Not Accounted for in the RAQS and SIP (All Project Components)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-1) in that the proposed project would conflict with applicable state and regional air quality plans because the emissions associated with the proposed land uses could be greater than under existing land uses and these new emissions have not been accounted for in the current RAQS and SIP. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk).

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk (Impact-C-AQ-1) as identified in the EIR. Further, pursuant to State CEQA Guidelines §15091(a)(2), certain of the changes or alterations are within the responsibility and jurisdiction of other public agencies and not the District and such changes can and should be adopted by such other agencies.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on air quality and health risk (Impact-C-AQ-1) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk). Potential Impact-C-AQ-1 will result from the new land use designations not being accounted for in the RAQS and SIP.

The potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-1) will be reduced to below a level of significance by mitigation measure MM-AQ-1: Update the RAQS and SIP with New Growth Projections. This mitigation measure is set forth in full in Section 4.2.1 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Mitigation measure MM-AQ-1 requires the District to pursue the administrative process to update SANDAG's growth projections. Pursuant to California Evidence Code § 664, it is presumed that SANDAG and the SDAPCD will update the RAQS and SIP to adequately consider the redesignated land and water uses at the project site. With implementation of MM-AQ-1, the proposed project's inconsistency with the RAQS and SIP (Impact-C-AQ-1) would be rectified and would be less than cumulatively considerable.

5.1.2 Impact-C-AQ-2: Emissions in Excess of Criteria Pollutant Thresholds During Proposed Project Construction (All Components)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-2) in that project emissions during construction, before mitigation, would exceed the applicable significance thresholds. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk).

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk (Impact-C-AQ-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on air quality and health risk (Impact-C-AQ-2) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk). Potential Impact-C-AQ-2 will result because unmitigated project emissions during construction would exceed applicable significance thresholds that have been set to attain the NAAQS and CAAQS.

The potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-2) will be reduced to below a level of significance by mitigation measures MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components), MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components), MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component), MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component), and MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). These mitigation measures are set forth in full in Section 4.2.2 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of mitigation measures MM-AQ-1 through MM-AQ-6 would reduce the proposed project's contribution to cumulative air quality impacts during construction (Impact-C-AQ-2) to a level considered less than cumulatively considerable by implementing measures and practices that reduce emissions and limit the overlap of activities associated with separate projects and project components.

5.1.3 Impact-C-AQ-3: Emissions in Excess of Criteria Pollutant Thresholds During Proposed Project Operations (GB Capital Component, City Program – Development Component, and Balanced Plan)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-3) in that unmitigated project emissions during operation would exceed the applicable significance thresholds. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk).

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk (Impact-C-AQ-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on air quality and health risk (Impact-C-AQ-3) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk). Potential Impact-C-AQ-3 will result because unmitigated project emissions during operation of the GB Capital Component, City Program – Development Component, and Balanced Plan would exceed applicable significance thresholds that have been set to attain the NAAQS and CAAQS.

Potential Impact-C-AQ-3 will be reduced to below a level of significance by mitigation measure MM-AQ-7: Restrict Installation of Fireplaces and Firepits in New Construction (City Program, GB Capital Component [Phase 1 and Phase 2], and Balanced Plan). This mitigation measure is set forth in full in Section 4.2.3 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

MM-AQ-7 would restrict the use of wood-burning fireplaces and firepits at the City Program – Development Component, the GB Capital Component, and the Balanced Plan. With implementation of mitigation measure MM-AQ-7, Impact-C-AQ-3 would be less than cumulatively considerable because it would reduce operational-related VOC and PM10 emissions to a level below the threshold.

5.1.4 Impact-C-AQ-4: Emissions that Contribute to Health Effects During Proposed Project Construction (All Project Components)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-4) from project-related emissions during construction exceeding applicable significance

thresholds for VOC, PM₁₀, PM_{2.5}, NO_x, and CO that have been set to protect public health. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk).

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk (Impact-C-AQ-4) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on air quality and health risk (Impact-C-AQ-4) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk). Potential Impact-C-AQ-4 will result from unmitigated project emissions during construction exceeding applicable significance thresholds that have been set to attain the NAAQS and CAAQS, the purpose of which is to provide for the protection of public health.

Potential Impact-C-AQ-4 would be reduced to below a level of significance by implementation of mitigation measures MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components), MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components), MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component), MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component), and MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). These mitigation measures are set forth in full in Section 4.2.4 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

MM-AQ-2 through MM-AQ-6 would reduce emissions during construction to below thresholds that were adopted for the purpose of protecting human health. Therefore, with implementation of mitigation measures MM-AQ-2 through MM-AQ-6, Impact-C-AQ-4 would be less than cumulatively considerable.

5.2 Greenhouse Gas Emissions and Climate Change

5.2.1 Impact-C-GHG-1: Inconsistency with the District and City Climate Action Plans' Numerical Targets

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-1) in that the proposed project would not meet the numerical efficiency targets in the District and City CAPs. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change).

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or

substantially lessen the significant environmental effect on GHG emissions and climate change (Impact-C-GHG-1) as identified in the EIR. However, it cannot be stated with certainty that such measures would reduce the significant effects to a level below significance and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on GHG emissions and climate change (Impact-C-GHG-1) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change). Potential Impact-C-GHG-1 will result because the proposed project's combined construction and operation emissions would exceed the numerical efficiency target for both 2025 and 2050 set forth in the District and City CAPs.

The potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-1) will be reduced by mitigation measures MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-3: Comply with the Applicable City CAP Measures, MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, MM-GHG-6: Implement a Renewable Energy Project Onsite, or Other Verifiable Actions or Activities on Tidelands or Within Another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB–Approved Registry or a Locally Approved Equivalent Program, and MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB–Approved Registry or a Locally Approved Equivalent Program. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR, and are described above in Section 4.6.1.

Implementation of MM-GHG-1 through MM-GHG-7 would result in project-related GHG emissions below the numerical efficiency targets. However, because it cannot be stated with certainty that the project would result in emissions that would represent a fair share of the requisite reductions toward the statewide carbon neutrality goal, impacts would be cumulatively considerable after mitigation and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15091 is required.

5.2.2 Impact-C-GHG-2: Inconsistency with District Climate Action Plan and Only Partial Consistency with Statewide Greenhouse Gas Reduction Plans, Policies, and Regulatory Programs

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-2) in that the proposed project would only partially comply with plans, policies, and regulatory programs outlined in applicable District CAP measures and applicable state reduction goals and plans, policies, or regulations for the purpose of reducing

GHG emissions. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change).

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on GHG emissions and climate change (Impact-C-GHG-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on GHG emissions and climate change (Impact-C-GHG-2) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change). Potential Impact-C-GHG-2 will result because the proposed project would only partially comply with plans, policies, and regulatory programs outlined in applicable District CAP measures and applicable state reduction goals and plans, policies, or regulations.

The potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-2) will be reduced by mitigation measures MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, and MM-GHG-6: Implement a Renewable Energy Project Onsite, or Other Verifiable Actions or Activities on Tidelands or Within Another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR, and are described above in Section 4.6.2.

MM-GHG-1, MM-GHG-2, and MM-GHG-4 through MM-GHG-6 would ensure consistency with plans, policies, and regulatory programs that are outlined in local and statewide plans, policies, and regulations that have been adopted for the purpose of reducing the emissions of GHGs, including the District's CAP. Therefore, with implementation of mitigation measures MM-GHG-1, MM-GHG-2, and MM-GHG-4 through MM-GHG-6, Impact-C-GHG-2 would be less than cumulatively considerable.

5.2.3 Impact-C-GHG-3: Inconsistency with the City's Climate Action Plan and Only Partial Consistency with Statewide Greenhouse Gas Reduction Plans, Policies, and Regulatory Programs

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-3) in that the proposed project would only partially comply with plans, policies, and regulatory programs outlined in applicable City CAP measures and applicable state reduction goals and plans, policies, or regulations for the purpose of reducing GHG emissions. Detailed information and analysis regarding this potentially

significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change).

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on GHG emissions and climate change (Impact-C-GHG-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on GHG emissions and climate change (Impact-C-GHG-3) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change). Potential Impact-C-GHG-3 will result because the proposed project would only partially comply with plans, policies, and regulatory programs outlined in applicable City CAP measures and applicable state reduction goals and plans, policies, or regulations.

The potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-3) will be reduced by mitigation measures MM-GHG-3: Comply with the Applicable City CAP Measures, and MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR, and are described above in Section 4.6.3.

MM-GHG-3 and MM-GHG-7 would ensure consistency with plans, policies, and regulatory programs that are outlined in local and statewide plans, policies, and regulations that have been adopted for the purpose of reducing the emissions of GHGs, including the City's CAP. Therefore, with implementation of mitigation measures MM-GHG-3 and MM-GHG-7, Impact-C-GHG-3 would be less than cumulatively considerable.

5.3 Noise and Vibration

5.3.1 Impact-C-NOI-1: Exceedance of the City's General Plan Noise Exposure Standards Due to Traffic Noise at Onsite Visitor Accommodations (City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on noise and vibration (Impact-C-NOI-1) in that traffic noise exposure could exceed 65 dB CNEL at the proposed hotel at the City Program – Development Component site due to traffic on Cleveland Avenue and Bay Marina Drive. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Noise and Vibration).

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or

substantially lessen the significant environmental effect on noise and vibration (Impact-C-NOI-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on noise and vibration (Impact-C-NOI-1) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Noise and Vibration). Potential Impact-C-NOI-1 will result because traffic noise exposure could exceed 65 dB CNEL at the proposed hotel at the City Program – Development Component site due to traffic on Cleveland Avenue and Bay Marina Drive.

The potentially significant cumulative impact on noise and vibration (Impact-C-NOI-1) will be reduced to below a level of significance by mitigation measure MM-NOI-4: Design and Construct the Proposed Hotel at the City Program – Development Component Site to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces. This mitigation measure is set forth in full in Section 4.9.2 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of mitigation measure MM-NOI-4 would reduce the project's contribution to cumulative traffic noise impacts (Impact-C-NOI-1) to less-than-significant levels because it would ensure that development at the City Program – Development Component site would be designed and constructed to control exterior-to-interior noise that could affect sensitive occupied spaces.

5.3.2 Impact-C-NOI-2: Exceedance of the City's General Plan Noise Exposure Standards Due to Rail Noise at Onsite Visitor Accommodations (GB Capital Component, Pasha Rail Improvement Component)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on noise and vibration (Impact-C-NOI-2) in that rail noise exposure could exceed 65 dB CNEL at the proposed hotels and RV resort at the GB Capital Component site due to operations at the proposed Pasha Rail Improvement Component and existing NCMT rail operations. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Noise and Vibration).

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on noise and vibration (Impact-C-NOI-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on noise and vibration (Impact-C-NOI-2) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Noise and Vibration). Potential Impact-C-NOI-2 will result because rail noise exposure could exceed 65 dB CNEL at the proposed hotels and RV resort at the GB Capital Component site due to operations at the proposed Pasha Rail Improvement Component and existing NCMT rail operations.

The potentially significant cumulative impact on noise and vibration (Impact-C-NOI-2) will be reduced to below a level of significance by mitigation measures MM-NOI-5: Reduce Rail Noise Levels at the Proposed GB Capital RV Sites to 65 dB CNEL or Less, and MM-NOI-6: Design and Construct the Hotels at the GB Capital Component to Achieve an Interior Noise level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces. These mitigation measures are set forth in full in Section 4.9.3 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Mitigation measure MM-NOI-5 would require a noise barrier or the dry boat storage (proposed by GB Capital) to be enclosed and made from solid material to reduce the rail noise exposure at the proposed GB Capital Component RV sites to 65 dB CNEL or less for compliance with the City's exterior noise compatibility guidelines, as specified in the National City General Plan Noise Element. Mitigation measure MM-NOI-6 would ensure GB Capital Component hotels would be designed and constructed so as to control exterior-to-interior noise that could affect sensitive occupied spaces. Therefore, implementation of mitigation measures MM-NOI-5 and MM-NOI-6 would reduce the project's contribution to cumulative rail noise impacts (Impact-C-NOI-2) to less-than-significant levels because interior noise levels would be in compliance with the interior noise standards specified in the National City General Plan Noise Element.

5.4 Transportation, Circulation, and Parking

5.4.1 Impact-C-TRA-1: Generate Cumulatively Considerable Vehicles Miles Traveled in Exceedance of Employment-Based Thresholds During Project Operations

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-1) associated with VMT exceeding employment-based thresholds during project operations. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking).

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-C-TRA-1) as identified in the EIR. However, the changes or alterations required will not reduce the significant effects (Impact-C-TRA-1) below a level of significance and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on transportation, circulation, and parking (Impact-C-TRA-1) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking). Potential Impact-C-TRA-1 would result because employment associated with operation of the proposed project would not reduce

VMT to 15% below the 2050 regional average. Therefore, employment uses associated with the proposed project (GB Capital Component, City Program – Development Component) would have a significant VMT impact.

The potentially significant impact on transportation, circulation, and parking (Impact-C-TRA-1) would be reduced by mitigation measure MM-TRA-1: Implement TDM and VMT Reduction Measures. This mitigation measure is set forth in full in Section 4.10.1 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Mitigation measure MM-TRA-1 would reduce Impact-C-TRA-1 by requiring implementation of TDM and VMT reduction measures from the SANDAG Mobility Management Toolbox's VMT Reduction Calculator Tool, which would reduce employment-based VMT generated during project operations. However, despite implementation of the measures, employment-based VMT generated by the proposed project would not be below the applicable threshold. Therefore, Impact-C-TRA-1 would be cumulatively considerable and unavoidable after mitigation and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15091 is required.

6.0 FINDINGS REGARDING PROJECT ALTERNATIVES

CEQA requires an EIR to evaluate feasible mitigation measures and alternatives which 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 § 21081 and State CEQA Guidelines § 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 a level below 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 project, the District 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 which 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 § 21061.1; State CEQA Guidelines § 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 which would avoid or substantially lessen any 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. (State CEQA Guidelines § 15093.)

The Final EIR concluded that the project may result in the following unavoidable significant impacts which would not be mitigated to a level below significance even after the incorporation of all feasible mitigation measures:

- Direct/project impacts on GHG emissions and climate change; noise and vibration; and transportation, circulation, and parking; and
- Cumulative impacts on GHG emissions and climate change; and transportation, circulation, and parking.

The Final EIR also examined a range of reasonable alternatives to determine whether they could meet the project objectives while avoiding or substantially lessening one or more of the proposed project's significant impacts. The EIR analyzed four alternatives to the proposed project: (1) the No Project Alternative, (2) the No Waterside Development in Sweetwater Channel Alternative, (3) GB Capital Component Phase 1 Only Alternative, and (4) Reduced Development Intensity Alternative. Detailed information and analysis concerning these alternatives are set forth in Volume 2 (Final EIR), Chapter 7, *Alternatives to the Proposed Project*.

In considering the feasibility of the alternatives evaluated in the EIR, the District examined the project objectives and weighed the ability of each alternative to meet these objectives. The objectives of the project are set forth in Volume 2 (Final EIR), Section 3.3, *Project Objectives* as follows:²

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

2. Reconfigure maritime and commercial uses to balance the anticipated

² Objective 9, expand aquaculture potential on District tidelands, was removed because GB Capital withdrew its request for aquaculture from the proposed project.

future market demands for those uses, while also increasing public access on the project site.

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

4. Increase park space and recreational opportunities to enhance the waterfront experience for all visitors and maximize opportunities to attract tourism to the city.

5. Reduce unnecessary train movements and reduce the required effort associated with building daily trains by improving near-terminal rail storage capacity and creating a more direct connection between the BNSF Railway National City Yard and the NCMT.

6. Offset the loss of existing land used for maritime operations, as proposed in the Balanced Plan, by closing internal District streets (i.e., Tidelands Avenue and West 28th Street) adjacent to existing maritime operations to create contiguous space for maritime operations and configuring cargo operations at and adjacent to the NCMT to create cargo-handling efficiencies to reduce cargo movements.

7. Incorporate District properties into the PMP that are not currently regulated by the PMP to ensure consistency with the California Coastal Act, Public Trust Doctrine, and Port Act.

8. Be consistent with the City's environmental policies and the District's Climate Action Plan, Clean Air Program, and Jurisdictional Runoff Management Program to ensure that the proposed project does not adversely affect the District's or City's ability to attain their respective long-range environmental and sustainability goals.

10. Incorporate a land use pattern for the National City Marina District into the PMP that establishes habitat buffers and implements operational features to avoid land use and operational inconsistencies between commercial, recreational, open space, and maritime uses.

11. Integrate National City art, culture, and history into the development of the proposed project.

12. Increase the connectivity of the project area to the surrounding area and facilitate increased pedestrian activity and enjoyment of San Diego Bay for visitors.

The findings below describe the alternatives examined in Volume 2, Chapter 7 of

the EIR, discuss their ability to avoid or substantially lessen any of the unavoidable significant impacts of the project, and determine whether they are feasible. Based on the substantial evidence contained in the record of these proceedings, the District hereby finds that the alternatives analyzed in the EIR which would avoid or substantially lessen any of the unavoidable significant impacts of the project are infeasible for the reasons set forth below.

6.1 Alternative 1 – No Project Alternative

The No Project Alternative is required by CEQA (State CEQA Guidelines §15126(d)(2)) to discuss and analyze potential impacts that would occur if the project was not implemented. The No Project Alternative serves as the alternative to compare the effects of the proposed project and other project alternatives on the existing conditions.

Under the No Project Alternative, the site would operate in its current state, and the land use redesignations associated with the Balanced Plan would not occur. Tidelands Avenue between Bay Marina Drive on the north and 32nd Street on the south and West 28th Street between Quay Avenue and Tidelands Avenue would still function as roadways, and no Pasha rail improvements would occur. The existing Pier 32 Marina would not be expanded to include overnight accommodations, moorings, floating docks, and piers. The alternate Segment 5 of the Bayshore Bikeway would not be developed, and the existing Segment 5 on Tidelands Avenue and 32nd Street would remain in place. Pepper Park would not be expanded. In addition, the following would not be built: recreational vehicle (RV) resort, dry boat storage, and modular cabins; two-story building with restrooms, laundry facilities, and staff support services; maintenance building and yard; public access corridors; view corridors; or hotels (up to four). In addition, the City Program – Plan Amendments Component—which includes amendments to the City’s General Plan, LCP, Harbor District Specific Area Plan, and Land Use Code for seven parcels north of Bay Marina Drive and development of a five-story hotel with retail and restaurant space—would not be implemented and future development would not occur.

The potential impacts of the No Project Alternative are discussed in detail in Volume 2 (Final EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.5.1). Because the proposed project would not be implemented, the No Project Alternative would avoid or substantially reduce the unavoidable significant impacts related to GHG emissions and climate change; noise and vibration; and traffic, circulation, and parking.

However, the No Project Alternative is not a feasible alternative as defined by CEQA because it would not meet any of the project objectives, which include further activating the project site by modifying the land use and their configurations to foster the development of high-quality commercial and recreational uses, maximizing employment, recreational, and economic development opportunities, and improving cargo and transportation efficiencies of maritime industrial uses associated with operations at NCMT.

The District finds that the No Project Alternative would not achieve any of the project's objectives and would preclude obtaining the benefits of the project. The District finds that all potential significant environmental impacts of the project will be mitigated by the design of the project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the Project's significant impacts on GHG emissions and climate change, noise and vibration, and traffic, circulation, and parking. The District further finds that, although the No Project Alternative would avoid or substantially lessen these significant potential impacts, the No Project alternative is infeasible because it would not attain any of the project objectives and would not provide the District and the region with any of the benefits of the project described in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

6.2 Alternative 2 – No Waterside Development in Sweetwater Channel Alternative

Alternative 2 would include the land use redesignations associated with the Balanced Plan; most of the GB Capital Component, including construction and operation of an RV park, modular cabins, dry boat storage, and up to four hotels; the Pasha Rail Improvement Component, including construction and operation of a rail connector track and storage track; the Pasha Road Closures Component; the Bayshore Bikeway Component, including development of Segment 5 of the Bayshore Bikeway; and the City Program – Development Component, including construction and operation of hotel, restaurant, retail, and/or a combination of tourist-/visitor-serving commercial development north of Bay Marina Drive. However, under Alternative 2, the Pier 32 Marina would not be expanded into Sweetwater Channel, which would avoid potential impacts on eelgrass, an essential fish habitat. Alternative 2 would include the proposed waterside Pier 32 Marina improvements of constructing an approximately 580-foot-long and 8-foot-wide dock with two 80-foot-long and 5-foot-wide gangways within the existing Pier 32 Marina basin north of the jetty.

The potential impacts of the No Waterside Development in Sweetwater Channel Alternative are discussed in detail in Volume 2 (Final EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.5.2). This alternative would slightly reduce impacts associated with biological resources (i.e., avoiding removal of eelgrass and reducing pile-driving noise impacts on wildlife) compared to the project because of the elimination of construction activities within Sweetwater Channel. All other impacts under this alternative would be similar to those of the proposed project. As a result, this alternative would not avoid or substantially lessen the unavoidable significant impacts of the project related to GHG emissions and climate change, noise and vibration, and transportation, circulation and parking.

The No Waterside Development in Sweetwater Channel Alternative would also not meet the project objectives associated with the development and operation of the

project. Alternative 2 would meet Objectives #1, 5, 6, 7, 10, and 11 by modifying the land uses and their configurations to further activate the project area. Alternative 2 would only meet a portion of Objectives #2, 3, 4, 8 and 12 by reconfiguring maritime and commercial uses while increasing public access in the project area to eliminate impediments, such as existing roads and non-contiguous land use configurations; fostering the development of high-quality commercial uses and increasing park space and recreational opportunities; and ensuring consistency with the Jurisdictional Runoff Management Program.

The District finds that all potential significant environmental impacts of the project will be mitigated by the design of the project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the project's significant impacts on GHG emissions and climate change, noise and vibration, and traffic, circulation, and parking. The District further finds that the No Waterside Development in Sweetwater Channel Alternative is not a feasible alternative as defined by CEQA because it would not avoid or substantially lessen the project's potential unavoidable significant impacts related to GHG emissions and climate change, noise and vibration, and transportation, circulation and parking. The District further finds that this alternative is not a feasible alternative because it would partially meet Objectives # 2, 3, 4, 8, and 12, but not to the same extent as the project because it would not provide as much recreational and visitor-serving opportunities, public access and meet market demand. This alternative also would not provide the District and the region with all of the benefits of the project described above and in the Statement of Overriding Considerations to the same extent as the project and thus would be undesirable from a policy standpoint. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

6.3 Alternative 3 – GB Capital Component Phase 1 Only Alternative

Alternative 3 would include the land use redesignations associated with the Balanced Plan; the Pasha Rail Improvement Component, including construction and operation of a rail connector track and storage track; the Pasha Road Closures Component; the Bayshore Bikeway Component, including development of Segment 5 of the Bayshore Bikeway; and the City Program – Development Component, including construction and operation of hotel, restaurant, retail, and/or a combination of tourist-/visitor-serving commercial development north of Bay Marina Drive. However, only Phase 1 of the GB Capital Component would be included. Phase 2 of the GB Capital Component would be eliminated. Consequently, construction and operation of the following elements would not occur: an up-to-three-story hotel with as many as 40 rooms generally on Parcel B1 of the Balanced Plan; an up-to-four-story building, including approximately 16,500 square feet of retail space and a hotel with up to 60 rooms on Parcel B6 of the Balanced Plan; an up-to-11-story hotel with up to 282 rooms on Parcel B3 of the

Balanced Plan; and an up-to-four-story hotel with up to 81 rooms on Parcel B3 of the Balanced Plan.

The potential impacts of the GB Capital Component Phase 1 Only Alternative are discussed in detail in Volume 2 (Final EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.5.3). This alternative would slightly reduce impacts associated with GHG emissions compared to the project because of the elimination of the development of up to four hotels. Although activities that have the potential to generate significant GHG emissions would be reduced, all other project components would be constructed and operated, would not meet the numerical efficiency targets in 2025 or 2050, and would only partially comply with plans, policies, and regulatory programs outlined in applicable District and City CAP measures and applicable state reduction goals and plans, policies, or regulations. Overall, under Alternative 3, impacts related to GHG emissions and climate change would be reduced compared to those of the project, but would still remain significant.

Alternative 3 would also reduce noise and vibration impacts associated with construction of four hotels, including the pile driving that would be required to support those buildings. Alternative 3 would eliminate the significant onsite rail noise impacts at adjacent hotel locations and would incrementally reduce traffic noise levels by reducing the number of visitors to the hotel. All other impacts under this alternative would be similar to those of the proposed project. Alternative 3 would not eliminate the remaining impacts predicted at onsite noise-sensitive receptors due to traffic, rail, and operational noise, or at offsite locations due to project mechanical equipment. The project's significant and unavoidable impacts related to rail noise exposure at the proposed RV sites at the GB Capital Component, and operational noise from the proposed dry boat storage facility, would remain unchanged.

Although Alternative 3 would not include Phase 2 of the GB Capital Component, this alternative would include development of all waterside components of the proposed project and a majority of the landside components. As such, Alternative 3 would still generate vehicle trips and total VMT from these uses, but the amount of vehicle trips and total VMT generated would be reduced compared to the project due to the elimination of four hotels under this alternative. However, while total VMT would be reduced under this alternative, it is anticipated that Alternative 3 would still result in significant and unavoidable impacts related to VMT after mitigation because the ratio of VMT per employee and per visitor would not improve, similar to under the proposed project. Additionally, Alternative 3 would result in significant impacts associated with inadequate emergency access during construction, as well as insufficient parking during construction and insufficient parking for terminal employees during operations that could lead to a decrease in public coastal access. Because the extent of construction would be reduced under Alternative 3, construction-related impacts on emergency access and parking supply would be slightly reduced compared to the proposed project. Similar to those of the proposed project, however, these impacts would be reduced to less-than-significant levels with mitigation identified in Section 4.13, *Transportation, Circulation, and Parking*.

The GB Capital Component Phase 1 Only Alternative would only partially meet the project objectives associated with the development and operation of the project. Alternative 3 would meet Objectives #1, 3, 4, 5, 6, and 7 by modifying the land uses and their configurations to further activate the project area; however, activation would be reduced with the absence of up to four hotels. Alternative 3 would only meet a portion of Objectives #2, 8, 10, 11, and 12 by increasing public access in the project area to eliminate impediments, such as existing roads and non-contiguous land use configurations; increasing park space and recreational opportunities; and ensuring consistency with the Jurisdictional Runoff Management Program.

The District finds that the GB Capital Component Phase 1 Only Alternative is not a feasible alternative as defined by CEQA because it would not avoid or substantially lessen the unavoidable significant impacts of the project related to GHG emissions and climate change, noise and vibration, and transportation, circulation and parking. The District further finds that this alternative is not a feasible alternative because it would partially meet Objectives # 2, 8, 10, 11 and 12, but not to the same extent as the project because activation of the project area would be reduced by the absence of up to four hotels. This alternative also would not provide the District and the region with all of the benefits of the project described above and in the Statement of Overriding Considerations to the same extent as the project and thus would be undesirable from a policy standpoint. The District further finds that all potential significant environmental impacts of the project will be mitigated by the design of the project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the project's significant impacts on GHG emissions and climate change, noise and vibration, and traffic, circulation, and parking. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

6.4 Alternative 4 – Reduced Development Intensity Alternative

Under Alternative 4, the overall development intensity within the GB Capital Component would be reduced by approximately 50% by reducing the number of hotel rooms. Specifically, the height of the 11-story hotel and number of rooms proposed for that hotel would be reduced to six stories and 140 rooms; the three-story, 40-room hotel would be eliminated; and that area would continue in its current use as a small grassy area and putting green for Pier 32 Marina. The reduction in the size of the features would enable the expansion of the Central Promenade extending from the existing Marina Way alignment to the viewpoint at Pier 32 from a 24-foot width to a 30-foot width. Similarly, under this alternative, the height of the five-story hotel and number of hotel rooms proposed for the City Program – Development Component would be reduced to a three-story hotel with 75 rooms.

All other project components would be the same as under the project, including the land use redesignations associated with the Balanced Plan, a portion of the GB Capital Component (i.e., construction and operation of dry boat storage), the Pasha Rail Improvement Component (i.e., construction and operation of a rail connector track and storage track), the Pasha Road Closures Component, and one route of

the Bayshore Bikeway Component (i.e., development of Segment 5 of the Bayshore Bikeway).

The potential impacts of the Reduced Development Intensity Alternative are discussed in detail in Volume 2 (Final EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.5.4). Alternative 4 reduces the second-largest number of significant impacts and is considered the environmentally superior alternative. Alternative 4 would reduce the height of the hotels and number of rooms proposed under the GB Capital Component and reduce the height of the five-story hotel and number of hotel rooms as part of the City Program – Development Component, which would reduce impacts related to aesthetics and visual resources, air quality and health risk, GHG emissions, noise and vibration, and transportation, circulation, and parking.

The Reduced Development Intensity Alternative would result in construction and operational sources similar to those of the project, but in lesser quantities because Alternative 4 includes reduced intensity and less development than the proposed project. Similar to under the project, however, project components would not meet the numerical efficiency targets in 2025 or 2050 and would only partially comply with plans, policies, and regulatory programs outlined in applicable District and City CAP measures and applicable state reduction goals and plans, policies, or regulations prior to mitigation identified in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*. Therefore, although Alternative 4 would result in slightly reduced GHG impacts compared to the project, impacts would remain significant and unavoidable.

The Reduced Development Intensity Alternative would eliminate some noise and vibration associated with construction. It would also reduce the intensity and/or duration of construction at the GB Capital Component. However, these sites would be a large distance from the closest offsite noise-sensitive receptors and, therefore, Alternative 4 would not change the predicted significant construction impacts at offsite locations. The reduced intensity of visitor accommodations would incrementally reduce traffic noise levels by reducing the number of visitors to the GB Capital Component and Pier 32 Marina. However, this alternative would not eliminate the remaining impacts predicted at onsite noise-sensitive receptors due to traffic, rail, and operational noise, or at offsite locations due to project mechanical equipment. Although slightly reduced when compared to the project, overall noise and vibration impacts under Alternative 4 would remain significant and unavoidable.

The Reduced Development Intensity Alternative would result in a reduced number of hotel rooms and reduced vehicle trips and total VMT due to the decrease in overall development intensity under this alternative. However, while total VMT would be reduced under this alternative, it is anticipated that Alternative 4 would still result in significant and unavoidable impacts related to VMT after mitigation because the ratio of VMT per employee and per visitor would not improve. Additionally, Alternative 4 would result in significant impacts associated with inadequate emergency access during construction and operation, as well as insufficient parking during construction and insufficient parking for terminal employees during operations that could lead to

a decrease in public coastal access. Because the extent of construction would be reduced under Alternative 4, construction-related impacts on emergency access and parking supply would be slightly reduced compared to the proposed project. Similar to those of the proposed project, however, these impacts would be reduced to less-than-significant levels with mitigation measures identified in Section 4.13, *Transportation, Circulation, and Parking*. Overall, Alternative 4 would have slightly reduced impacts on transportation, circulation, and parking when compared to the project, but impacts would remain significant and unavoidable.

The Reduced Development Intensity Alternative would only partially meet the project objectives. It would meet Objectives # 2, 4, 5, 6, 7, 10 and 11. The reduction of hotel heights and number of hotel rooms proposed by this alternative would only partially meet Objectives #1, 3, 8, and 12 by modifying land uses and their configurations to further activate the project area. This alternative would fail to meet Objective #1 by failing to maximize employment opportunities and resulting in economic impacts associated with the proposed hotel development. Objective #3 would not be met in that the economic vitality of the project and its revenue generation, including Transient Occupancy Tax, would be substantially compromised, possibly jeopardizing the feasibility of this portion of the project. This alternative would partially meet Objective #8 by ensuring consistency with the Jurisdictional Runoff Management Program. Objective #12 would only be partially met because the reduced number of hotel rooms would result in less fewer visitors and less pedestrian activity and enjoyment of San Diego Bay for visitors.

The District finds that the Reduced Development Intensity Alternative is not a feasible alternative as defined by CEQA because it would not avoid or substantially lessen the unavoidable significant impacts of the project related to GHG emissions and climate change, noise and vibration, and transportation, circulation and parking. The District further finds that this alternative is not a feasible alternative because it would not achieve several of the fundamental objectives of the project to the same extent as the project. With the reduced number of hotel rooms, fewer economic development opportunities would occur and less transient occupancy tax would be collected and Alternative 4 would only partially meet Objectives #1 and #3, respectively. It would only partially meet Objective #8 because it would only ensure consistency with the Jurisdictional Runoff Management Program. With fewer hotel rooms, there also would be fewer visitor-serving opportunities and enjoyment of the Bay by visitors, resulting in Alternative 4 only partially meeting Objective #12. This alternative also would not provide the District and the region with all of the benefits of the project described above and in the Statement of Overriding Considerations to the same extent as the project, and thus would be undesirable from a policy standpoint. The District further finds that all potential significant environmental impacts of the project will be mitigated by the design of the project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the project's significant impacts on GHG emissions and climate change, noise and vibration, and traffic, circulation, and parking. For the potential significant impacts which cannot be avoided or mitigated to a level below

significance, therefore, the District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

STATEMENT OF OVERRIDING CONSIDERATIONS

The proposed project would have significant environmental impacts on the following areas after implementation of all feasible mitigation measures, which are described in detail in Volume 2 (Final EIR), Chapter 4, *Environmental Impacts*, and Chapter 5, *Cumulative Impacts*:

- Project/direct impacts on GHG emissions and climate change; noise and vibration; and transportation, circulation, and parking; and
- Cumulative impacts on GHG emissions and climate change; and transportation, circulation, and parking.

The District analyzed a reasonable range of alternatives to the proposed project in Volume 2 (Final EIR), Chapter 7, *Alternatives to the Proposed Project*, including the No Project/No Build Alternative, the No Waterside Development in Sweetwater Channel Alternative, the GB Capital Component Phase 1 Only Alternative, and the Reduced Development Intensity Alternative. Based on the evidence contained in the EIR and presented during the administrative proceedings, the District determined that none of the alternatives is feasible because they would not avoid or substantially reduce the unavoidable significant impacts of the proposed project and would not meet all or some of the fundamental objectives to the same extent as the project. Therefore, the Board of Port Commissioners of the District has adopted the proposed project.

Notwithstanding the unavoidable significant environmental impacts of the projects, CEQA allows the District to approve the project as proposed. Pursuant to CEQA Guidelines §§15043 and 15093, the District must adopt a Statement of Overriding Considerations in order to approve the proposed project. A Statement of Overriding Considerations allows a lead agency to consider the specific economic, social, or other expected benefits of a project in order to determine whether these benefits outweigh the project's potential unavoidable significant environmental risks. Although the District has no obligation under CEQA to adopt a Statement of Overriding Considerations for significant impacts that will be mitigated to a level below significance, the District wishes to make clear its determination that the benefits of the approved project described below are of such importance to the community and the region as to outweigh all significant adverse impacts described in the EIR or suggested by participants in the public review process.

Pursuant to CEQA Guidelines §15093, the District hereby finds that the proposed project would have the following benefits and that each of the following benefits is sufficient, on its own, to justify adoption of the proposed project:

- The project will advance the goal articulated in the Port's mission statement that provides: "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 provide a stimulus to the local and regional economy through the creation of temporary and permanent jobs for the construction and operation of the hotels, restaurant, retail development, RV park, dry boat storage, and expanded marina components of the project. In addition, the public access areas and expanded Pepper Park would be available for future visitor and public uses that will provide community services to residents and visitors to the San Diego region and National City.

- The project would further the District’s commitment to lower cost visitor and recreational facilities, consistent with Section 30213 of the Coastal Act. The project proposes to improve the existing Pepper Park and expand Pepper Park by 2.5 acres. Pepper Park is a recreational facility that is free and accessible to the public; and after the park expansion it would remain free and accessible to the public. The project would also implement several recreational opportunities, including bicycle and pedestrian paths. In addition, the project would expand Pepper Park in order to attract more visitors. Further, the overnight accommodations included in the proposed project are anticipated to be lower-cost because the National City hotel market is a lower cost market as compared to the City of San Diego. The overnight accommodations (e.g., hotels, motels) currently operating in National City have average daily rates below \$100.00. The proposed overnight accommodations included with the proposed project will reflect the local hotel market conditions.
- The project will stimulate economic growth for the District, the City of National City, and the overall region by paying leasing fees to the District, creating hotel tax revenues for the City, and by providing a hotel for overnight accommodations to visitors to the San Diego region and National City that will contribute to the local economy.
- The project will increase employment opportunities within the region by providing approximately 211 temporary jobs during construction and approximately 437 jobs during operation of the components of the project.
- The project would provide a connection to the regional bikeway network, create a safer environment for bicyclists, and support the implementation of SANDAG’s Regional Bike Plan through the construction of Segment 5 of the Bayshore Bikeway.
- The project would incorporate a parcel into the Port Master Plan that is owned by the District and the District should have land use jurisdiction over but is currently in the City’s Local Coastal Program.

The District has weighed the benefits of the proposed project against its potential unavoidable significant environmental risks in determining whether to adopt it as the approved project. After balancing the specific economic, legal, social, technological, and other benefits of the project, the Board of Port Commissioners has determined

that the specific benefits identified above outweigh the significant unavoidable environmental impacts of the project. Each of the benefits and the fulfillment of the objectives of the approved project, as stated herein, is determined to be a separate and independent basis for overriding the unavoidable significant environmental impacts identified above. For the foregoing reasons, the District finds that the proposed project's potentially significant unavoidable environmental impacts are outweighed by the benefits described above.

EXHIBIT “B”

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

A.1.1 Purpose

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the National City Bayfront Projects and Plan Amendments implement the environmental mitigation measures required by the Final Environmental Impact Report (EIR) for the proposed project. Those mitigation measures have been integrated into this MMRP. The MMRP provides a mechanism for monitoring and reporting implementation of the mitigation measures in compliance with the EIR, and general guidelines for the use and implementation of the monitoring program are described below.

This MMRP is written in accordance with California Public Resources Code 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. California Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to adopt a reporting or monitoring program for changes made to the project, or conditions of approval, adopted in order to mitigate or avoid significant effects on the environment and to monitor performance of the mitigation measures included in any environmental document to ensure that implementation takes place. The San Diego Unified Port District (District) is the designated Lead Agency for the MMRP. The Lead Agency is responsible for review of all monitoring reports, enforcement actions, and document disposition. The Lead Agency will rely on information provided by a monitor as accurate and up to date and will field check mitigation measure status as required. Adoption of the MMRP for portions within City of National City (City) discretionary authority is required by the City, as a CEQA responsible agency.

The District may modify how it will implement a mitigation measure, as long as the alternative means of implementing the mitigation still achieves the same or greater impact reduction. Copies of the MMRP shall be distributed to the participants of the monitoring effort to ensure that all parties involved have a clear understanding of the mitigation monitoring measures adopted.

A.1.2 Format

Mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or requiring supplemental structural controls. Within this document, mitigation measures are organized and referenced by subject category. Each of the mitigation measures has a numerical reference. The following items are identified for each mitigation measure.

- Mitigation Language and Numbering
- Mitigation Timing
- Methods for Monitoring and Reporting
- Responsible Parties

A.1.3 Mitigation Language and Numbering

Provides the language of the mitigation measure in its entirety.

A.1.4 Mitigation Timing

The mitigation measures required for the project will be implemented at various times before construction, during construction, prior to project completion, or during project operation.

A.1.5 Methods for Monitoring and Reporting

The MMRP includes the procedures for documenting and reporting mitigation implementation efforts.

A.1.6 Responsible Parties

For each mitigation measure, the parties responsible for implementation, monitoring and reporting, and verifying successful completion of the mitigation measure are identified. These parties include both governmental organizations and by private sector project proponents.

Table A1-1. Mitigation, Monitoring, and Reporting Program

Mitigation Measures	Timing and Methods	Responsible Parties
Aesthetics and Visual Resources		
<p>MM-AES-1: Install Construction Screening and Fencing (GB Capital Component). GB Capital shall require their contractors to install construction-screening fencing around the perimeter of the jetty prior to the start of construction of the modular cabins and extended dock and pier with boat slips that shall shield construction activities from sight. The screening shall remain until construction equipment is removed from this area. Construction-screening fencing shall be depicted on construction plans and, prior to issuance of construction permits, the District's Development Services Department shall confirm such fencing is depicted on the appropriate construction plans. Construction screening shall include, at a minimum, installation of 8-foot-tall fencing covered with view-blocking materials, such as tarp or mesh in a color that blends in with the existing environment (e.g., green or blue), for the duration of the construction period.</p>	<p>Timing: Prior to and during construction</p> <p>Method: Install construction-screening fencing around the perimeter of the jetty prior to the start of construction.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District's Development Services Department</p>
<p>MM-AES-2: Install Wayfinding and Public Access Signage (GB Capital Component). Prior to construction of any GB Capital-related project elements within the marina, on the jetty, or in Sweetwater Channel that would affect the view provided by KOP 2, GB Capital or their contractors shall install temporary legible wayfinding signage in visible areas (e.g., in the general vicinity of the existing overlook at KOP 2 and where the existing waterside promenade on the Pier 32 Marina intersects with Goesno Place) that directs the public to other available scenic vistas that would not be affected by construction activities and would provide substantially similar views, such as KOP 4 and KOP 5. GB Capital shall require that contractors submit the signage characteristics (e.g., size, color, materials) to the District's Development Services Department for review and approval prior installation of the signage—provided however, that the temporary wayfinding signage shall at a minimum depict the direction and distance to the alternate KOP(s). Photographic proof of the installation of wayfinding signage shall be submitted to the District's Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1) that</p>	<p>Timing: Prior to construction and during construction</p> <p>Method: Install temporary wayfinding signage that directs the public to other scenic vistas.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District's Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
involve construction in the marina, on the jetty, or in Sweetwater Channel and may be removed on completion of construction.	<p>Timing: Prior to and during construction</p> <p>Method: Establish a temporary scenic vista east of KOP 3.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District's Development Services Department</p>
<p>MM-AES-3: Establish a Temporary Scenic Vista (GB Capital Component). Prior to the commencement of construction of the GB Capital Component (Phase 1), GB Capital shall require its contractors to establish a temporary scenic vista directly east of KOP 3, adjacent to the western end of the existing Bayshore Bikeway bike path (before the existing path turns north), which shall be accessible to the public throughout the entirety of the construction phase of the GB Capital Component. The project proponent shall provide temporary wayfinding signage at the GB Capital Component site and signage at the temporary scenic vista identifying it as a temporary scenic vista. Photographic proof of the establishment of the temporary scenic vista shall be submitted to the District's Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1).</p>	<p>Timing: Prior to and during construction</p> <p>Method: Establish a temporary scenic vista east of KOP 3.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District's Development Services Department</p>
<p>MM-AES-4: Install Permanent Wayfinding Signage for the Open Space Area on Jetty (GB Capital Component). GB Capital shall construct the open space/park area on the jetty concurrently with the construction of the modular cabins and shall finish the open space area prior to or concurrently with said cabins. When construction of the modular cabins is complete, GB Capital or its contractors shall install permanent wayfinding signage that is legible and in a publicly accessible area at KOP 2/the existing Pier 32 overlook to direct visitors to the open space area on the jetty, where views of Sweetwater Channel to the southeast, south, and southwest would be available. GB Capital or its contractors shall submit the signage characteristics (e.g., size, color, materials) to the District's Development Services Department for review and approval prior to installation—provided, however, that the wayfinding signage shall at a minimum contain the distance and direction to the open space area. Photographic proof of the wayfinding signage shall be submitted to the District's Development Services Department prior to issuance of the certificate of occupancy.</p>	<p>Timing: Upon completion of modular cabins</p> <p>Method: Construct the open space area prior to or concurrently with the modular cabins and install permanent wayfinding signage to direct visitors to the open space area.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District's Development Services Department</p>
<p>MM-AES-5: Extend the Existing Clear Zone Across Jetty (GB Capital Component). The project proponent for the GB Capital Component shall extend the existing minimum 20-foot-wide clear zone along the Pier 32 overlook southward across the jetty. The existing minimum 20-foot-wide clear zone and the proposed 20-foot-wide clear zone on the jetty shall be</p>	<p>Timing: Prior to and during construction</p> <p>Method: Extend the existing minimum 20-foot-wide clear</p>	<p>Implementation: Applicable Project Proponent for Component</p>

Mitigation Measures	Timing and Methods	Responsible Parties
identified on the project plans. The open space/park area proposed on the jetty can be located within the 20-foot-wide clear zone. Prior to issuance of a coastal development permit that includes construction of the modular cabins, the District's Development Services Department shall confirm that the existing and proposed minimum 20-foot-wide clear zone is identified and observed on the project plans.	zone along the Pier 32 overlook southward across the jetty.	Monitoring and Reporting: Applicable Project Proponent for Component Verification: District's Development Services Department
MM-AES-7: Design the GB Capital Component to Provide Continuity (GB Capital Component). To provide a natural continuity with the existing marina complex, the GB Capital Component shall be designed and constructed using a similar architectural style and materials as the existing Pier 32 Marina. Prior to issuance of the Coastal Development Permit for both phases of the GB Capital Component, the District shall review plans for the GB Capital Component to ensure design continuity with the existing marina complex.	Timing: Prior to construction Method: Ensure design continuity with the existing Pier 32 Marina.	Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: District
MM-AES-8: Limit Lighting (GB Capital Component). Proposed outdoor lighting in the parking lots, in the marina, and outside of buildings shall not exceed a correlated color temperature of 2,700 Kelvins in order to emit less high frequency blue light. The project proponent shall provide details (i.e., Kelvins) of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.	Timing: Prior to construction and during project operation Method: Ensure proposed outdoor lighting shall not exceed a correlated color temperature of 2,700 Kelvins.	Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: District's Development Services Department
MM-AES-9: Shield Security and Safety Lighting (GB Capital Component). Security and safety lighting proposed around the RV park, retail, marina, jetty, parking lot, hotels, and other outdoor common spaces shall consist of full cutoff pole-top fixtures with full cutoff shields to minimize light spillage into adjacent properties and land uses. The project proponent shall provide details of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.	Timing: Prior to construction and during project operation Method: Implement measures to minimize light spillage from security and safety lighting.	Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: District's Development Services Department
Air Quality and Health Risk		
MM-AQ-1: Update the RAQS and SIP with New Growth Projections (All Project Components). Within 6 months from approval of the proposed project, the District and City shall provide SANDAG with revised employment growth forecasts that account for buildout of the	Timing: Within 6 months of approval Method: Provide the new employment growth forecasts	Implementation: District and City Monitoring and Reporting: District and City

Mitigation Measures	Timing and Methods	Responsible Parties
<p>proposed project. This includes the amendments to the District's PMP, and the City's General Plan, LCP, HDSAP, and LUC to account for the proposed land use and jurisdictional changes. The District and the City shall coordinate with SANDAG and the SDAPCD to ensure the RAQS and SIP are updated as part of the next revision cycle to reflect the updated growth and land use assumptions of the project as well as the PMP and the City's General Plan as a whole.</p>	<p>and coordinate with SANDAG and the SDAPCD to ensure the RAQS and SIP are updated.</p>	<p>Verification: SANDAG</p>
<p>MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components). To control VOC, NO_x, CO, PM₁₀, and PM_{2.5} emissions during construction, the project proponent/operator and/or its contractor(s) shall implement or require implementation by its construction contractor(s) the following measures during construction of their corresponding proposed project component, and shall provide verification to the District (or City).</p> <p>Prior to the commencement of construction activities of any project component, the project proponent for that project component shall submit a list of equipment to be used and their equipment specifications (model year, engine tier, horsepower) to the District's Development Services Department (for the components' within the District's jurisdiction) or the City's Community Development Department (for the component's within the City's jurisdiction) to ensure the construction equipment list is consistent with the following requirements. Following construction, the project proponent/operator and/or its contractor(s) shall provide written evidence that the construction was consistent with following requirements:</p> <ul style="list-style-type: none"> For all construction between 2022 and 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 3 or cleaner engines, unless Tier 3 construction equipment is not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 3 or cleaner equipment shall be used, or that Tier 3 or better equipment is not available for use during the entire duration of that project's construction period through 2025. For all construction beyond 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 4 or cleaner engines, unless Tier 4 construction equipment is 	<p>Timing: Prior to, during, and post construction</p> <p>Method: Ensure construction equipment and construction activities are consistent with emission-reduction requirements.</p>	<p>Implementation: All Project Proponents/Operator and/or Contractors</p> <p>Monitoring and Reporting: All Project Proponents</p> <p>Verification: District's Development Services Department or City's Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 4 or cleaner equipment shall be used, or that Tier 4 or cleaner equipment is not available for use during the entire duration of that project's construction period beyond 2025.</p> <ul style="list-style-type: none"> • Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. • Maintain all equipment in accordance with the manufacturers' specifications. • Turn off all construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, when not in use for more than 3 minutes. • Use zero or near-zero emissions equipment in-lieu of diesel or gasoline-powered equipment, where such zero or near-zero equipment is commercially available within 50 miles of the project site. • Use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines for on-road and off-road diesel equipment. 		
<p>MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components). To control fugitive PM10 and PM2.5 emissions during construction of any project component, the project proponent/operator and/or its contractor(s) for each component shall implement the following dust control measures in compliance with SDAPCD Rule 55. The following shall be conditions in any Coastal Development Permit or City-issued permit (such as grading and building permits) and shall be implemented by that project proponent/operator and/or its contractor(s).</p> <ul style="list-style-type: none"> • Water the grading areas at a minimum of three times daily to minimize fugitive dust. • Stabilize graded areas as quickly as possible to minimize fugitive dust. 	<p>Timing: During construction</p> <p>Method: Implement dust control measures to control fugitive PM10 and PM2.5 in compliance with SDAPCD Rule 55.</p>	<p>Implementation: All Project Proponents/Operator and/or Contractors</p> <p>Monitoring and Reporting: All Project Proponents</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> • Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry. • Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads. • Remove any visible track-out into traveled public streets within 30 minutes of occurrence. • Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred. • Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads. • Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling. • Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour (mph). • Cover/water onsite stockpiles of excavated material. • Enforce a 15 mph speed limit on unpaved surfaces. • On dry days, sweep up any dirt and debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather. • Hydroseed, landscape, or develop as quickly as possible all disturbed areas and as directed by the District and/or SDAPCD to reduce dust generation. • Limit the daily grading volumes/area. • The project proponent/operator and/or its contractor(s) for each component shall submit evidence of the use of fugitive dust reduction measures to the District or City after the completion of construction. 	<p>Timing: Prior to and during construction</p> <p>Method: Use low-VOC coatings for all surfaces that go beyond the requirements of SDAPCD Rule 67.0.</p>	<p>Implementation: Applicable Project Proponents for Components/Operator and/or Contractors</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p>
<p>MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component). To control VOC emissions during any painting activities during construction, the project proponent/operator and/or its contractor(s) for all phases of GB Capital Component (Phase 1 and Phase 2) and City Program – Development Component shall use low-VOC coatings for all surfaces that go beyond the requirements of SDAPCD</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Rule 67.0. If architectural coatings (painting) of any single component or multiple components would exceed 10,000 square feet per day, then each project component active on that day shall use coatings with a VOC content of 10 grams per liter or less for all surfaces to be painted. If architectural coatings (painting) of any single component or multiple components would be below 10,000 square feet per day, then each component shall use coatings with a VOC content of 75 grams per liter or less. Prior to the commencement of construction activities associated with the GB Capital Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the District's Development Services Department. Prior to the commencement of construction activities associated with the City Program – Development Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the City's Community Development Department. The District and City, for their respective jurisdictions, may conduct inspections during construction to verify the use of low-VOC coatings.</p>		<p>Verification: District's Development Services Department and City's Community Development Department</p>
<p>MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component). Prior to commencing any waterside construction or activities the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including but not limited to tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:</p> <ul style="list-style-type: none"> • For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner). • For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits less emission than Tier 4 or better (cleaner) are not available, then the project proponent shall ensure all equipment is Tier 4 or better. • Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50 percent of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. 	<p>Timing: Prior to waterside construction</p> <p>Method: Ensure harbor craft meet clean emissions criteria and submit evidence of compliance prior to their use.</p>	<p>Implementation: Applicable Project Proponent for Component/Operator and/or Contractors</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District's Development Services Department or City's Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District's Development Services Department and/or the City's Community Development Department prior to commencement of waterside construction activities, that equipment meeting the above tiering requirements or better standards is not available for use during the duration of all in-water activities. Regardless of the equipment used, the project proponent/operator and/or its contractor(s) for each component shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each component shall submit a report prepared by the mechanic experienced with such equipment of the condition of the construction and operations vehicles and equipment to the District's Development Services Department and/or the City's Community Development Department prior to commencement of their use.</p>		
<p>MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). Each project proponent/operator and/or its contractor(s) shall submit a construction schedule and assumed construction activity at least 3 months prior to the start of construction to the District and City. If grading and waterside construction activities (associated with GB Capital Component Phase 1) are to take place at the same time, they shall be reduced or staggered as to not to exceed daily air quality thresholds and such reduction or staggering shall be a condition of grading and building permits. However, multiple project components' grading may take place at the same time. The District and City, for their respective jurisdictions, may conduct inspections during construction to verify activity.</p>	<p>Timing: Prior to construction Method: Submit a construction schedule and assumed construction activity to ensure reduction or staggering of overlapping construction phases.</p>	<p>Implementation: All Project Proponents/Operator and/or Contractors Monitoring and Reporting: All Project Proponents Verification: District and City</p>
<p>MM-AQ-7: Restrict Installation of Fireplaces and Firepits in New Construction (City Program, GB Capital Component [Phase 1 and Phase 2], and Balanced Plan). The proponent/operator and/or its contractor(s) of the City Program – Development Component, the GB</p>	<p>Timing: Prior to construction Method: Ensure all fireplaces and firepits are fueled by</p>	<p>Implementation: Applicable Project Proponents for Components/Operator and/or Contractors</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Capital Component, and the Balanced Plan shall ensure that no outdoor woodburning stoves, fireplaces, or firepits are installed, and all fireplaces and firepits shall be fueled by natural gas. The project proponent/operator and/or its contractor(s) for each component shall submit evidence that no outdoor woodburning stoves, fireplaces, or firepits are wood-burning to the District (or City for City Program), and the District (or City for City Program) may conduct inspections during construction to verify the details that were submitted are accurate.</p>	<p>natural gas and no outdoor woodburning stoves, fireplaces, or firepits are installed.</p>	<p>Monitoring and Reporting: Applicable Project Proponents for Components Verification: District and City</p>
Biological Resources		
<p>MM-BIO-1: Conduct Surveys and Monitoring for Estuary Seablite (Bayshore Bikeway Component Route 3): An authorized biologist shall be present onsite during construction within or adjacent to suitable habitat for estuary seablite to ensure that avoidance and minimization measures are in place according to specifications and to monitor construction in the vicinity of estuary seablite population at a frequency necessary to ensure that avoidance and minimization measures are followed properly. The biological monitor shall report any noncompliance to CDFW within 24 hours.</p> <p>Before ground disturbance or other activities associated with construction of Bayshore Bikeway Component Route 3, a qualified botanist shall survey all proposed construction and access areas for presence of special-status plant species. Preconstruction surveys shall occur during the appropriate season and in accordance with established protocols up to 1 year in advance of construction, provided temporary construction easements have been granted to construction areas. These surveys shall be conducted in all construction areas that contain suitable habitat for special-status plant species. These surveys shall be for the purpose of documenting plant locations relative to the construction areas and ensure avoidance, where feasible. If construction starts prior to the appropriate season, and it is unfeasible to conduct preconstruction surveys, then plant documentation for avoidance and ESA fencing shall rely on previous population locations.</p> <p>Populations of estuary seablite or other special-status plant species observed during these surveys shall be clearly mapped and recorded, along with the approximate numbers of individuals in each population and their respective conditions. Construction areas and access roads shall</p>	<p>Timing: Prior to and during project construction Method: Conduct preconstruction surveys for presence of estuary seablite, implement avoidance and minimization measures, and monitor for estuary seablite species during construction.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Authorized Biologist, Applicable Project Proponents for Components Verification: District, CDFW</p>

Mitigation Measures	Timing and Methods	Responsible Parties
avoid loss of individual estuary seablite and impacts on habitat supporting this species.		
<p>MM-BIO-3: Avoid Construction within 300 Feet of Avian Species During the Breeding Season (GB Capital Component and Bayshore Bikeway Component Route 3). All project construction activities occurring within 300 feet of salt marsh habitat (e.g., portions of Bayshore Bikeway Component Route 3 and some of the GB Capital Component) shall take place outside of the light-footed Ridgway's rail and Belding's Savannah sparrow breeding season (i.e., February 15–September 15); no construction work shall occur within 300 feet of the marsh during this time period.</p> <p>To ensure protection of California least terns nesting at the D Street colony, project proponents shall avoid impact pile driving during the least tern nesting season. The nesting season for California least terns is defined here as April 1 through September 15.</p>	<p>Timing: During construction</p> <p>Method: Ensure no construction work occurs within 300 feet of salt marsh habitat from February 15 through September 15 and avoid impact pile driving from April 1 through September 15.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District and City</p>
<p>MM-BIO-4: Avoid Impacts on Osprey During Nesting Season (January 15–June 15) (Pepper Park Expansion and Roadway Configuration in Balanced Plan, and Pasha Rail Improvement Component). To ensure nesting ospreys are not disturbed, the project proponent for the Balanced Plan (specifically, the roadway improvements and Pepper Park expansion), as well as the project proponent for the Pasha Rail Improvement Component, shall avoid all noise-generating construction activities during the osprey nesting season (January 15–June 15) within all proposed construction areas or shall implement all of the following:</p> <ul style="list-style-type: none"> • Surveys of historical nest locations maintained by the District shall be conducted to determine current occupancy status within 72 hours prior to construction/onset of noise-generating activities. If nests are occupied, or if the nest occupancy cannot be determined due to the height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete. 	<p>Timing: Prior to and during project construction</p> <p>Method: Avoid all noise-generating construction activities during the osprey nesting season (January 15–June 15) or implement avoidance measures.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Authorized Biologist, Applicable Project Proponents for Components</p> <p>Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> Surveys of all potential osprey nest locations, including existing utility poles, shall be conducted within 72 hours prior to construction/onset of noise-generating activities within 500 feet of any proposed work areas where noise-generating activities could affect nest success. These surveys could be conducted concurrent with those anticipated under MM-BIO-5 for MBTA avian species or conducted separately. If nests are occupied, or if the nest occupancy cannot be determined due to the height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete. 		
<p>MM-BIO-5: Avoid Impacts on MBTA Avian Species, Including Non-Listed Avian Species (Pepper Park Expansion and Roadway Configuration in Balanced Plan, GB Capital Component, and Bayshore Bikeway Component Route 3). To ensure compliance with the MBTA and similar provisions under CFGC Sections 3503 and 3503.5, the project proponent for the Balanced Plan (specifically, roadway improvements, Pepper Park expansion), GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component, and City Program – Development Component shall conduct all vegetation removal during the non-breeding season between September 15 and January 14 or shall implement the following:</p> <ul style="list-style-type: none"> If construction activities are scheduled between January 15 and September 14, a biological survey for nesting bird species shall be conducted within the proposed impact area and at least a 300-foot buffer within 72 hours prior to construction. The nesting bird survey is applicable to all avian species protected under the MBTA and Fish and Game Code. The number of surveys required for covering this area shall be commensurate with the schedule for construction and the acreage that shall be covered. Multiple surveys for nesting birds shall be separated by at least 48 hours in order to be confident that nesting is detected, but the survey shall be no more 72 hours prior to the onset of construction. 	<p>Timing: Prior to and during project construction</p> <p>Method: Conduct all vegetation removal during the non-breeding season (September 15–January 14) or implement nesting bird avoidance measures.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Authorized Biologist, Applicable Project Proponents for Components</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> If any active nests are detected, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete. Nest buffers, nest survey techniques, and nest monitoring requirements shall be determined based on the project proponent's avian biologist. In accordance with this mitigation measure, nest buffers shall be implemented to ensure compliance with the MBTA and Fish and Game Code Sections 3503, 3503.5, and 3513. Additionally, if grading activities, construction activities, or other noise-generating activities lapse for more than 48 hours, an additional nesting bird survey shall be conducted. The results of the nesting bird surveys and buffers, including any determinations to reduce buffers, shall be included in a monitoring report submitted to the project proponent. If a nesting bird management plan is required as part of the site-specific impact analysis and mitigation for a particular component, then the parameters in this mitigation measure shall be applied as the minimum requirements for that particular component. More restrictive measures than these can be stipulated in the nesting bird management plan for that particular project component. 	<p>Timing: Prior to and during project construction</p> <p>Method: Conduct preconstruction bat habitat assessment, avoid construction during bat maternity season if maternity sites are present, or complete bat exclusion activities.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Authorized Biologist, Applicable Project Proponents for Components</p> <p>Verification: District, CDFW</p>
<p>MM-BIO-6: Conduct Surveys for Maternal Bat Roost Site Surveys and Avoid Seasonal Impacts (GB Capital Component and Bayshore Bikeway Component Route 3). Prior to the start of project construction on the GB Capital Component or Bayshore Bikeway Component Route 3, a qualified bat biologist shall conduct a daytime assessment to examine structures and trees suitable for bat use. If bat sign is observed at that time, then nighttime bat surveys shall be conducted to confirm whether the structures or trees with suitable habitat identified during the preliminary assessment are utilized by bats for day roosting or night roosting, ascertain the level of bat foraging and roosting activity at each of these locations, and perform exit counts to determine visually the approximate number of bats utilizing the roosts. Acoustic monitoring shall also be used during these surveys to identify the bat species present</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>and determine an index of relative bat activity for that site on that specific evening.</p> <p>If maternity sites are identified during the preconstruction bat habitat assessment, then no construction activities at that location shall be allowed during the maternity season (i.e., April 1–August 31) unless a qualified bat biologist has determined that the young have been weaned. If maternity sites are present, and it is anticipated that construction activities cannot be completed outside of the maternity season, then the qualified bat biologist, in consultation with CDFW, shall complete bat exclusion activities at maternity roost sites either as soon as possible after the young have been weaned or outside of the maternity season, or the qualified bat biologist, in coordination with CDFW, otherwise approves.</p> <p>The removal of mature trees and snags shall be minimized to the greatest extent practicable. Prior to tree removal or trimming, qualified bat biologist shall examine large trees and snags to ensure that no roosting bats are present. Palm frond trimming, if necessary, shall be conducted outside the maternity season (i.e., April 1–August 31) to avoid potential mortality to flightless young and outside the bat hibernation season (November–February).</p>		
<p>MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities (GB Capital Component).</p> <p>During in-water pile installation, the contractor shall utilize pile jetting or vibratory methods (vibratory methods subject to additional measures below) to reduce the daily number of pile strikes to the extent practicable and must use fewer than 750 pile strikes per day to set pilings.</p> <p>Prior to construction activities involving impact-hammer and vibratory in-water pile driving, the project proponent shall prepare and implement a marine mammal, fish injury, and green sea turtle monitoring program such as a Marine Fish Species Impact Avoidance and Minimization Plan. The District shall review the monitoring program, which shall include the following requirements:</p> <ul style="list-style-type: none"> For a period of 15 minutes prior to the start of in-water construction, a qualified biologist, retained by the project proponent (i.e., GB Capital) and approved by the District's Director of Development Services or their designee, shall monitor around the active pile driving areas to ensure that special-status species are not present. 	<p>Timing: Prior to and during project construction</p> <p>Method: Reduce the daily number of pile strikes during in-water pile installation and prepare and implement a marine mammal, fish injury, and green sea turtle monitoring program.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Authorized Biologist, Applicable Project Proponent for Component</p> <p>Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Monitors shall also monitor for injured fish and have the authority to stop work if there is an observation of concern.</p> <ul style="list-style-type: none"> • The construction contractor shall not start work if any observations of special-status species are made prior to starting pile driving. • In-water pile driving shall begin with soft starts, gradually increasing the force of the pile driving. This allows marine mammals, green sea turtles and fishes to flee areas adjacent to pile driving activities. • All monitors must meet the minimum requirements as defined by the National Oceanic Atmospheric Administration's <i>Guidance for Developing a Marine Mammal Monitoring Plan</i> (NOAA 2019). • Recommendations in the Marine Mammal and Green Sea Turtle Monitoring Program shall be consistent with the District's Regional General Permit (RGP) 72. • If the biological monitor determines that underwater noise is causing an observable impact on any sensitive species, the biological monitor shall stop in-water construction or may require a bubble curtain be placed around pilings during impact driving to reduce the intensity of underwater sound pressure levels. • A silt curtain shall be placed around the pile-driving activity to restrict the distribution of turbidity associated with the resuspension of marine sediments. The silt curtain shall be placed such that it does not drag on the bottom or contact eelgrass resources. In addition, the project proponent shall have a qualified contractor prepare and implement a water quality monitoring plan for the District's review and approval to ensure that turbidity outside of the silt curtain does not increase more than 20% above ambient conditions during pile driving. • The monitoring plan shall be implemented during all pile-driving activities and be a part of any construction contracts of GB Capital's in-water construction. 		
<p>MM-BIO-9: Implement Bird Strike Reduction Measures on New Structures (GB Capital Component and City Program – Development Component). Prior to issuance of any building construction/permits for any portion of the GB Capital Component or City Program – Development Component where the building would be taller than three stories, an ornithologist (retained by the respective project proponent and pre-</p>	<p>Timing: Prior to and during project construction</p> <p>Method: Incorporate design strategies to minimize threat to avian species in accordance</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Authorized Ornithologist, Applicable Project Proponents for Components</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>approved by the District for the GB Capital Component or the City for the City Program – Development Component) familiar with local species will review building plans to verify that the proposed building has incorporated specific design strategies that qualify for Leadership in Energy and Environmental Design (LEED) credits, as described in the American Bird Conservancy’s <i>Bird-Friendly Building Design</i> (Sheppard and Phillips 2015) or an equivalent guide to avoid or reduce the potential for bird strikes. Final building design must demonstrate to the satisfaction of the ornithologist that design strategies shall be in accordance with the <i>Bird-Friendly Building Design</i>, by incorporating strategies to minimize the threat to avian species, including but not limited to the following:</p> <ul style="list-style-type: none"> • Building Façade and Site Structures <ul style="list-style-type: none"> ○ Develop a building façade and site design that are visible as physical barriers to birds. • Elements such as Netting, Screens, Grilles, Shutters, and Exterior Shades to Preclude Collisions. <ul style="list-style-type: none"> ○ Incorporate materials that have a low threat potential based on the Bird Collision Threat Rating and the Bird Collision Threat Rating Calculation Spreadsheet to achieve a maximum total building Bird Collision Threat Rating of 15 or less. <ul style="list-style-type: none"> – High Threat Potential: Glass: Highly Reflective and/or Completely Transparent Surface – Least Threat Potential: Opaque Surface • Exterior Lighting <ul style="list-style-type: none"> ○ Fixtures not necessary for safety, entrances, and circulation shall be automatically shut off from midnight until 6:00 a.m. ○ Exterior luminaires must meet these requirements for all exterior luminaires located inside project boundary based on the following: <ul style="list-style-type: none"> – Photometric characteristics of each luminaire when mounted in the same orientation and tilt as specified in the project design; and – The lighting zone of the project property (at the time construction begins). Classify the project under one lighting zone using the lighting zones definitions provided in the <i>Illuminating Engineering Society and International Dark Sky</i> 	<p>with the <i>Bird-Friendly Building Design</i> or equivalent guide.</p>	<p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><i>Association (IES/IDA) Model Lighting Ordinance (MLO) User Guide (2011).</i></p> <ul style="list-style-type: none"> Performance Monitoring Plan <ul style="list-style-type: none"> The project proponent (e.g., GB Capital) shall develop a 3-year post-construction monitoring plan to routinely monitor the effectiveness of the building and site design in preventing bird collisions for buildings over three stories high. Include methods to identify and document locations where repeated bird strikes occur, the number of collisions, the date, the approximate time, and features that may be contributing to collisions. List potential design solutions and provide a process for adaptive management. The project proponent (e.g., GB Capital) shall provide an adaptive monitoring report demonstrating which design strategies have been incorporated and the results of adaptive monitoring for District review. 		
<p>MM-BIO-10: Provide Compensatory Mitigation for Impacts on Coastal Sage Scrub (GB Capital Component and Bayshore Bikeway Component Route 3). Compensation for permanent impacts on Diegan coastal sage scrub habitats shall occur at a minimum 1:1 ratio, with compensation occurring as creation, enhancement, or restoration. The compensation can occur through a combination of one or more of the following: onsite enhancement, re-establishment, or creation; or payment into an agency-approved in-lieu fee, mitigation program, or other approved mitigation provider. Compensation type and final mitigation ratios shall be determined during the project's coastal development permitting phase. Temporary impacts on Diegan coastal sage scrub habitats shall be replaced at a 1:1 ratio through onsite restoration. Onsite, in-kind restoration of temporarily affected Diegan coastal sage scrub would occur at their current locations on completion of construction, consisting of returning affected areas to original contour grades, decompacting the soil, and replanting with hydroseeding or container plantings using a plant palette composed of native species from the local region prior to disturbance. All revegetated areas shall avoid the use of any nonnative plant species.</p> <p>For any areas that shall be restored, enhanced, or created onsite, the project proponent (e.g., National City for Bayshore Bikeway; GB Capital, etc.) shall prepare a Habitat Mitigation and Monitoring Plan (HMMP)</p>	<p>Timing: Prior to construction</p> <p>Method: Provide compensatory mitigation for impacts on Diegan coastal sage scrub at a minimum 1:1 ratio and prepare an HMMP for onsite restoration.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District, CCC</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>prior to project construction in accordance with requirements of the CCC. The HMMP shall outline all required components, including, but not limited to, a project description, goal of the mitigation, mitigation site, implementation plan, monitoring plan, completion of mitigation/ success criteria, and contingency measures. The HMMP shall address the onsite restoration of temporary impact areas and compensatory mitigation at on- or offsite areas to mitigate for permanent impacts.</p>		
<p>MM-BIO-12: Provide Contractor Education, Utilize Ecological Moorings, and Develop an Eelgrass Mitigation and Monitoring Plan in Compliance with the California Eelgrass Mitigation Policy (GB Capital Component). Prior to the start of any in-water construction, the project proponent shall retain a qualified marine biologist to provide contractor education relative to the presence and sensitivity of eelgrass beds. The contractor shall be provided with a map that depicts the location of eelgrass within the work area. The contractor shall be instructed to use the minimal propeller thrust necessary when working in shallow water to avoid dislodging eelgrass or generating excessive turbidity. The contractor shall also be instructed not to place anchors or spuds over portions of the seafloor that support eelgrass.</p> <p>The proposed vessel moorings shall use ecologically sensitive mooring systems that minimize contact with the ocean bottom, to reduce scouring impacts. Examples of these systems include flexible lines with anchors that are permanently embedded into the bottom. The GB Capital Component shall include educational materials to boat operators describing how ecological moorings work and specifying that boat operators shall utilize the ecological moorings.</p> <p>Prior to the start of any in-water construction, the project proponent shall retain a qualified marine biologist to develop an eelgrass mitigation plan in compliance with the California Eelgrass Mitigation Policy. The mitigation plan shall be submitted to the District and resource agencies for approval and shall be implemented to compensate for losses to eelgrass in the event that the surveys described below indicate the project affected eelgrass. The eelgrass mitigation plan shall use updated eelgrass monitoring data to establish the amount of eelgrass present, and that data shall be collected within 6 months of the first draft of the mitigation plan. Additionally, the mitigation plan shall provide a summary of all mitigation sites considered during the evaluation and</p>	<p>Timing: Prior to in-water construction</p> <p>Method: Provide contractor education relative to the presence and sensitivity of eelgrass beds, utilize ecological mooring systems, and develop an eelgrass mitigation plan.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Qualified Marine-Biologist, Applicable Project Proponent for Component</p> <p>Verification: District and Resource Agencies</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>provide the rationale for the chosen mitigation site(s). A mitigation site must be secured prior to in-water construction that would affect eelgrass. Finally, the plan shall also include a habitat loss/gain analysis table and any changes to the losses or gains shall be captured in revisions to the mitigation plan as additional surveys as specified below are performed. To the extent practical, the mitigation shall attempt to achieve the creation of a contiguous eelgrass bed with eelgrass density at or above that present within the patchy eelgrass beds present within the Sweetwater River Channel. This will provide for enhanced fisheries benefit and therefore benefit to fish-foraging avian species such as California least tern. The mitigation plan shall be provided with permit applications required under the Rivers and Harbors Act (Section 10) and CWA (Section 401, Section 404), which would require supplemental resource agency consultation during the permitting process. The specific eelgrass mitigation plan elements shall include the following:</p> <ul style="list-style-type: none"> • Prior to the commencement of any in-water construction activities, a qualified marine biologist that the project proponent retains and the District approves shall conduct a preconstruction eelgrass survey per the California Eelgrass Mitigation Policy. Surveys for eelgrass shall be conducted during the active eelgrass growing season (March–October), and results shall be valid for 60 days, unless completed in September or October; if completed in those months, results shall be valid until resumption of the next growing season. The qualified marine biologist shall submit the results of the preconstruction survey to the District and resource agencies within 30 days. • Within 30 days of completion of in-water construction activities, a qualified marine biologist that the project proponent retains and the District approves shall conduct a postconstruction eelgrass survey during the active eelgrass growing season. The postconstruction survey shall evaluate potential eelgrass impacts associated with construction. On completion of the postconstruction survey, the qualified marine biologist shall submit the survey report to the District and resource agencies within 30 days. • At least 2 years of annual postconstruction eelgrass surveys shall be conducted during the active eelgrass growing season. The additional annual surveys shall evaluate the potential for operational impacts on eelgrass. Specifically, the surveys shall be designed to evaluate 		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>potential shading impacts noted in the project's marine biological assessment (Appendix H of the EIR).</p> <ul style="list-style-type: none"> • In the event that eelgrass impacts are detected during post-construction monitoring, the project proponent shall implement the following: <ul style="list-style-type: none"> ○ A qualified marine biologist that the project proponent retains for the GB Capital Component and the District approves shall develop a mitigation plan for in-kind mitigation per the California Eelgrass Mitigation Policy. The qualified marine biologist shall submit the mitigation plan to the District and resource agencies within 60 days following the postconstruction survey. ○ Mitigation for eelgrass impacts shall be at a ratio of 1.2:1, and the project proponent shall determine eelgrass mitigation sites prior to the commencement of construction activities. ○ Mitigation shall commence within 135 days of any noted impacts on eelgrass, such that mitigation commences within the same eelgrass growing season that impacts occur. ○ Any mitigation that requires harvesting and transplantation of eelgrass shall require the qualified marine biologist to obtain a scientific collecting permit from CDFW for the purpose of harvesting eelgrass to support the mitigation. • Upon completing mitigation, the qualified biologist shall conduct mitigation performance monitoring at performance milestones of 0, 12, 24, 36, 48, and 60 months. The qualified biologist shall conduct all mitigation monitoring during the active eelgrass growing season and shall avoid the low-growth season (November–February). Performance standards shall be in accordance with those prescribed in the California Eelgrass Mitigation Policy. • The qualified biologist shall submit the monitoring reports and spatial data to the District and resource agencies within 30 days after the completion of each monitoring period. The monitoring reports shall include all of the specific requirements identified in the California Eelgrass Mitigation Policy. 	<p>Timing: Prior to construction</p> <p>Method: Implement mitigation to reduce overwater coverage,</p>	<p>Implementation: Applicable Project Proponent for Component</p>
<p>MM-BIO-13: Implement Overwater Coverage Mitigation Through the USACE Permitting Process in Consultation with CCC, NMFS, USFWS, RWQCB, and the District to Compensate for Loss of Open Water</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Habitat and Function (GB Capital Component). The waterside GB Capital Component within Sweetwater Channel shall require implementation of regulatory agency-approved mitigation prior to implementation of the project to reduce overwater coverage. This may include reduction in overwater coverage at another location in San Diego Bay, restoration of upland riparian habitats, restoration of submerged aquatic vegetation, water quality-improvement techniques, restoration of soft-bottom habitats, such as mud flats, or use of mitigation bank credits or credits from the USACE permit for the construction of the marina from uplands or paying an in lieu fee (once a program is developed but prior to increase in overwater coverage). Detailed shading studies would be required in the future when construction and project design details are available, which would require supplemental environmental review. The project proponent shall conduct the shading studies and implement the following:</p> <ul style="list-style-type: none"> • To the extent practical, overwater structures shall be placed in a manner that minimizes shading of eelgrass and avoids scouring impacts on the seabed. • Prior to issuance of a Coastal Development Permit, the project proponent (i.e., GB Capital) shall request a pre-application meeting with the USACE, in consultation with CCC, NMFS, USFWS, RWQCB, and the District, to identify locations within San Diego Bay or the San Diego region to mitigate impacts on both sensitive avian species and nearshore habitat associated with loss of beneficial uses associated with overwater coverage and loss of open water-habitat function as a result of increased structural fill within San Diego Bay. • Prior to the commencement of construction activities of the waterside improvements of the GB Capital Component, the project proponent shall implement mitigation options that the regulatory agencies identified above review and approve. • The project proponent shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction. 	<p>conduct shading studies, and secure all applicable permits.</p>	<p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District, USACE, CCC, NMFS, USFWS, and RWQCB</p>
Cultural Resources, Tribal Cultural Resources, and Paleontological Resources		
<p>MM-CUL-2: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan (Balanced Plan, GB Capital Component, Pasha</p>	<p>Timing: Prior to ground-disturbing activities</p>	<p>Implementation: All Project Proponents</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component). Prior to the commencement of any ground-disturbing activities within the areas requiring archaeological monitoring (i.e., activities occurring in the area that is both east of the mean high tide line and south of Bay Marina Drive), the respective project proponent shall retain a qualified archaeologist (approved by the District for components within its jurisdiction or the City for components within its jurisdiction) who meets the SOI Professional Qualification Standards (36 CFR 61) to prepare a CRMDP for designated portions of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component that are sensitive for archaeological resources, defined as the area east of the mean high tide line and south of Bay Marina Drive. Monitoring areas are defined as land-based ground-disturbing activities associated with project components east of the mean high tide line and south of Bay Marina Drive. Procedures to follow in the event of an unanticipated discovery apply to all applicable project components. The CRMDP shall be submitted to the City and District, as applicable based on the jurisdiction in which the project component is located, and shall be reviewed and approved by the relevant agency. If the District or City do not have in-house expertise to review the CRMDP, they shall respectively hire an expert who meets the SOI Professional Qualification Standards (36 CFR 61) and the project proponent shall pay for said expert. The District's CRMDP review shall ensure that appropriate procedures to monitor construction and treat unanticipated discoveries are in place. District review and approval of the CRMDP shall occur prior to the commencement of any construction activities subject to the requirements of the CRMDP. The CRMDP shall include required qualifications for archaeological monitors and supervising archaeologists and shall lay out protocols to be followed in relation to cultural resources, including both archaeological and tribal cultural resources. The CRMDP shall provide a summary of sensitivity for buried cultural resources. In addition, it shall describe the roles and responsibilities of archaeological and Native American monitors, District personnel (as applicable), City personnel (as applicable), and construction personnel. Additionally, the CRMDP shall describe specific field procedures to be followed for archaeological monitoring, including field protocol and methods to be followed should there be an archaeological discovery.</p>	<p>Method: Retain a qualified archaeologist to prepare a Cultural Resources Monitoring and Discovery Plan for designated portions of identified components.</p>	<p>Monitoring and Reporting: Qualified Archaeologist; All Project Proponents Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Evaluation of resources; consultation with Native American individuals, tribes, and organizations; treatment of cultural remains and artifacts; curation; and reporting requirements shall also be described. The CRMDP shall also delineate the requirements, procedures, and notification processes in the event human remains are encountered. The CRMDP shall delineate the area(s) of archaeological sensitivity that require archaeological monitoring. Mapping of the area(s) shall be made available to the project proponent, who shall incorporate this information into the respective construction specifications for the Balanced Plan Component, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component.</p>		
<p>MM-CUL-3: Prepare and Implement a Cultural Resources Awareness Training Prior to Project Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component). Prior to, and for the duration of, project-related ground disturbance in the areas east of the mean high tide line and south of Bay Marina Drive, the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component respective project proponent shall hire a qualified archaeologist who meets the SOI Professional Qualifications Standards (36 CFR 61) and is approved by the District for components within its jurisdiction, and the City for components within its jurisdiction, to provide cultural resources awareness training to project construction personnel. The training shall include a discussion of applicable laws and penalties under the law; samples or visual representations of artifacts that might be found in the project vicinity; and the steps that must be taken if cultural resources are encountered during construction, including the authority of archaeological monitors, if required to be on site during the project, to halt construction in the area of a discovery. A hard copy summary of cultural resource laws, discovery procedures, and contact information shall be provided to all construction workers. Completion of the training shall be documented for all construction personnel, who shall be required to sign a form confirming they have completed the training. The form shall be retained by the project proponent to demonstrate compliance with this mitigation measure.</p>	<p>Timing: Prior to and during ground disturbance activities</p> <p>Method: Provide cultural resources awareness training to project construction personnel by an approved qualified archaeologist.</p>	<p>Implementation: All Project Proponents</p> <p>Monitoring and Reporting: All Project Proponents; Qualified Archaeologist Approved by the District and City within Respective Jurisdiction</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM-CUL-4: Conduct Archaeological Monitoring in Areas of Sensitivity (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component). Within the areas of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component east of the mean high tide line and south of Bay Marina Drive, the project proponent shall retain a qualified archaeologist(s) who meets the SOI Professional Qualifications Standards as promulgated in 36 CFR 61. The qualified archaeologist(s) shall supervise archaeological monitoring of all proposed ground-disturbing activities for the project in the archaeologically sensitive portion(s) of the project site. The archaeologically sensitive portion(s) of the project site is defined as land-based ground-disturbing activities associated with project components east of the mean high tide line and south of Bay Marina Drive. Monitoring actions and procedures shall be completed per the CRMDP described in MM-CUL-2.</p>	<p>Timing: Prior to and during ground-disturbing activities Method: Supervise archaeological monitoring of all ground-disturbing activities in archaeologically sensitive portions of the project site.</p>	<p>Implementation: All Project Proponents Monitoring and Reporting: All Project Proponents, Qualified Archaeologist Verification: District and City</p>
<p>MM-CUL-5: Conduct Native American Monitoring in Areas of Sensitivity (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component). A Kumeyaay Native American monitor shall be present at all areas designated for archaeological monitoring—defined as land-based ground-disturbing activities associated with the portions of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component that are east of the mean high tide line and south of Bay Marina Drive. This monitoring shall occur on an as-needed basis and is intended to ensure that Native American concerns are considered during the construction process. Native American monitors shall be retained from tribes who have expressed an interest in the project and have participated in discussions with the District. If a tribe has been notified of scheduled construction work and does not respond, or if a Native American monitor is not available, work may continue without the Native American monitor. Roles and responsibilities of the Native American monitors shall be detailed in the CRMDP described in mitigation measure MM-CUL-2. Costs associated with Native American monitoring shall be borne by the project proponent.</p>	<p>Timing: During all ground-disturbing activities Method: Conduct Native American monitoring at all areas designated for archaeological monitoring.</p>	<p>Implementation: All Project Proponents Monitoring and Reporting: All Project Proponents, Kumeyaay Native American Monitor Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM-CUL-6: Conduct Paleontological Monitoring in Areas of Sensitivity (City Program – Development Component, Bayshore Bikeway Component). A qualified paleontologist meeting the Society for Vertebrate Paleontology qualifications (retained by the respective project proponent and pre-approved by the District or City as applicable) shall review the paleontological records search prepared by the San Diego Natural History Museum to confirm the locations of paleontologically sensitive areas as well as the existing literature for the proposed project area. The following monitoring measures shall be implemented to recover remains before they are lost or destroyed.</p> <ul style="list-style-type: none"> Where highly sensitive fossil-bearing deposits are likely to be affected and the proposed construction methodology allows for the recovery of fossils, then paleontological monitoring shall be incorporated into the project specifications. A qualified paleontologist shall attend preconstruction meetings to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues. A qualified paleontologist is defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of San Diego County, and who has worked as a paleontological monitoring project supervisor in the county for at least 1 year. A paleontological monitor shall be on site on a full-time basis during the original cutting of previously undisturbed deposits of high-sensitivity formations to inspect exposures for contained fossils. The paleontological monitor shall work under the direction of the qualified paleontologist. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials. If fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time; however, some fossil specimens, such as a complete large mammal skeleton, may require an extended salvage period. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely 	<p>Timing: Prior to and during construction</p> <p>Method: Review paleontological records and implement paleontological monitoring measure.</p>	<p>Implementation: Applicable Project Proponents for Components, Qualified Paleontologist Pre-approved by the District and City within Respective Jurisdiction</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components, Qualified and Pre-approved Paleontologist</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>manner. Because of the potential for the recovering of small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on site.</p> <ul style="list-style-type: none"> Fossil remains collected during the monitoring and salvage portion of the program shall be cleaned, repaired, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections, such as the San Diego Natural History Museum. Donation of the fossils by the project proponent shall be accompanied by financial support for initial specimen storage. A final data recovery report shall be completed that outlines the results of the monitoring program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils. 		
Greenhouse Gas Emissions and Climate Change		
<p>MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation (All Project Components). The project proponent/operator and/or its contractor(s) for each component of the proposed project shall implement the following measures during project construction and operation and, where specified below, submit reports demonstrating compliance for review and approval to the District's Development Services Department (or successor department) for project components in the District's jurisdiction or the City's Community Development Department for project components in the City's jurisdiction.</p> <ol style="list-style-type: none"> Construction: <ol style="list-style-type: none"> The project proponent shall verify that all construction equipment is maintained and properly tuned, in accordance with manufacturers' specifications. Prior to the commencement of construction activities using diesel-powered vehicles or equipment, the project proponent shall verify that all vehicles, as well as equipment, have been checked by a certified mechanic and determined to be running in proper condition prior to admittance into the delivery driveway and loading areas. The project proponent shall submit a report prepared by the certified 	<p>Timing: During project construction and operation</p> <p>Method: Implement diesel emission-reduction measures and submit reports demonstrating compliance where specified.</p>	<p>Implementation: All Project Proponents/Operator and Contractor(s)</p> <p>Monitoring and Reporting: All Project Proponents/Operator</p> <p>Verification: District's Development Services Department and City's Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>mechanic regarding the construction vehicles' and equipment's compliance with this requirement to the District's Development Services Department (or successor department) or the City's Community Development Department prior to commencement of their use.</p> <p>b. The project proponent shall limit all construction truck idling times by shutting down trucks when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the construction entrance(s) and shall submit monthly reports of violators to the District. Repeat violators shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.</p> <p>c. Prior to commencing construction activities, the project proponent shall ensure that all off-road construction equipment shall meet the following criteria:</p> <ul style="list-style-type: none"> i. For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner); ii. For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits fewer emissions than Tier 4 or better (cleaner) equipment is not available, then the project proponent shall ensure all equipment is Tier 4 or better; and iii. Use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. <p>2. Operation: The project proponent shall limit all delivery truck idling times by shutting down trucks when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the delivery driveway and loading areas and shall submit annual reports of violators to the District. This measure shall be implemented by the hotel and marina supervisors. Repeat violators</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.</p> <p>MM-GHG-2: Comply with District CAP Measures (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component [Only Area within District Jurisdiction]). Prior to approval of the final design plans, the project proponent/operator and/or its contractor(s) for each component of the proposed project shall list all applicable GHG-reducing measures from the District CAP and demonstrate in the plans where the measures shall be located. A report demonstrating compliance shall be submitted to the District's Development Services Department (or successor department). Buildings associated with the proposed project components shall achieve certification under the Leadership in Energy and Environmental Design (LEED) program, or the Green Building Rating Systems of the Green Building Certification Institute, or achieve equivalent efficiency if it is determined that LEED certification cannot be achieved because of site factors or other reasons. For construction where LEED or an equivalent program or efficiency certification is not applicable (e.g., dry boat storage), all other applicable measures below shall be required, subject to verification of the District's Development Services Department (or successor department).</p> <p>The following is a list of the proposed sustainability measures that would be consistent with the District CAP. Any measures selected shall be required and incorporated into the Coastal Development Permit for each project component.</p> <ul style="list-style-type: none"> • General Measures <ul style="list-style-type: none"> ○ No commercial drive-through shall be implemented. • Water <ul style="list-style-type: none"> ○ Indoor water consumption shall be reduced to a level 20% lower than that of the baseline buildings (defined by LEED as indoor water use after meeting Energy Policy Act of 1992 fixture performance requirements) through use of low-flow fixtures in all administrative and common-area bathrooms. ○ Plantings with low water requirements and drip irrigation shall be installed, and domestic water demand from the City system for landscaping purposes shall be minimized. 	<p>Timing: Prior to approval of final design plans</p> <p>Method: Demonstrate compliance with all applicable GHG-reducing measures from the District CAP and achieve LEED certification or equivalent efficiency in buildings where applicable.</p>	<p>Implementation: Applicable Project Proponents for Components/Operator or Contractor(s)</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District's Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> • Waste <ul style="list-style-type: none"> ○ Compliance with AB 939 shall be mandatory and shall include recycling at least 50% of solid waste; recycling of demolition debris shall be mandatory and shall include recycling at least 65% of all construction and demolition debris. This measure shall be applied during construction and operation of the proposed project. ○ All commercial, restaurant, and retail uses shall recycle, compost food waste and other organics, and use reusable products instead of disposable products to divert solid waste from the landfill stream. ○ Recycled, regional, and rapidly renewable materials shall be used where appropriate during project construction. • Energy <ul style="list-style-type: none"> ○ Renewable energy design features that may be implemented are as follows: <ul style="list-style-type: none"> – Implement onsite renewable energy to new buildings, unless the system cannot be built because of structural and operational constraints. (Evidence must be provided if not feasible, subject to District concurrence.) – Install co-generation systems (i.e., combined heat and power systems) in new buildings constructed at the project site. – Ensure that, at a minimum, 6% of parking spaces are equipped with electric-vehicle charging stations. – For all construction after 2025, ensure all construction vehicles and equipment are alternatively fueled or electrically powered, to the extent feasible and available. (GB Capital Component and Balanced Plan only) – For all construction, use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. (GB Capital Component and Balanced Plan only) 		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> – Construct buildings that are ZNE or, if full ZNE is infeasible, implement all feasible measures identified in the feasibility analysis. (GB Capital and Balanced Plan only) – Incorporate renewable energy (a) on the project site, (b) within the District’s jurisdiction, or (c) within the adjacent community or member city outside of the District’s jurisdiction. Undertake other verifiable actions or activities on tidelands approved by the District, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program on tidelands; or similar activities or actions that reduce operational GHG emissions. (GB Capital and Balanced Plan only) ○ Energy-efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards shall be incorporated. The measures that may be implemented are as follows: <ul style="list-style-type: none"> – Use only fluorescent lights, light-emitting diodes (LEDs), compact fluorescent lights, or the most energy-efficient lighting that meets required lighting standards and is commercially available. This measure also requires replacement of existing lighting on the project site if not already highly energy efficient. – Install occupancy sensors for all vending machines in new buildings at the project site. – Install high-performance glazing with a low solar heat gain coefficient value that reduces the amount of solar heat allowed into the building, without compromising natural illumination. – Install increased insulation. – Install cool roofs with an R value of 30 or better. – Install sun shading devices as appropriate. – Install high-efficiency heating, ventilating, and air conditioning systems and controls. – Install programmable thermostats. – Install variable frequency drives. – Install Energy Star-rated appliances. – Install shore power capabilities where suitable upgrades are feasible in marinas. 		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> • Mobile Sources <ul style="list-style-type: none"> ○ Implement a construction transportation demand management plan for each project component that promotes ride-sharing, vanpooling, alternate work schedules, and offsite parking with shuttles and provides subsidies for transit passes to reduce worker trips and parking demand, which provides incentives for using alternative modes of transportation instead of individual vehicles. ○ Implement an operational transportation demand management plan for each project component that requires mandatory employer commuting measures, such as carpooling, transit subsidies, and vanpools, to reduce worker trips and parking demand, which provides incentives for using alternative modes of transportation instead of individual vehicles. ○ Ensure that bicycle parking is included in the project design. The number of spaces shall be, at a minimum, 5% of the new automobile parking spaces. • Carbon Sequestration and Land Use <ul style="list-style-type: none"> ○ Install trees and shrub planters throughout the project area as part of the landscape plan. 	<p>Timing: Prior to approval of final design plans</p> <p>Method: Demonstrate compliance with all applicable GHG-reducing measures from the City's CAP and achieve LEED certification or equivalent efficiency where applicable.</p>	<p>Implementation: Applicable Project Proponent for Component/Operator and Contractor(s)</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City's Community Development Department</p>
<p>MM-GHG-3: Comply with the Applicable City CAP Measures (City Program – Development Component). Prior to approval of the final design plans, the project proponent/operator and/or its contractor(s) for the City Program – Development Component shall list all GHG-reducing measures from the City's CAP and demonstrate in the plans where these measures shall be located. A report demonstrating compliance shall be submitted to the City's Community Development Department. Buildings associated with the proposed project component shall achieve certification under the LEED program, or the Green Building Rating Systems of the Green Building Certification Institute, or achieve equivalent efficiency if it is determined that LEED certification cannot be achieved because of site factors or other reasons.</p> <p>The following is a list of proposed sustainability measures from the City CAP that shall be required and incorporated into the Coastal Development Permit for the City Program – Development Component.</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> • Incorporate energy efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards. • Prioritize parking for high-occupancy vehicles as well as carpooling, vanpooling, and transit vehicles. • Ensure that at a minimum 6% of parking spaces are equipped with electric-vehicle charging stations. • Ensure that bicycle parking is included in the project design. The number of spaces shall be, at a minimum, 5% of the new automobile parking spaces. • Encourage telework programs and alternative work schedules for new businesses. • Provide financial incentives for commuters to reduce the number of vehicle trips by walking, bicycling, using public transit, and carpooling. • Implement programs to reduce, reuse, and recycle construction and demolition waste. • Encourage rooftop gardens for flat-roofed commercial buildings. • Pursue a pump efficiency cycling schedule. • Adopt water efficiency principles similar to the Ahwahnee Water Principles for Resource Efficient Land Use (available at https://www.lgc.org/wordpress/docs/ahwahnee/ahwahnee_water_principles.pdf), such as the following: <ul style="list-style-type: none"> ○ Use compact, mixed-use, walkable, and transit-oriented community designs; ○ Preserve and restore natural resources such as wetlands, floodplains, recharge zones, riparian areas, open spaces, and native habitats; ○ Utilize water holding areas such as creek beds, recessed athletic fields, ponds, cisterns, and other features that serve to recharge groundwater, reduce runoff, improve water quality, and decrease flooding; ○ Use low-water plantings in landscaping; ○ Use permeable surfaces for hardscapes; ○ Install dual plumbing that allows reuse of gray water; ○ Maximize use of recycled water in the project design; 		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> ○ Use low-flow toilets, efficient clothes washers, and efficient water-using industrial equipment in new construction; and ○ Maximize the use of drought-proof water supplies, such as groundwater treatment and brackish water desalination. ● Install trees and shrub planters throughout the project area as part of the landscape plan. 		
<p>MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities (GB Capital Component). Prior to commencing any waterside construction or activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including, but not limited to, tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:</p> <ul style="list-style-type: none"> ● For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner); ● For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits fewer emissions than Tier 4 or better (cleaner) equipment is not available, then the project proponent shall ensure all equipment is Tier 4 or better; and ● Use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. <p>If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize the use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District's Development Services Department (or successor department) or the City's Community Development Department, depending upon the jurisdiction that the project component is located in, prior to commencement of waterside construction activities. Regardless of the equipment used, the project proponent/operator</p>	<p>Timing: Prior to waterside construction</p> <p>Method: Ensure harbor craft meet clean emissions criteria and submit evidence of compliance prior to their use.</p>	<p>Implementation: Applicable Project Proponent for Component/Operator and/or Contractors</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District's Development Services Department and City's Community Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>and/or its contractor(s) for each project component with waterside construction activities shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each project component with waterside construction activities shall submit a report prepared by the mechanic experienced with such equipment regarding the condition of the vehicles and equipment for construction and operations to the District's Development Services Department or the City's Community Development Department, depending upon the jurisdiction that the project component is located in, prior to commencement of their use.</p>		
<p>MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings (GB Capital Component, Balanced Plan, City Program – Development Component). The City and the District shall require all development to meet the state's ZNE standards, if and when adopted as part of the California Building Code. In addition, the City and the District shall encourage project developers to construct buildings that are ZNE. Prior to issuance of any Coastal Development Permit or City-issued permit, as applicable, the project proponents/operators and/or its contractor(s) shall submit a feasibility analysis, prepared by a qualified consultant, regarding the construction of buildings as ZNE, and the project component shall implement all feasible measures identified in the feasibility analysis (e.g., electric heating). Prior to implementation of all feasible measures, this report shall be submitted to the District for review and approval for the GB Capital Component (all phases) and Balanced Plan, and submitted to the City for review and approval for the City Program – Development Component.</p>	<p>Timing: Prior to construction</p> <p>Method: Require development to meet the state's ZNE standards if adopted, encourage construction of ZNE buildings, and require a feasibility and analysis.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District and City</p>
<p>MM-GHG-6: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities on Tidelands or Within Another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program (GB Capital Component and Balanced Plan).</p> <p>A. Options for Reducing GHG Emissions.</p> <p>To reach the numerical efficiency metric, each project proponent shall, in order of preference, considering availability of structures and feasibility,</p>	<p>Timing: Prior to and during construction</p> <p>Method: Incorporate renewable energy and implement measures to limit GHG emissions or purchase GHG emissions offset credits.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>implement the following, which may be combined with consideration to the preference described below:</p> <ol style="list-style-type: none"> 1. Incorporate renewable energy <ol style="list-style-type: none"> a) On the project site; b) Within the District's jurisdiction; or c) Within the adjacent community or member city outside of the District's jurisdiction. 2. Undertake other verifiable actions or activities on tidelands approved by the District, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program on tidelands; or similar activities or actions that reduce operational GHG emissions; 3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable, as specified in California Health and Safety Code Section 38562(d)(1) and (2) and further defined in CCR Title 17, Section 95802 (see below); (2) use a protocol consistent with or as stringent as CARB protocol requirements under CCR Title 17, Section 95972(a); and (3) are issued by an CARB-approved offset registry.¹ For offset credits from projects outside California, the project proponent must demonstrate in writing to the satisfaction of the District that the offset project meets requirements equivalent to or stricter than California's laws and regulations, ensuring the validity of offset credits. <p>For purposes of this section, the definitions are as follows:</p> <ol style="list-style-type: none"> a) "Real" means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802] b) "Additional" means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals 		

¹ Currently approved offset registries include the American Carbon Registry (ACR), Climate Action Reserve (CAR), and Verra (formerly the Verified Carbon Standard). See: <https://ww3.arb.ca.gov/cc/capandtrade/offsets/registries/registries.htm>.

Mitigation Measures	Timing and Methods	Responsible Parties
<p>otherwise required by law, regulation, or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario. [17 CCR 95802]</p> <p>c) “Permanent” means, in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]</p> <p>d) “Quantifiable” means, in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary while accounting for uncertainty and activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</p> <p>e) “Verifiable” means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California’s with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]</p> <p>f) “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [adapted from definition in 17 CCR 95802 for use in this measure] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.</p> <p>B. Required Annual GHG Emissions Reductions:</p> <p>The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the proposed project, assuming full buildout of each project component:</p> <ul style="list-style-type: none"> Balanced Plan (only Pepper Park Expansion) = 836 MTCO_{2e} per year or 4,317 MWh/year. GB Capital = 6,627 MTCO_{2e} per year or 34,219 MWh/year. 		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>The required reductions may be reduced by the District, based on the actual amount of development and activities associated with that development and the other adjustment provisions specified below.</p> <p>C. Implementation of GHG Emissions Reduction Options.</p> <p>Prior to becoming operational and annually thereafter, the District shall notify the project proponent of the option(s) available for achieving its respective annual maximum GHG required emissions reduction, as identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:</p> <ol style="list-style-type: none"> 1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the District to meet or partially meet the required amount of MTCO_{2e} or MWh reductions specified above. <ol style="list-style-type: none"> a) If the project proponent develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project proponent shall submit to the District's Planning Department (or successor department), for its review and approval, a report specifying the annual amount of MTCO_{2e} or MWh reduction achieved by the renewable energy project(s), or actions, or activities; submit evidence that the renewable energy project(s), actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the District's Planning Department (or successor department), to verify the amount of GHG emissions reduction achieved by the renewable energy project, or actions or activities (collectively, "GHG Emission Reduction Report"). b) If the GHG Emission Reduction Report is approved by the District, a reduction to the required offsets shall be calculated by the District's Planning Department (or successor department), and the reduction of offsets shall be transmitted to the project proponent in writing and the amount of GHG reduction shall count toward the required GHG reduction for the proposed project component ("GHG Reduction"). 2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO_{2e} or MWh specified above, which may be decreased by the 		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>amount of annual MTCO₂e or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO₂e or MWh shall occur as follows:</p> <ul style="list-style-type: none"> a) Each project component shall purchase offsets for its first 2 years of operation. b) Purchase offsets at least annually thereafter, prior to becoming operational, beginning with the third year of operation, for the life of the proposed project component's operations or until the termination of a lease agreement (for GB Capital Component only) between the District and the project proponent. The project proponent may purchase more than 1 year of operation emissions offsets, consistent with the amount of MTCO₂e or MWh reduction specified above for the corresponding project component. c) On or before the first year of operation of the respective project proponent and annually thereafter, the project proponent shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the District that the offsets meet the requirements for GHG emissions offset credits set forth in paragraph A(3) above, to the District's Planning Department (or successor department). <p>D. Adjustments to Required GHG Emissions Reductions.</p> <p>If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO₂e or MWh reductions specified above, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the reduction target, then nothing further shall be required under this mitigation measure.</p> <p>1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project proponent may be required by the District to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>requested by the project proponent because of the development of a renewable energy project(s), the project proponent shall submit a GHG Emission Reduction Report for the District's Planning Department's (or successor department's) review, pursuant to the process specified above in paragraph C(1) above, and required offsets shall be determined by the District and reduced.</p> <p>2. Reduction of Emissions through Verifiable Actions or Activities on Tidelands Requirement: Although none are identified at this time, the project proponent may be required by the District to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the other verifiable actions or activities on tidelands, the project proponent shall submit a GHG Emission Reduction Report for the District's Planning Department's (or successor department's) review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the District and reduced.</p> <p>3. Reduction of Emissions through Purchase of Offsets: Subsequent to purchasing GHG emission offsets pursuant to paragraph C(2) above, the project proponent's future annual purchase of offsets to achieve the GHG emissions reduction specific in paragraph B above may be adjusted if the development is less than assumed here, which is the following:</p> <ul style="list-style-type: none"> ○ Balanced Plan includes a 2.54 acre park. ○ GB Capital Component landside features, including 134 RV sites; 40,000 square feet of dry boat storage; 60 modular cabins; 10,000-square-foot administration/recreation building; 10,000-square-foot building with restrooms, laundry facilities, and staff support services in the vicinity of the existing marina buildings; and a 4,000-square-foot maintenance building and associated approximately 8,200-square-foot maintenance yard northeast of the proposed dry boat storage. Waterside uses include 20 moorings in Sweetwater Channel; 620-foot-long and 8-foot-wide floating dock that includes up to 30 fingers, which accommodate up to 50 boats; and a 580-foot-long and 8-foot-wide dock with two 		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>80-foot-long and 5-foot-wide gangways within the existing marina basin north of the jetty to accommodate up to 25 smaller boats.</p> <p>4. The District or a District-retained consultant (at the project proponent cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets, based on the actual development constructed and in operation. Any unused offsets shall be used for the next year of operation of the project component, and the project proponent shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(3)(c), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days of receiving notice of the noncompliance. After verification of unused and available offsets, unused offsets may replace previously compliant offsets should those offsets subsequently be determined noncompliant with paragraph A(3). At the project proponent's written request to the District, the project proponent may waive the annual adjustment described above and purchase the required MTCO_{2e} or MWh offsets on at least an annual basis.</p>		
<p>MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program (City Program – Development Component).</p> <p>A. Options for Reducing GHG Emissions.</p> <p>To reach the numerical efficiency metric, each project proponent shall, in order of preference, considering availability of structures and feasibility, implement the following, which may be combined with consideration to the preference described below:</p> <ol style="list-style-type: none"> 1. Incorporate renewable energy <ol style="list-style-type: none"> a) On the project site; b) Within the City's jurisdiction; or 	<p>Timing: Prior to and during construction</p> <p>Method: Incorporate renewable energy and implement measures to limit GHG emissions or purchase GHG emissions offset credits.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City</p>

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<p>c) Within the adjacent community or the city.</p> <p>2. Undertake other verifiable actions or activities approved by the City, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program within the city; or similar activities or actions that reduce operational GHG emissions;</p> <p>3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable, as specified in California Health and Safety Code Section 38562(d)(1) and (2) and further defined in California CCR Title 17, Section 95802 (see below); (2) use a protocol consistent with or as stringent as CARB protocol requirements under CCR Title 17, Section 95972(a); and (3) are issued by an CARB-approved offset registry.² For offset credits from projects outside California, the project proponent must demonstrate in writing to the satisfaction of the City that the offset project meets requirements equivalent to or stricter than California's laws and regulations, ensuring the validity of offset credits.</p>		
For purposes of this section, the definitions are as follows:		
a) "Real" means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802]		
b) "Additional" means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals otherwise required by law, regulation, or legally binding mandate and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario. [17 CCR 95802]		
c) "Permanent" means, in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed		

² Ibid.

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<p>GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]</p> <p>d) “Quantifiable” means, in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary while accounting for uncertainty and activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</p> <p>e) “Verifiable” means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California’s with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]</p> <p>f) “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [Adapted from definition in 17 CCR 95802 for use in this measure.] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.</p>		
<p>B. Required Annual GHG Emissions Reductions:</p> <p>The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the proposed project, assuming full buildout of each project component:</p> <ul style="list-style-type: none"> • City Program = 3,549 MTCO_{2e} per year or 18,323 MWh/year. <p>The required reductions may be reduced by the City, based on the actual amount of development and activities associated with that development and the other adjustment provisions specified below.</p> <p>C. Implementation of GHG Emissions Reduction Options.</p> <p>Prior to becoming operational and annually thereafter, the City shall notify the project proponent of the option(s) available for achieving its respective annual maximum GHG required emissions reduction, as</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:</p>		
<ol style="list-style-type: none"> 1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the City to meet or partially meet the required amount of MTCO_{2e} or MWh reductions specified above. <ol style="list-style-type: none"> a) If the project proponent develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project proponent shall submit to the City's Community Development Department, for its review and approval, a report specifying the annual amount of MTCO_{2e} or MWh reduction achieved by the renewable energy project(s), or actions, or activities; submit evidence that the renewable energy project(s), actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the City's Community Development Department to verify the amount of GHG emissions reduction achieved by the renewable energy project, or actions or activities (collectively, "GHG Emission Reduction Report"). b) If the GHG Emission Reduction Report is approved by the City, a reduction to the required offsets shall be calculated by the City's Community Development Department, and the reduction of offsets shall be transmitted to the project proponent in writing and the amount of GHG reduction shall count toward the required GHG reduction for the proposed project ("GHG Reduction"). 2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO_{2e} or MWh specified above, which may be decreased by the amount of annual MTCO_{2e} or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO_{2e} or MWh shall occur as follows: <ol style="list-style-type: none"> a) Each project component shall purchase offsets for its first 2 years of operation; 		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>b) Purchase offsets at least annually thereafter, prior to becoming operational, beginning with the third year of operation, for the life of the proposed project component's operations or until the termination of any lease agreement between the City and the project proponent. The project proponent may purchase more than 1 year of operation emissions offsets, consistent with the amount of MTCO_{2e} or MWh reduction specified above for the corresponding project component.</p> <p>c) On or before the first year of operation of the respective project proponent and annually thereafter, the project proponent shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the City that the offsets meet the requirements for GHG emission offset credits set forth in paragraph A(3) above, to the City's Community Development Department.</p>		
<p>D. Adjustments to Required GHG Emissions Reductions.</p> <p>If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO_{2e} or MWh reductions specified above in the reduction target, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the reduction target, then nothing further shall be required under this mitigation measure.</p> <ol style="list-style-type: none"> 1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project proponent may be required by the City to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the development of a renewable energy project(s), the project proponent shall submit a GHG Emission Reduction Report for the City's Community Development Department's review, pursuant to the process specified above in paragraph C(1) above, and required offsets shall be determined by the City and reduced. 2. Reduction of Emissions through Verifiable Actions or Activities in the City of National City Requirement: Although none are identified at 		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>this time, the project proponent may be required by the City to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the other verifiable actions or activities on tidelands, the project proponent shall submit a GHG Emission Reduction Report for the City's Community Development Department's review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the City and reduced.</p> <p>3. Reduction of Emissions through Purchase of Offsets: Subsequent to purchasing GHG emission offsets pursuant to paragraph C(2) above, the project proponent's future annual purchase of offsets to achieve the GHG emissions reduction specific in paragraph B above may be adjusted if the development is less than assumed here, which is the following:</p> <ul style="list-style-type: none"> ○ City Program Plan includes a 150-room hotel along with 15,500 square feet of restaurant space and 12,000 square feet of retail space. <p>4. The City or a City-retained consultant (at the project proponent cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets, based on the actual development constructed and in operation. Any unused offsets shall be used for the next year of operation of the project component, and the project proponent shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(3)(c), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days of receiving notice of the noncompliance. After verification of unused and available offsets, unused offsets may replace previously compliant offsets should those offsets subsequently be determined noncompliant with paragraph A(3). At the project proponent's written request to the City, the project proponent may waive the</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
annual adjustment described above and purchase the required MTCO _{2e} or MWh offsets on at least an annual basis.		
Hazards and Hazardous Materials		
<p>MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan (City Program – Development Component). Prior to the City’s approval of the project grading plans and the commencement of any construction activities that would disturb the soil on the City Program – Development Component site, the project proponent shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration to prepare and submit a Soil and Groundwater Management Plan to the City for review and approval. After the City’s review and approval, the project proponent shall implement the Soil and Groundwater Management Plan, which shall include the following:</p> <ul style="list-style-type: none"> • <i>A Site Contamination Characterization Report</i> (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site’s past uses throughout the City Program – Development Component construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination. • <i>A Soil Testing and Profiling Plan</i> (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22-compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential 	<p>Timing: Prior to approval of grading plans and construction activities</p> <p>Method: Prepare and submit a Soil and Groundwater Management Plan to evaluate, test, handle, and dispose of soil and groundwater properly.</p>	<p>Implementation: Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Retained by the Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>presence of contaminated soils and for compliance with the Testing and Profiling Plan.</p> <ul style="list-style-type: none"> • A <i>Soil Disposal Plan</i> (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring. • A <i>Site Worker Health and Safety Plan</i> (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist. 		
<p>MM-HAZ-2: Prepare and Implement a Monitoring and Reporting Program (City Program – Development Component). Prior to commencement of construction of the City Program – Development Component, the project proponent shall prepare a Monitoring and Reporting Program and submit it to the City for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of the City Program – Development Component. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan, as required by MM-HAZ-1. The Monitoring and Reporting Program shall include a requirement that the project proponent submit monthly reports (starting with the first ground disturbance activities and ending at the completion</p>	<p>Timing: Prior to construction</p> <p>Method: Prepare and implement a Monitoring and Reporting Program and submit monthly reports documenting compliance.</p>	<p>Implementation: Applicable Project Proponent for Component, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>of ground disturbance activities) to the City, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.</p>		
<p>MM-HAZ-3: Prepare and Submit a Project Closeout Report (City Program – Development Component). Within 30 days of completion of landside construction of the City Program – Development Component, the project proponent shall prepare a Project Closeout Report and submit it to the City for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan, as required by MM-HAZ-1, and the Monitoring and Reporting Program, as required by MM-HAZ-2.</p>	<p>Timing: Within 30 days of landslide construction completion</p> <p>Method: Prepare and submit a Project Closeout Report summarizing all environmental activity and documenting compliance with MM-HAZ-1 and MM-HAZ-2.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City</p>
<p>MM-HAZ-4: Prepare and Implement a Soil and Groundwater Management Plan (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). Prior to the District's and the City's, as applicable, approval of the project's grading plans and the commencement of any construction activities that would disturb the soil, the project proponent shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration, to prepare and submit a Soil and Groundwater Management Plan to the District's Environmental Protection Department and the City, as applicable, for review and approval. After the District's and the City's, as applicable, review and approval, the project proponent shall implement the Soil and Groundwater Management Plan, which shall include the following:</p> <ul style="list-style-type: none"> • A <i>Site Contamination Characterization Report</i> (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site's past uses throughout the Pasha Road Closure Component construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and 	<p>Timing: Prior to approval of grading plans and construction activities</p> <p>Method: Prepare and submit a Soil and Groundwater Management Plan to evaluate, test, handle, and dispose of soil and groundwater properly.</p>	<p>Implementation: Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Retained by the Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components, with approval by the District and City Depending on Jurisdiction</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.</p> <ul style="list-style-type: none"> • <i>A Soil Testing and Profiling Plan</i> (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22-compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential presence of contaminated soils and for compliance with the Testing and Profiling Plan. • <i>A Soil Disposal Plan</i> (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring. • <i>A Site Worker Health and Safety Plan</i> (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist. 		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM-HAZ-5: Prepare and Implement a Monitoring and Reporting Program (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). Prior to commencement of construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component, the respective project proponent shall prepare a Monitoring and Reporting Program and submit it to the District's Environmental Protection Department and the City, as applicable, for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan, as required by MM-HAZ-4. The Monitoring and Reporting Program shall include a requirement that the project proponent submit monthly reports (starting with the first ground disturbance activities and ending at the completion of ground disturbance activities) to the District's Development Services Department and the City, as applicable, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.</p>	<p>Timing: Prior to construction</p> <p>Method: Prepare and implement a Monitoring and Reporting Program and submit monthly reports documenting compliance.</p>	<p>Implementation: Applicable Project Proponents for Components, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District and City</p>
<p>MM-HAZ-6: Prepare and Submit a Project Closeout Report (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). Within 30 days of completion of landside construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component, the project proponent shall prepare a Project Closeout Report and submit it to the District's Environmental Protection Department and the City, as applicable, for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan, as required by MM-HAZ-4, and the Monitoring and Reporting Program, as required by MM-HAZ-5.</p>	<p>Timing: Within 30 days of landslide construction completion</p> <p>Method: Prepare and submit a Project Closeout Report summarizing all environmental activity and documenting compliance with MM-HAZ-1 and MM-HAZ-2.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM-HAZ-7: Coordinate with the DEH (City Program – Development Component). Prior to ground disturbing activities on the City Program – Development Component site, the project proponent for the City Program – Development Component shall coordinate with the DEH to reopen VAP Cases #H23772-005, #H36620-001, and #H23772-004 to determine if the existing conditions would be below acceptable cleanup thresholds for hotel use. If the DEH determines the onsite conditions do not meet thresholds for future hotel uses, the project proponent must comply with the requirements of the DEH to achieve remediation standards.</p>	<p>Timing: Prior to ground-disturbing activities</p> <p>Method: Coordinate with the DEH to determine if existing conditions are below cleanup thresholds or comply with requirements to achieve remediations.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City</p>
<p>MM-HAZ-8: Maintain Emergency Access Road During Construction (Pasha Road Closures Component). A temporary emergency access road shall be maintained by the project proponent at all times during construction of the Pasha Road Closures Component. The location and components, as defined per the California Fire Code, of the temporary emergency access road shall be submitted to the City Fire Marshal for review and approval prior to closure of the roadway(s) to through-traffic. Written verification of inclusion of the temporary emergency vehicle access shall be provided to the District’s Director of Planning prior to closure of the roadway(s) to through-traffic. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal’s designee, or verification can be provided with a copy of the Fire Permit.</p>	<p>Timing: During construction</p> <p>Method: Submit location and components of a temporary emergency access road for approval and maintain emergency access during construction.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City Fire Marshal, District’s Director of Planning</p>
<p>MM-HAZ-9: Coordinate with the City Fire Marshal (Pasha Road Closures Component). Prior to closure of the Pasha Road Closures Component to through-traffic, the project proponent for said project component shall prepare and submit plans to the City Fire Marshal for review and approval that demonstrate compliance with applicable state and local fire code regulations related to secondary access, emergency access, and maximum dead-end road length. At a minimum, the plans shall demonstrate that the project will include the following items related to emergency vehicle access:</p> <ul style="list-style-type: none"> • An emergency access road, on the existing alignment of Tidelands Avenue between Bay Marina Drive and the 32nd Street, that has an unobstructed minimum width of 20 feet (or 26 feet when a fire hydrant is located on the emergency access road), exclusive of 	<p>Timing: Prior to Pasha Road closure</p> <p>Method: Prepare and submit road-closure plans for review and approval that demonstrate compliance with applicable state and local fire code regulations.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City Fire Marshal</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>shoulders or rolled curbs. The emergency access road shall be paved using an all-weather surface and shall support the imposed loads (75,000 pounds) of a fire apparatus. The emergency access road shall include official approved signs or other approved notices or markings that include the words “NO PARKING – FIRE LANE.” At all times, the emergency access road shall not be obstructed in any manner, including the parking of vehicles.</p> <ul style="list-style-type: none"> Any entrance/exit gates to/from the Pasha Road Closures Component shall be equipped with Knox Key Switches and Emergency Strobes to provide emergency vehicle access, including ingress and egress. A lock box (Knox Key Switch for fire and police) shall be required in conjunction with a detector/strobe switch to allow emergency vehicles to flash a vehicle-mounted strobe light towards the detector/strobe switch, which in turn overrides the system and opens the gate. The lock box and detector/strobe switch shall be placed at the front of each gate (the side of the gate that is adjacent to a public street). Any electric gate opener shall be listed in accordance with UL 325. Gates utilizing emergency strobe operation shall be designed, constructed, and installed to comply with requirements of ASTM F2200, and shall be maintained operational at all times, including but not limited to, in the event of an electrical outage. Any entrance/exist gates to/from the Pasha Road Closures Component shall maintain an unobstructed vertical clearance of a minimum of 13 feet, 6 inches. Fire hydrants shall be located throughout the Pasha Road Closures Component site and shall be spaced no less than 400 feet apart. Fire hydrants shall be located within 400 feet of all locations that are roadway accessible (measurement starts from the nearest existing fire hydrant to the Pasha Road Closures Component site). Where a fire hydrant is located on an emergency access road, the minimum road width shall be 26 feet. All turns available for fire access and travel shall maintain a minimum radius of 28 feet. 		
<p>Prior to utilization of the Pasha Road Closures Component for marine-related operations, the above-described emergency vehicle access shall be field-verified by the City Fire Marshal, or the Fire Marshal’s designee. Written verification of inclusion of the above-described emergency vehicle access shall be provided to the District’s Director of Planning</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>prior to Pasha's utilization of the Pasha Road Closures Component for marine-related operations. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal's designee, or verification can be provided with a copy of the Fire Permit.</p>		
<p>MM-HAZ-11: Manage Marina Way Realignment Conditions (Balanced Plan or GB Capital Component). The Marina Way Realignment proposed as part of the Balanced Plan (or GB Capital Component) shall not include traffic calming devices (e.g., speed humps), unless prior-written approval is obtained from the City Fire Marshal.</p>	<p>Timing: Prior to construction Method: Ensure traffic-calming devices are not included unless prior-written approval is obtained.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: City Fire Marshal</p>
Land Use and Planning		
<p>MM-LU-2: Design the Pepper Park Expansion to Account for Sea-Level Rise through 2050 (Balanced Plan). The project proponent for the Pepper Park expansion shall design the park to accommodate water during future flooding events. Methods to accommodate water during future flooding events include, but are not limited to:</p> <ul style="list-style-type: none"> • Elevating the waterside promenades • Regrading coastal edges and/or inland portions of the park as appropriate • Creating living shorelines • Ensuring that any new vegetation is salt tolerant • Developing an operational plan to close the parking lot and move parked vehicles prior to storm events • Including pervious surfaces such as turf, sand, and pervious concrete <p>Moreover, the public access to Pepper Park shall be restricted during flood events.</p> <p>If any structures are constructed in Pepper Park, prior to construction, the project proponent shall conduct an engineering-level, site-specific assessment of the projected SLR at the site through 2050.</p> <p>Additionally, the project proponent shall create an early warning system to monitor the risk of potential flooding of any structure. An early warning system should consist of protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken. Also, the project proponent shall</p>	<p>Timing: During design of Pepper Park expansion Method: Design the Pepper Park expansion to accommodate water during future flooding events, conduct site-specific assessment of the projected SLR through 2050, and create an early warning system.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: Applicable Project Proponent for Component</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>establish emergency evacuation procedures for people to relocate to higher ground on short notice. Before a large storm, deployment of sandbags or inflatable barriers shall occur if deemed necessary.</p> <p>MM-LU-3: Conduct Engineering-Level, Site-Specific Assessment of Sea-Level Rise through 2050 (GB Capital Component). The project proponent for the GB Capital Component shall conduct an engineering-level, site-specific assessment of the projected SLR at the site through 2050. If the assessment projects the jetty to be temporarily inundated by 2050, the development on the jetty shall include the following:</p> <p><i>Smart Design Decisions – to be incorporated into building design and part of construction:</i></p> <ul style="list-style-type: none"> Place any mechanical and electrical equipment at least 2 feet above the design flood elevation to reduce risk of flood damage. If equipment must be placed in lower areas, elevate base or ensure assets are composed of flood damage-resistant materials. Design water supply, sanitary sewage, and stormwater systems to minimize or eliminate infiltration of flood waters into systems and vice versa. Ensure that all building exterior walls are composed of materials that have an impermeable and waterproof membrane. <p><i>Future Adaptation Strategies – to be incorporated into building design and part of construction:</i></p> <ul style="list-style-type: none"> Ensure that building foundations, if any, are capable of supporting future flood walls or temporary flood barriers. Design building openings (e.g., doors, windows, utility penetrations) to be capable of future retrofitting to make them watertight and resistant to flood loads. Design key structural elements of the jetty to allow future increases in the elevation of the jetty. <p><i>Operational Strategies – to be implemented during operation:</i></p> <ul style="list-style-type: none"> Establish an early warning system to monitor the risk of potential flooding. An early warning system should consist of: <ul style="list-style-type: none"> Protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken 	<p>Timing: Prior to GB Capital Component construction</p> <p>Method: Conduct an engineering-level, site-specific assessment of the projected SLR through 2050 and implement design components if the jetty is projected to be inundated by 2050.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> ○ Protocols for monitoring water levels at nearby storm gauges prior to the storm arrival, and regular checking of the water levels along the jetty as the storm progresses • Establish emergency evacuation procedures for people to relocate to higher ground on short notice. • Obtain backup power generators for occupiable development on the jetty and portable pumps and ensure there is sufficient fuel to operate these. Establish protocols for operating said generators and pumps during storm events or other such events. • Before a large storm, deploy sandbags or inflatable barriers. • Before a storm, test emergency power sources and pumps and ensure there is sufficient fuel to run these, and inspect building exteriors to ensure there are no penetrations that lack flood proofing. • Restrict public access during storms or flooding events. <p>Prior to issuance of the first building permit for any development on the jetty, the assessment and project plans (revised pursuant to the findings of the assessment, if the assessment projects inundation by 2050) shall be submitted to the District's Development Services Department and the City's building permit department for review and approval.</p>	<p>Timing: Prior to construction</p> <p>Method: Conduct ongoing monitoring every 5 to 10 years for project component sites projected to be inundated in 2100 and identify adaptation strategies.</p>	<p>Implementation: All Project Proponents</p> <p>Monitoring and Reporting: All Project Proponents</p> <p>Verification: District</p>
<p>MM-LU-4: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (Balanced Plan, GB Capital Component, Pasha Road Closures Component, portion of Bayshore Bikeway Component). For areas of the Balanced Plan (Pepper Park and the FPR), the GB Capital Component, the Pasha Road Closures Component, and the portions of the Bayshore Bikeway Component (within the District's jurisdiction) that are projected to be inundated in 2100, the District shall conduct ongoing monitoring of these project component sites every 5 to 10 years. If, through monitoring, the observed SLR conditions appear to be consistent with the 2100 projections identified in this EIR, a site-specific assessment shall be conducted to identify future SLR projections using the best science available at the time and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from SLR. Such strategies may include a neighborhood-level effort, raising of grades,</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
additional shoreline protection, removal or movement of assets, and conversion of impervious surfaces to pervious surfaces.		
MM-LU-5: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (most of Bayshore Bikeway Component). For the areas of the Bayshore Bikeway Component that are within the City's jurisdiction, the City shall conduct ongoing monitoring of these areas every 5 to 10 years. If, through monitoring, the observed SLR conditions appear to be consistent with the 2100 projections identified in this EIR, a site-specific assessment shall be conducted to identify future SLR projections using the best science available at the time and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from SLR. Such strategies may include a neighborhood-level effort, raising of grades, additional shoreline protection, or removal or movement of assets.	Timing: Prior to construction Method: Conduct ongoing monitoring every 5 to 10 years for project component sites projected to be inundated in 2100 and identify adaptation strategies.	Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: Applicable Project Proponent for Component
Noise and Vibration		
MM-NOI-1: Prohibit Exterior Construction Activities Outside of the Permitted Construction Hours (Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, Pasha Road Closures Component). For the Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, and Pasha Road Closures Component, the project proponent for that respective project component shall require their contractor(s) not to conduct exterior construction activities outside the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. Material or equipment deliveries and collections shall also be prohibited outside of these hours. Except for construction personnel specifically working on interior construction tasks within a completed building shell, construction personnel shall not be permitted on the job site outside of the permitted hours.	Timing: During construction Method: Require exterior construction activities occur between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday.	Implementation: All Project Proponents Monitoring and Reporting: All Project Proponents Verification: City and District
MM-NOI-2: Avoid or Reduce Construction Noise from Pile Driving (City Program – Development Component, GB Capital Component). During all pile driving at the City Program – Development Component and GB Capital Component, the project proponent shall require its construction contractor to implement one of the following methods to reduce maximum pile-driving noise levels at the affected noise-sensitive	Timing: During pile driving Method: Reduce noise levels at affected noise-sensitive receptors by avoiding pile driving or using acoustical shroud.	Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: City and District

Mitigation Measures	Timing and Methods	Responsible Parties
<p>receptors (residences on Cleveland Avenue, the National City Adult School, and Pepper Park) to 70 dBA L_{max} or less:</p> <ul style="list-style-type: none"> Avoid impact pile driving by using quieter alternative installation methods, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles). Use an acoustical shroud around impact pile driving. The shroud shall be constructed of materials that provide a minimum sound transmission class (STC) of 28 (examples include sound-rated acoustical blankets). 		
<p>MM-NOI-3: Avoid or Reduce Construction Noise from Other (Non-Pile-Driving) Construction Activities (Bayshore Bikeway Component, GB Capital Component, Pasha Road Closures Component). During all non-pile-driving construction activity at the Bayshore Bikeway Component, GB Capital Component, and the Pasha Road Closures Component, the project proponent shall require their construction contractor(s) to implement one of the following methods to reduce maximum noise levels at the affected noise-sensitive receptors (residences on Cleveland Avenue and McKinley Avenue, and Pepper Park) to 70 dBA L_{max} or less:</p> <ul style="list-style-type: none"> Avoid operating high impact demolition equipment (hydraulic breakers, jackhammers, concrete saws) within 520 feet of the any noise-sensitive receptors and avoid operating all other mechanized construction equipment within 280 feet of the affected noise-sensitive receptors. Where the above-specified distances cannot be maintained, install temporary noise barrier(s) between construction activities and the noise-sensitive receptor(s). Barriers may be constructed around the site perimeter or, when construction activities are restricted to a smaller portion of the site, around that smaller portion of the site, or around any noisy stationary construction equipment such as generators or dewatering pumps. All such barriers must be at least 8 feet high and of sufficient height to break the line-of-sight between the construction equipment and the ground floor of any noise-sensitive receptor. These barriers shall be constructed in one of the following ways that the project proponent establishes, in writing and to the satisfaction of the District, shall achieve a minimum sound transmission class (STC) rating of 28: 	<p>Timing: During non-pile driving</p> <p>Method: Reduce noise levels at affected noise-sensitive receptors by avoiding high-impact demolition equipment or installing temporary noise barriers.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: City and District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> ○ From acoustical blankets hung over or from a supporting frame. The blankets should be firmly secured to the framework. The blankets should be overlapped by at least 4 inches at seams and taped and/or closed with hook-and-loop fasteners (i.e., Velcro®) so that no gaps exist. The blankets shall be draped to the ground to eliminate any gaps at the base of the barrier. ○ From commercially available acoustical panels lined with sound-absorbing material (the sound-absorptive faces of the panels should face the construction equipment). ○ From common construction materials such as plywood. 		
<p>MM-NOI-4: Design and Construct the Proposed Hotel at the City Program – Development Component Site to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces (City Program – Development Component). During the architectural and engineering design, prior to the issuance of any building permits for the hotel, the project proponent for the City Program – Development Component shall retain an acoustical consultant to ensure that the building design provides adequate noise insulation to achieve the City’s interior noise standard of 45 dB CNEL, as specified in the National City General Plan Noise Element, at occupied spaces. If necessary, the consultant shall recommend design features such as, but not limited to, fresh-air supply systems (to allow windows to remain closed), sound-rated windows, or other façade upgrades. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all recommended design features have been incorporated into the project design, to the City’s Community Development Department for review and approval prior to hotel construction.</p>	<p>Timing: During project design</p> <p>Method: Ensure that the building design provides adequate noise insulation and, if necessary, incorporate recommended design features.</p>	<p>Implementation: Applicable Project Proponent for Component, Acoustical Consultant</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City’s Community Development Department</p>
<p>MM-NOI-5: Reduce Rail Noise Levels at the Proposed GB Capital RV Sites to 65 dB CNEL or Less (Pasha Rail Component, GB Capital Component). The project proponent for the GB Capital Component shall design its dry boat storage so that it is enclosed and made from solid material (versus fabric, chain link fencing or similar pervious/open materials) and shall submit a noise study conducted by an acoustical consultant that analyzes the noise from the Pasha Rail Improvement Component with the enclosed dry boat storage as a buffer, demonstrating</p>	<p>Timing: During project design</p> <p>Method: Ensure dry boat storage is enclosed and made from solid material, submit a noise study, and construct a sound barrier if needed.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District’s Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>the noise levels at the proposed RV park location. The noise study shall be submitted to the District's Development Services Department for its review 3 months after issuance of a Coastal Development Permit (CDP) for any phase of the GB Capital Component and prior to the construction of the RV park. The project proponent shall construct the dry boat storage as designed. If the noise study shows that the rail noise exposure at the proposed RV sites is at or below 65 dB CNEL, then no additional steps as specified in this mitigation measure shall be required.</p> <p>If the noise study shows that noise levels are above 65 dB CNEL at the proposed RV sites, then prior to occupancy of the GB Capital RV Resort or operation of the Pasha Rail Improvement Component, whichever occurs last, a sound barrier shall be constructed to reduce the rail noise exposure at the proposed RV sites to 65 dB CNEL or less. The noise barrier shall be the equal (50/50) shared financial responsibility of the project proponents for the Pasha Rail Improvement Component and the GB Capital Component. In the event that both components are not constructed at the same time, the project proponent (Payee) of the component last constructed shall construct and pay for the entire specified noise control and the other project proponent (Reimbursee) shall reimburse the Payee 50% of the actual cost of designing, permitting, and constructing the noise control unless another payment arrangement is agreed upon between the project proponents and approved by the District. Such reimbursement shall be a condition of the CDPs for the Pasha Rail Improvement Component and the RV resort associated with the GB Capital Component. The noise barrier shall be constructed between the south side of the Pasha Rail Improvement Component and the GB Capital RV Resort. The barrier shall fully block the line-of-sight between the RV sites and a standard freight locomotive on the Pasha Rail Improvement Component site, and is anticipated to be a minimum barrier height of 16 feet relative to the finished track elevation. The barrier shall be a continuous structure without gaps or openings and shall extend from the north end of the Pasha Rail Improvement Component to Tidelands Avenue. The barrier shall be constructed of a solid material and, if necessary to meet the noise requirement, the density of 4 pounds per square foot (e.g., concrete block or concrete panels).</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM-NOI-6: Design and Construct the Hotels at the GB Capital Component to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces (GB Capital Component). During the architectural and engineering design, prior to the issuance of any building permits for the hotels, the project proponent for the GB Capital Component shall retain an acoustical consultant to ensure that the project design provides adequate noise insulation to achieve the City's interior noise standard of 45 dB CNEL, as specified in the National City General Plan Noise Element, at occupied spaces. If necessary, the consultant shall recommend design features such as, but not limited to, fresh-air supply systems (to allow windows to remain closed), sound-rated windows, or other façade upgrades. The project proponent shall submit a copy of the acoustical consultant's report, along with evidence that all recommended design features have been incorporated into the project design, to the District's Development Services Department for review and approval prior to construction of any hotel.</p>	<p>Timing: During project design Method: Ensure that the building design provides adequate noise insulation and, if necessary, incorporate recommended design features.</p>	<p>Implementation: Applicable Project Proponent for Component, Acoustical Consultant Monitoring and Reporting: Applicable Project Proponent for Component Verification: District's Development Services Department</p>
<p>MM-NOI-7: Design and Install All Onsite Mechanical Equipment at the City Program – Development Component Site to Comply with the City's Noise Ordinance (City Program – Development Component). During the architectural and engineering design phase, prior to the issuance of any building permits for the City Program – Development Component, the project proponent for the City Program – Development Component shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that all aspects of this project component, including mechanical equipment and other onsite stationary sources (e.g., trash compactors, loading docks), are designed and will be installed to comply with the City's Noise Ordinance (Municipal Code Chapter 12.06). Such recommendations may include, but are not limited to, changes in equipment locations; sound power limits or specifications; rooftop parapet walls; acoustic absorption materials, louvers, screens, or enclosures; or intake and exhaust silencers. The project proponent shall submit a copy of the acoustical consultant's report, along with evidence that all recommended design features have been incorporated into the project design, to the City's Community Development Department for review and approval prior to hotel construction.</p>	<p>Timing: During project design Method: Ensure that all aspects of the City Program – Development Component, including mechanical equipment, comply with the City's Noise Ordinance and, if necessary, incorporate recommended design features.</p>	<p>Implementation: Applicable Project Proponent for Component, Acoustical Consultant Monitoring and Reporting: Applicable Project Proponent for Component Verification: City's Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM-NOI-8: Design and Operate the Proposed Dry Boat Storage Facility to Comply with the City's Noise Ordinance at the Adjacent Proposed RV Resort (GB Capital Component). During the architectural and engineering design phase for the dry boat storage facility, prior to the issuance of any building permits for such, the project proponent for the GB Capital Component shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that operation of the dry boat storage facility will comply with the City's Noise Ordinance (Municipal Code Chapter 12.06.020) at the adjacent RV sites during the sensitive evening and nighttime hours of 7:00 p.m. to 7:00 a.m. (i.e., 65 dBA L_{eq} between 7 p.m. and 10 p.m., and 60 dBA L_{eq} between 10 p.m. and 7 a.m.). Noise control techniques may include, but are not limited to, restricting hours of operation to daytime hours (7:00 a.m. to 7:00 p.m.), selecting quieter equipment (when commercially available), or installing additional noise barriers to screen the facility from the RV resort. The project proponent shall submit a copy of the acoustical consultant's report, along with evidence that all design features have been incorporated into the project design (to ensure that operation of the dry boat storage facility would comply with the City Noise Ordinance at the adjacent RV sites during the sensitive evening and nighttime hours), to the District's Development Services Department for review and approval prior to commencement of construction of the dry boat storage facility. The project proponent shall implement the noise control techniques.</p>	<p>Timing: During project design</p> <p>Method: Ensure dry boat storage complies with the City's Noise Ordinance and, if necessary, incorporate recommended design features.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District's Development Services Department</p>
<p>MM-NOI-9: Regulate Organized Events at Pepper Park, Including Use of the Proposed Amphitheater (Balanced Plan). Organized events at Pepper Park shall be properly regulated for noise control. Per Section 8.02 of the District's Port Code, any event with over 25 attendees shall obtain a permit from the District. As further stipulated by Section 8.02 of the Port Code, each "permit shall be subject to the requirements regarding noise...as contained in the Municipal Code of the particular City in which the park is located." Therefore, any event for which noise generating activities will occur at the amphitheater will be subject to the City's Noise Ordinance. Although the City's Noise Ordinance indicates that daytime and nighttime noise standards would be 65 and 60 dBA $L_{eq}(h)$, respectively, at the GB Capital Component visitor accommodations (RV resort and hotels), the City's Noise Ordinance also includes</p>	<p>Timing: During project operation</p> <p>Method: Regulate organized events through the use of permits and notify adjacent tenants of large events.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>exceptions for these noise standards; the exceptions are on a case-by-case basis and include temporary noise exceedances for organized events (e.g., parades, concerts). Further, as part of the District's permitting process for organized events that are proposed to have amplified sounds (e.g., concerts), the District shall coordinate with the City, and if the City requires a maximum decibel level limit or hours in which all noise needs to cease, that information shall be added to the District permit for that organized event. In addition, the District shall coordinate notification to adjacent tenants of upcoming organized large events, and the permittee of the organized event shall coordinate with the same tenants within 2 weeks of the organized event.</p>		
<p>MM-NOI-10: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component). Where feasible, the project proponent for the GB Capital Component shall require its construction contractor(s) to avoid pile driving within a 32-foot buffer zone of existing buildings at the Pier 32 Marina. If piling cannot be avoided within this distance, the following shall be implemented:</p> <ul style="list-style-type: none"> • Alternative installation methods shall be used, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles). • The following steps shall be taken to protect buildings within 32 feet of pile-driving locations: <ul style="list-style-type: none"> ○ The project proponent/contractor shall retain a qualified structural or geotechnical engineer to conduct preconstruction surveys of neighboring structures (including photographing and/or videotaping) to document existing building conditions for future comparison if any vibration-related damage is suspected or results from construction-related activities; and ○ Based on review of the specific buildings involved, the structural/geotechnical engineer may provide updated vibration thresholds and buffer distances for potentially affected buildings; and ○ Monitoring shall be conducted during construction to check for vibration-related damage during pile driving; such monitoring shall include vibration measurements obtained inside or outside of the buildings or other tests and observations deemed necessary; and 	<p>Timing: During pile driving activities</p> <p>Method: Avoid pile driving within the 32-foot buffer zone of existing buildings or implement measures to avoid or reduce vibration.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City and District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> ○ The person(s) conducting the monitoring shall have the authority to issue a stop work order to the pile-driving contractor if excessive vibration levels are measured or other observations occur that indicate potential building damage may occur; in the event of such an occurrence, the monitor shall notify the project proponent (GB Capital) and the District; and ○ If any damage to existing buildings is determined to occur as a result of pile driving at the GB Capital Component, the project proponent shall be financially responsible for the necessary repairs, structural or cosmetic, to return the damaged building to its pre-existing state. 		
<p>MM-NOI-11: Avoid or Reduce Groundborne Vibration from Bikeway Construction (Bayshore Bikeway Component). During all construction activity at the Bayshore Bikeway Component, the project proponent shall require its construction contractor(s) to observe the following buffer zones to reduce groundborne vibration at nearby residences to 0.04 in/sec or less:</p> <ul style="list-style-type: none"> • Avoid the use of hydraulic breakers within 130 feet of residential buildings. • Avoid vibratory compaction within 115 feet of residential buildings. • Avoid the use of heavy earthmoving equipment within 55 feet of residential buildings. <p>If the listed buffer distances cannot be maintained, impacts can be reduced to less than significant by using alternative equipment that avoids or reduces high vibration levels at the source. Jackhammers (manually held and operated, not mounted to any other construction equipment) may be used in place of other breakers, non-vibratory rollers may be used in place of vibratory roller, and smaller earthmovers (Bobcat, skid steer, etc.) may be used instead of full size heavy earthmoving equipment.</p>	<p>Timing: During construction</p> <p>Method: Observe buffer zones to reduce groundborne vibration or use alternative equipment that avoids or reduces high vibration levels.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City and District</p>
Transportation, Circulation, and Parking		
<p>MM-TRA-1: Implement TDM and VMT Reduction Measures (GB Capital Component, City Program – Development Component). To reduce VMT generated by employee trips, the project proponent (GB Capital and City) shall implement the following TDM and VMT reduction</p>	<p>Timing: During project operation</p> <p>Method: Implement a Mandatory Employer Commute</p>	<p>Implementation: Applicable Project Proponents for Components</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>measure from the SANDAG Mobility Management Toolbox, using the VMT Reduction Calculator Tool (SANDAG 2019b), starting the first day of project operations for the GB Capital Component and City Program – Development Component.</p> <ul style="list-style-type: none"> Mandatory Employer Commute Program – The employer for the GB Capital Component and City Program – Development Component shall offer and pay for an employer commute-trip reduction program, which may include a carpool program, transit subsidy passes, or a vanpool program. Implementing these measures could result in a 2.6% reduction in the project’s employee VMT. 	<p>Program to reduce TDM and VMT.</p>	<p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District and City</p>
<p>MM-TRA-3: Implement Traffic Control Measures During Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component). For any project components that temporarily require partial and/or full roadway closures during construction, the project proponent [requiring the partial or full roadway closure(s)] shall require its contractor to plan, use, place, and maintain traffic control devices while in use at the construction site to ensure that adequate emergency access is provided throughout the duration of the road closure. If construction activities require blocking of a traffic lane(s), the project proponent shall require its contractor to use a flashing arrow board during daytime hours; however, a solar flashing arrow board shall be required for any nighttime construction that requires the closure of any traffic lanes. In certain lane closures, the use of high-level warning flags, along with other devices, is acceptable if installed in accordance with the provisions set forth in the Caltrans <i>California Manual on Uniform Traffic Control Devices</i> (Caltrans 2018). The City shall verify the proper use of traffic control devices for the Bayshore Bikeway Component, City Program – Development Component, and potentially the GB Capital Component if the proposed roadway is a City street, while the District shall verify the proper use of traffic control devices for the Balanced Plan, Pasha Rail Improvement Component, Pasha Road Closures Component, and potentially the GB Capital Component if the proposed roadway is a District street.</p>	<p>Timing: During project construction</p> <p>Method: Implement traffic control measures during partial and/or full roadway closures and maintain lane requirements throughout the duration.</p>	<p>Implementation: All Project Proponents</p> <p>Monitoring and Reporting: All Project Proponents</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>In addition to traffic control measures, the project proponent shall require its contractor to maintain the following traffic lane requirements throughout the duration of the partial or full road closure:</p> <ol style="list-style-type: none"> 1. For two-way streets (e.g., a four-lane roadway), a minimum of one lane shall be provided in each direction. 2. The minimum width of a traffic lane shall be 10 feet. The lane shall be clear of obstructions, including traffic cones or delineators. Emergency vehicle access may require a traffic lane of up to 14 feet wide. 3. A separate left- or right-turn lane shall be provided if there is an existing left- or right-turn lane. 4. Complete closure of a roadway shall not be permitted without a valid Special Traffic Permit (STP) or a City-approved traffic routing plan. This includes a plan that allows one lane to be used for two directions of traffic (i.e., two-way flag control). An STP is required to use two-way flag control. 5. If work occurs at or within 100 feet of an intersection on a two-way street, an STP is required to prohibit left turns at the intersection. This requirement applies where two lanes are reduced to one and through vehicles cannot physically pass a left-turning vehicle. 6. If needed, room for a traffic lane(s) may be made available by temporarily prohibiting parking. Traffic lanes must be at least 10 feet wide and provide a sufficient transition before the lane begins and after the lane ends. <p>To ensure that the traffic lanes provided are adequate and continuous, only one contractor at a time shall be allowed to work on any one block. If a second contractor is planning to work on a block that has a contractor, or on an adjacent block, then the second contractor shall obtain an STP before starting any work. Moreover, a contractor shall not be allowed to work within a block of a project that is under City contract without receiving approval from the Resident Engineer for the subject contract, obtaining an STP, and notifying the City Fire Department and City Police Department.</p> <p>Flagging personnel shall be required when workers or equipment will temporarily block a traffic lane that is used for access into and out of a construction site. Flagging personnel shall ensure that traffic congestion</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>and permanently blocked roads do not occur. The following shall apply to the flagging personnel required during project construction:</p> <ol style="list-style-type: none"> 1. Flaggers must be properly equipped with a Type II vest (daytime) or Type III vest (nighttime) and a sign paddle. 2. Flaggers must be certified and have their certification card at all times. 3. A minimum of two flaggers shall be required when one lane is to be used for two directions of traffic (i.e., two-way flag control). 4. Police officers may be hired to provide flag control. <p>A construction TDM plan shall be prepared by the respective project proponent for each project component and implemented during construction activities. The TDM plan shall be submitted by the respective project proponent to the City or District, depending on the jurisdiction where the project component is located, for review and approval prior to construction. The TDM plan shall incorporate various TDM strategies to reduce congestion during construction and may include, but is not limited to, the following:</p> <ul style="list-style-type: none"> • Implementation of a ride-sharing program to encourage carpooling among workers. • Adjusting work schedules so workers do not access the site during the peak hours. • Providing offsite parking locations for workers outside of the area, with shuttle services to bring them onsite. • Providing subsidized transit passes for construction workers. 	<p>Timing: Prior to construction</p> <p>Method: Provide offsite parking, shuttle transportation, and incentives for transit use and provide signage to direct visitors to available parking if onsite parking is displaced.</p>	<p>Implementation: All Project Proponents</p> <p>Monitoring and Reporting: All Project Proponents</p> <p>Verification: District and City</p>
<p>MM-TRA-5: Require Offsite Parking, Shuttle Transportation, and Incentives for Transit Use for Construction Workers and Wayfinding Signage for Visitors (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component). Prior to the commencement of construction activity, the project proponent for each component shall provide an offsite parking location for construction workers and a shuttle service from the offsite parking location to the project site and back. For project components within the District’s jurisdiction, the designated offsite parking location shall be approved by the District’s Development Services Department (Balanced Plan, GB Capital Component, Pasha Rail Improvement</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Component, and Pasha Road Closures Component). For project components within the City's jurisdiction, the designated offsite parking location shall be approved by the City. In addition, the project proponent shall provide incentives for construction workers to use public transit. Workers who cannot commute by transit and must use personal vehicles shall be required to park at the offsite parking facility. The parking requirements for the workers shall be detailed in their contract with the project proponent. Moreover, during the construction phase, some public parking shall remain open, to the extent feasible, through the phasing of construction. If onsite public parking is displaced, the project proponent shall provide conspicuous signage to direct visitors to available parking facilities throughout the duration of the construction that displaced the public parking to maintain public coastal access.</p>		
<p>MM-TRA-6: Reconfigure Lot Q to Accommodate 590 Striped Parking Spaces (Pasha Road Closures Component). Prior to implementation of the Pasha Road Closures Component, the project proponent shall restripe Lot Q (located on the southwest corner of Bay Marina Drive and Tidelands Avenue) to provide additional parking for employees and offset the loss of 249 parking spaces. Upon completion of this restriping, there would be 590 parking spaces in Lot Q; this would accommodate the 574 existing NCMT employees. Once completed, evidence indicating completion of the restriping shall be provided by the project proponent for the Pasha Road Closures Component to the District's Development Services Department. Pasha shall require its employees to use Lot Q and allow other employees at NCMT to use the parking lot.</p>	<p>Timing: Prior to construction Method: Restripe Lot Q to provide additional parking.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: District's Development Services Department</p>
<p>MM-TRA-7: Accommodate 23 Additional Flex Parking Spaces at the Pepper Park Parking Lot (Balanced Plan). Prior to issuance of the Coastal Development Permit for Pepper Park (Balanced Plan), the District shall accommodate an additional 23 parking spaces, for a total of 116 parking spaces at Pepper Park. The additional 23 spaces shall be designed to be flex spaces that can be used as either an active area of the park or parking for public uses and coastal access within the project area. Following the completion of the Pepper Park expansion (including the 23 spaces), the District shall prepare a study that determines the actual (i.e., on-the-ground) demand for parking at the newly expanded park. If the results of the study demonstrate that the amount of parking can be</p>	<p>Timing: Prior to construction and during project operation Method: Accommodate an additional 23 flex parking spaces at Pepper Park and prepare a study to determine actual parking demand.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>reduced, the District will reduce the number of parking spaces to the actual on-the-ground demand identified in the study (but no more than a reduction of 23 spaces).</p>		
Utilities and Service Systems		
<p>MM-UTIL-1: Prepare Utility Infrastructure Study (Balanced Plan, GB Capital Component, and City Program – Development Component). Prior to the issuance of the building permits for the Balanced Plan, GB Capital Component, and City Program – Development Component, the respective project proponent shall prepare a utility infrastructure study and submit the study to the District’s Development Services Department (Balanced Plan and GB Capital Component only) and the City’s Community Development Department (GB Capital Component and City Program – Development Component only) for review and approval. The utility infrastructure study shall identify the capacity of existing utilities, the ability of those utilities to serve the project proponent’s project component, any necessary utility improvements that would be needed to serve project proponent’s project component, and alternative locations and best management practices (BMPs), if necessary, to meet the standards described as follows: avoidance of sensitive habitat and species, construction BMPs related to ground disturbance such as daily watering in high-dust areas and use of a stabilized construction entrance to reduce offsite tracking, a soil and groundwater management plan pursuant to MM-HAZ-1 and MM-HAZ-4, including recommendations on pipe materials based on Sweetwater Authority Design Standards, if disturbed areas may be subject to contamination, a soil disposal plan (if applicable), a traffic management plan if roadways will need temporary closures, consistency with the City’s Noise Ordinance, and avoidance of historical, archaeological, tribal cultural, and paleontological resources. The project proponent shall implement any and all new utility improvements or upgrades identified in the utility infrastructure study.</p>	<p>Timing: Prior to construction Method: Prepare and submit a utility infrastructure study and implement any and all new utility improvements or upgrades identified.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: District’s Development Services Department and the City’s Community Development Department</p>
<p>MM-UTIL-2: Implement Water Conservation Measures (Balanced Plan, GB Capital Component, and City Program – Development Component). The project proponent for the respective project component shall incorporate and implement water-efficient design measures into its individual project component. Water-efficient design measures shall at a minimum, include:</p>	<p>Timing: Prior to construction Method: Incorporate and implement water-efficient design measures.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> • Implement indoor water reduction measures, including high-efficiency toilets, high-efficiency urinals, low-flow faucets, and low-flow showers (as applicable). • Install only drought-tolerant landscaping and perform any landscaping watering through a drip system or low-flow irrigation devices. • Install cisterns above or below ground that shall collect and store runoff from rooftops and other impervious surfaces. • Install water-efficient water coolers and equipment and monitor cooling tower and boiler water chemistry to minimize mineral buildup in the system and maximize the number of times water can be recycled through the system. • Limit the use of turf and, in Pepper Park, limit the use of turf to activity fields. • Educate employees on water conservation measures on an annual basis and post water conservation stickers, signs, and posters in bathrooms, kitchens, cafeterias, conference rooms, and other places where employees congregate. 		
<p>MM-UTIL-3: Upsize the Existing Bay Marina Drive Pipeline and Install New Pipeline Along the Proposed Road Realignment to Meet Project Fire Flow Demands (GB Capital Component and City Program – Development Component). Prior to occupancy and operation of the proposed City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component, whichever occurs first, the project proponent for that project component (Payee) shall upsize the existing 12-inch PVC pipeline on Bay Marina Drive between the intersection of Harrison Avenue and Cleveland Avenue to a 16-inch PVC pipeline. In addition, the Payee shall install approximately 1,500 linear feet of 16-inch main pipeline along Marina Way and upsize approximately 1,700 linear feet of the existing 12-inch PVC pipeline with 16-inch pipeline. Design, permitting, and construction of the new pipelines shall be coordinated with the City Fire Marshal and SWA.</p> <p>Prior to occupancy and operation of the project component that is constructed second (i.e., the GB Capital Component if the City Program – Development Component is constructed first, or the City Program –</p>	<p>Timing: Prior to project operation</p> <p>Method: Upsize the existing 12-inch PVC pipeline on Bay Marina Drive to a 16-inch pipeline and install and upsize pipeline on Marina Way.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
Development Component if the GB Capital Component is constructed first), the project proponent for that project component (Reimbursee) shall reimburse the Payee 50% of the actual cost of designing, permitting, and constructing the new pipelines. Such reimbursement shall be a condition of the Coastal Development Permits for the City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component.		
MM-UTIL-4: Issue Payment for City’s Sewer Capacity Fee (Balanced Plan, GB Capital Component, and City Program – Development Component). Prior to the issuance of the respective building permits for the Balanced Plan, GB Capital Component, and City Program – Development Component, the respective project proponent shall pay the City’s established sewer capacity fee.	Timing: Prior to construction Method: Pay the City’s established sewer capacity fee.	Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: City
MM-UTIL-5: Confirm Water Supply Availability for Recreational or Ornamental Water Feature (Balanced Plan, City Program – Development Component, and GB Capital Component). Prior to construction of any recreational or ornamental water feature, if it is determined that there is a low water supply, then the feature shall not be constructed until water supply is secured or there is an alternative design that incorporates low water use.	Timing: Prior to construction Method: Ensure features are constructed only if water supply is secured.	Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: District and City
MM-UTIL-6: Confirm Water Supply Availability for Development Project Components Prior to Issuance of Building Permits (Balanced Plan, City Program – Development Component, and GB Capital Component). Water availability shall be confirmed by SWA prior to issuance of building permits. The confirmation of water availability shall be provided in written form by SWA. If SWA indicates there is not sufficient water supply to serve the project, the scale of the project shall be reduced to a level that is serviceable by SWA or use recycled water.	Timing: Prior to construction Method: Confirm water supply availability, reduce project scale to a level that is serviceable, or use recycled water.	Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: District and SWA

AB = Assembly Bill; BAU = business-as-usual; BMP = best management practice; CA Title 22 = California Code of Regulations, Title 22; CAP = Climate Action Plan; CARB = California Air Resources Board; CCC = California Coastal Commission; CCR = California Code of Regulations; CDFW = California Department of Fish and Wildlife; CDP = Coastal Development Permit; CFGC = California Fish and Game Code; CFR = Code of Federal Regulations; CNEL = Community Noise Equivalent Level; CO = carbon monoxide; CRMDP = Cultural Resources Monitoring and Discovery Plan; CWA = Clean Water Act; dB = decibel; dBA = A-weighted decibel; DEH = Department of Environmental Health; DOT = Department of Transportation; EPA = U.S. Environmental Protection Agency; ESA = environmentally sensitive area; FPR = first point of rest; GHG = greenhouse gas; HDSAP = Harbor District Specific Area Plan; HMMP = Habitat Mitigation and Monitoring Plan; in/sec = inches per second; KOP = key observation point; LCP = Local Coastal Program; LEED = Leadership in Energy and Environmental Design; L_{eq} = equivalent sound level; $L_{eq}(h)$ = hourly equivalent sound level; L_{max} = maximum sound level; LUC = Land Use Code; MBTA = Migratory Bird Treaty Act; $MTCO_2e$ = metric tons of carbon dioxide equivalent; MWh = megawatt-

hour; NCMT = National City Marine Terminal; NMFS = National Marine Fisheries Service; NO_x = nitrogen oxides; PAH = polynuclear aromatic hydrocarbon; PCB = polychlorinated biphenyl; PM₁₀ = particulate matter 10 microns or less in diameter; PM_{2.5} = particulate matter 2.5 microns or less in diameter; PMP = Port Master Plan; PVC = polyvinylchloride; RAQS = Regional Air Quality Strategy; RV = recreational vehicle; RWQCB = Regional Water Quality Control Board; SANDAG = San Diego Association of Governments; SDAPCD = San Diego Air Pollution Control District; SIP = State Implementation Plan; SLR = sea-level rise; SOI = Secretary of the Interior; STC = sound transmission class; STP = Special Traffic Permit; SWA = Sweetwater Authority; TDM = Transportation Demand Management; TPH = total petroleum hydrocarbons; USACE = U.S. Army Corps of Engineers; USFWS = U.S. Fish and Wildlife Service; VAP = Voluntary Action Program; VMT = vehicle miles traveled; VOC = volatile organic compound; ZNE = zero net energy