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

FINDINGS OF FACT

AND

STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT

FINAL ENVIRONMENTAL IMPACT REPORT
(UPD #EIR-2016-16; SCH #2016081053)

December 28, 2020

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ATTACHMENT 1 Mitigation, Monitoring and Reporting Program

FINDINGS OF FACT AND

STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT

FINAL ENVIRONMENTAL IMPACT REPORT (UPD #EIR-2016-16; SCH #2016081053)

INTRODUCTION

The Board of Port Commissioners of the San Diego Unified Port District ("District") hereby makes the following Findings and Statement of Overriding Considerations concerning the Final Environmental Impact Report (UPD #EIR-2016-16; SCH #2016081053) for the Fifth Avenue Landing Project and Port Master Plan Amendment ("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.* ("CEQA Guidelines").

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

- Volume 1 contains the Final EIR, which is composed of the following:
- Chapter 1 is an introduction to the Final EIR;
- Chapter 2 contains the final Executive Summary and Summary of Impacts and Mitigation Measures for the proposed project, and a list of public agencies, organizations, and persons commenting on the Draft EIR;
- Chapter 3 lists the proposed project's objectives and provides a detailed description of the proposed project's characteristics;
- Chapter 5 contains the errata and revisions to the Draft EIR and Port Master Plan Amendment;
- Chapter 6 contains comments received on the Draft EIR and the District's responses to those comments; and
- Attachment 1 contains the Mitigation Monitoring and Reporting Program (MMRP).
- Volume 2 contains the Draft EIR.
- Volume 3 contains the appendices to the Draft EIR.

1.0 PROJECT DESCRIPTION

1.1 Project Overview

1.1.1 Proposed Project

The proposed Fifth Avenue Landing Project and Port Master Plan Amendment (proposed project) consists of a commercial and recreational bayside redevelopment on approximately 18 acres (approximately 784,100 square feet). As proposed, the project would include construction and operation of the following.

- A 44-story market-rate hotel tower approximately 498 feet tall with up to 843 rooms.
- Approximately 69,100 square feet of meeting space.
- A 5-story lower-cost visitor-serving hotel approximately 82 feet tall with up to 220 rooms.
- Approximately 7,749 square feet of retail development along the Embarcadero Promenade.
- Approximately 2.26 acres (98,448 square feet) of public plaza and park areas throughout the project site, which would replace 0.7 acre (30,300 square feet) of public park/plaza located within the area proposed for the lower-cost visitor-serving hotel.
- Approximately 260 onsite parking spaces (combination of striped and valet parking spaces).
- A two-phase expanded marina with up to 50 new slips (that, combined with the existing 12 slips, would total up to 62 slips) and an additional 57,696 square feet of pile supported dock space.
    - The marina would be expanded in two phases:
    - Phase I (31,564 square feet) would be constructed concurrently with the hotel construction and would add 23 new slips ranging in size from 50 feet to 200 feet. These slips would be accessible from the proposed pile-supported dock, which would be approximately 20 feet wide and approximately 439 feet long. Phase I may include a breakwater with wave attenuation panels, approximately 400 feet long and 20 feet wide, located at the end of the proposed dock.
    - Phase II (26,132 square feet) would be constructed when market conditions allow and would provide an additional 27 slips ranging in size from 50 feet to 240 feet. These slips would be accessible from the proposed pile-supported dock, which would be approximately 20 feet wide and extend approximately 922 feet into the San Diego Bay, with a breakwater approximately 630 feet long and 20 feet wide.

- An optional connecting bridge from the lower-cost visitor-serving hotel rooftop public plaza and park area to the San Diego Convention Center (SDCC) that would require concurrence of the City of San Diego (City) and an amendment to the existing Convention Center Management Agreement for the SDCC by and between the City of San Diego and the District (District Document No. 37944) (Management Agreement) prior to implementation.

In addition to the above improvements, the proposed project also includes an amendment to the existing Port Master Plan (PMP). The current certified PMP designates a portion of the landside portion of the project site for the SDCC Phase III expansion, which would be replaced by the proposed project. In addition, other land and water uses proposed as part of the project are not consistent with the existing PMP land and water use designations. Therefore, an amendment to PMP Planning District 3, Centre City Embarcadero, is proposed. This PMP Amendment (PMPA) would change portions of the existing land and water use designations, and would update the PMP maps, text, and tables to reflect the proposed project and corresponding land and water uses (see Figure 3-19 of the Draft EIR). In addition, as shown on Figure 3-19, the PMPA identifies up to eight new designated vista areas to replace the five existing designated vista areas that would be displaced by the proposed project.

1.1.2 Approved Project

At the public hearing on December 28, 2020, the Board of Port Commissioners decided not to approve the project as proposed and instead approved an alternative to the proposed project analyzed in Section 7.6.4, Chapter 7 of Volume 2 (Draft EIR) of the Final EIR and referred to as Alternative 4, the Phase I Only Marina Alternative ("approved project"). The approved project includes all of the same components as the proposed project, except with respect to the expanded marina. Whereas the proposed project included a two-phase expansion, the approved project includes only the Phase I marina expansion and does not include the proposed Phase II expansion.

1.2 Project Location

The proposed project would be located in downtown San Diego within the District's jurisdiction on a 13-acre project site. The project site is composed of five (5) landside acres south of Harbor Drive and the SDCC and west of the existing Hilton San Diego Bayfront Hotel and eight (8) waterside acres of San Diego Bay east of Embarcadero Marina Park South. The waterside portion of the project site is approximately 350 feet and the landside approximately 1,000 feet from the 96-acre Tenth Avenue Marine Terminal, an omni-terminal that handles refrigerated containers, dry bulk, liquid bulk, and general cargo immediately southeast of the Hilton San Diego Bayfront Hotel. The Bay is southwest of the project site, and the City of Coronado is across the Bay approximately 0.6 mile to the southwest. The San Diego International Airport is approximately 2 miles to the northwest. Regional

vehicle access to the project site is available from Interstate (I-) 5 and State Route (SR-) 94 to the east and SR-163 to the north. Several freeway ramps are within 1 mile of the project site. The site is also within proximity to rail, with the closest trolley stop, Gaslamp Quarter Station, approximately 900 feet across Harbor Drive to the north and Santa Fe Depot less than 1 mile to the northwest. Figure 2-1 of Volume 2 of the Final EIR shows the regional location and access to the project site.

The landside portion of the project site is situated immediately south and southwest of the SDCC. Its northeasterly boundary extends to Convention Way, which is adjacent to the existing SDCC; its southeasterly boundary extends to the existing park, which is part of the Hilton San Diego Bayfront Hotel premises; the majority of its southwesterly boundary extends into the Bay (for the marina), with the landside portion adjacent to Embarcadero Marina Park South; and its northeastern and northern boundary extends to Marina Park Way and Convention Way, respectively. The waterside portion of the project site includes an expanded marina to the south/southeast of the existing marina, as well as the existing water transportation ferry service. The existing marina is currently used by marina customers and their recreational vessels. Figure 2-2 of Volume 1 of the Final EIR provides the location and boundaries of the project site.

1.3 Project Objectives

The project proponent has identified the following objectives for the proposed project.

1. Provide for the development and operation of a full-service hotel of a size, quality, and location appropriate for first-class convention operations that is a financially viable operation and is of a similar size and stature as nearby hotels such as the Hilton San Diego Bayfront Hotel (approximately 1,200 rooms), Manchester Grand Hyatt Hotel (approximately 1,625 rooms), and Marriott Marquis San Diego Marina Hotel (approximately 1,355 rooms).
2. Provide lower-cost, visitor-serving accommodations to allow greater access and enjoyment by the public that complies with Board Policy 775, *Guidelines for the Protection, Encouragement, and, Where Feasible, Provision of Lower Cost Visitor and Recreational Facilities*.
3. Provide for infill development on District tidelands that: (a) is compatible with surrounding uses; (b) maximizes the economic benefit to the District and City of San Diego and surrounding region by maximizing hotel room revenue, restaurant and retail sales, and hotel and retail sales taxes; and (c) generates sufficient leasehold revenue to support the District's participation in financing its mission of developing a balance between economic benefits, environmental stewardship, and public safety on behalf of the citizens of California.
4. Increase activation at the project site and along the bayfront by providing public plaza and park spaces, accompanied by visitor-serving retail, an

expanded marina, a new water transportation center, and continuing operation of the existing public in-Bay water transportation system.

5. Provide new public vista opportunities of San Diego Bay from vantage points such as the San Diego Convention Center (SDCC) and proposed public plaza and park areas.
6. Improve public access by providing linkages from the City to the waterfront and Embarcadero Promenade by providing wayfinding signage at multiple entry points, including potential development of a pedestrian bridge that connects the project site with the SDCC and the Gaslamp Quarter of downtown San Diego.
7. Pursue Leadership in Energy and Environmental Design (LEED) Silver certification or achieve an equivalent level of sustainability by incorporating sustainable practices in all elements of project design and construction, leading to a reduction in energy use, water use, and solid waste generation as compared to standard hotel and visitor-serving developments.

2.0 ENVIRONMENTAL PROCEDURES

2.1 Lead Agency

Pursuant to CEQA Guidelines §15367, the District is the "lead agency" because it has the principal responsibility for approving the proposed project. As the CEQA lead agency, the District is responsible for completing an environmental review pursuant to CEQA. As such, 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 in connection with its decisions to certify the Final EIR, adopt the Findings of Fact and Statement of Overriding Considerations, and approve the proposed project. The Board of Port Commissioners is also responsible for approval of the PMPA, Coastal Development Permit, and lease.

The California Coastal Commission is a responsible agency, as defined in CEQA Guidelines §15381, and is responsible for certifying the PMPA. The California Coastal Commission would use the EIR in making its decision whether to certify the PMPA. In the event an amendment to the existing Convention Center Management Agreement is required, the City would also be a responsible agency because the amendment would be a discretionary action by the City.

The California State Lands Commission is a trustee agency, as defined in CEQA Guidelines §15386. The California State Lands Commission may have an interest in the proposed project, but would not issue approvals or permits required to implement the proposed project.

2.2 Environmental Impact Report

Pursuant to CEQA Guidelines §15080, *et seq.*, the District prepared an EIR to analyze the potential impacts of the proposed project on the environment. The Final EIR contains all of the information required by 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 August 18, 2016, with the publication of a Notice of Preparation (NOP) of the EIR and initiation of a 30-day public review period. The NOP was posted with the County Clerk in accordance with CEQA Guidelines §15082. The NOP and notices of the NOP 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 September 7, 2016 at the District's Administration Building.

The Draft EIR was completed and a Notice of Availability for public review was posted on December 13, 2017. A minimum 45-day public review period began on December 13, 2017 and ended on January 30, 2018. Seven public agencies, four organizations, and two individual persons submitted written comments on the Draft

EIR during the public comment period. These comments and the District's responses to them are included in Chapter 5 of the Final EIR, as required by CEQA Guidelines §15088 and §15132.

The Final EIR was completed and the District's responses to comments were made available for review on October 29, 2020. A public hearing for certification of the Final EIR was held by the District Board of Port Commissioners on December 28, 2020, at which interested agencies, organizations, and individuals were given an opportunity to comment on the Final EIR and the project.

At the public hearing, District staff recommended that the Board of Port Commissioners certify the Final EIR and approve the Phase I Only Marina Alternative, which was analyzed in the Final EIR as Alternative 4. As discussed in Chapter 7.0 of the Draft EIR, Alternative 4 would be the same as the proposed project except that it would include only the Phase I waterside component and would eliminate the Phase II waterside component. After considering the public testimony and all other information presented, the Board of Port Commissioners accepted District staff's recommendation and adopted resolutions certifying the Final EIR and approving Alternative 4 ("approved 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 the following:

- The Final EIR (October 2020);
- The Draft EIR (December 2017);
- The appendices to the Draft EIR (December 2017);
- All documents and other materials listed as references 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 project that are before the Board of Port Commissioners as determined by the 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, tape recordings, and verbatim transcripts, if any, of the public hearing held on December 28, 2020, concerning the Final EIR and the project; and

- Matters of common knowledge to the Board of Port Commissioners and the District, including but not limited to the PMP.

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 (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 effects. The District need only adopt 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 project 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 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 which avoid or substantially lessen the significant environmental effect as identified in the Final EIR;

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the District and such changes have been, or can and should be, adopted by that other agency; or

(3) Specific economic, legal, social, technological, or other considerations, including 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. (CEQA Guidelines §15364.) The concept of "feasibility" also encompasses the question 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. (CEQA Guidelines §§15093, 15043 (b); see also Pub. 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, despite implementation of all feasible mitigation measures, the project as approved will have significant impacts on aesthetics and visual resources; greenhouse gas (GHG) emissions and climate change; hazards and hazardous materials; noise and vibration; public services and recreation; and transportation, circulation, and parking that cannot be determined with certainty to be avoided or reduced to a less-than-significant level.

3.3 Legal Effect

To the extent these findings conclude that 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 take effect when the District adopts a resolution certifying the Final EIR and the District adopts resolution(s) approving the project.

3.4 Mitigation Monitoring and Reporting Program

In addition to adopting these findings, the District also adopts an MMRP pursuant to Public Resources Code §21081.6 and CEQA Guidelines §15097. The MMRP is designed to ensure the approved project complies with the feasible mitigation measures identified below during implementation of the approved project. The MMRP is set forth in the "Mitigation Monitoring and Reporting Program for the Fifth Avenue Landing Project and Port Master Plan Amendment," which is adopted by the District concurrently with these findings and is incorporated herein by this reference (Final EIR, Attachment 1.)

4.0 FINDINGS REGARDING DIRECT SIGNIFICANT EFFECTS

The proposed project will result in direct significant environmental effects with respect to aesthetics and visual resources; air quality and health risk; biological resources; cultural resources; geology and soils; GHG emissions and climate change; hazards and hazardous materials; hydrology and water quality; land use and planning; noise and vibration; public services and recreation; transportation, circulation, and parking; and utilities and service systems. These significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in the Final EIR, Chapter 55, *Errata and Revisions*; and Volume 2 (Draft EIR), Sections 4.1 (*Aesthetics and Visual Resources*), 4.2 (*Air Quality and Health Risk*), 4.3 (*Biological Resources*), 4.4 (*Cultural Resources*), 4.5 (*Geology and Soils*), 4.6 (*Greenhouse Gas Emissions and Climate Change*), 4.7 (*Hazards and Hazardous Materials*), 4.8 (*Hydrology and Water Quality*), 4.9 (*Land Use and Planning*), 4.10 (*Noise and Vibration*), 4.11 (*Public Services and Recreation*), 4.12 (*Transportation, Circulation, and Parking*), and 4.14 (*Utilities and Service Systems*). A summary of significant impacts and mitigation measures for the project is set forth in the Final EIR, Chapter 2, *Executive Summary*, Table 2-4.

As discussed in Section 2.3 above, the approved project, referred to as Alternative 4 in the Final EIR, will be the same as the proposed project except that it would include only the Phase I waterside component and would eliminate the Phase II waterside component. The approved project is intended to lessen the direct potential significant impacts on: biological resources related to loss of eelgrass and open water habitat; GHG emissions and climate change associated with fewer slips for recreational boating opportunities; hazards and hazardous materials related to waterside sediment contamination and damage to the engineered cap; hydrology and water quality with reduced potential for pollution and runoff entering the Bay and violations to water quality standards and waste discharge requirements and, noise and vibration with reduced duration of noise and vibration during waterside construction. The approved project will have the same significant environmental effects as the proposed project, except that the approved project will not have any of the environmental effects associated with the Phase II expansion of the marina. The differences in the environmental impacts between the proposed project and the approved project (Alternative 4) are discussed in more detail in Section 7.6.4 of Volume 2 (Draft EIR) of the Final EIR. A table summarizing the significant impacts of the proposed project and the alternatives evaluated in the EIR, including Alternative 4, is provided as Table 7.10 in Chapter 7.0, Alternatives, of Volume 2 (Draft EIR) of the Final EIR.

Set forth below are the findings regarding the potential direct 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: Visual Impacts due to Obstructed Views within a Vista Area During Project Construction

Potentially Significant Impact: The EIR identifies a potentially significant impact on aesthetic and visual resources (Impact-AES-1) from the protrusion of large construction equipment, including cranes, scaffolding, and other construction materials, into the viewshed of the SDCC rooftop plaza. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.1 and 7.6.4.1, *Aesthetics and Visual Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on aesthetics and visual resources (Impact-AES-1) is analyzed in Sections 4.1 and 7.6.4.1, *Aesthetics and Visual Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-AES-1 will result from the protrusion of large construction equipment, including cranes, scaffolding, and other construction materials, into the viewshed of the SDCC rooftop plaza.

The potentially significant impact on aesthetics and visual resources (Impact-AES-1) would be reduced by mitigation measure MM-AES-1. This mitigation measure is fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-AES-1: Construction Screening and Fencing.** The project proponent shall install construction-screening fencing around the entire perimeter of the project site that would shield construction activities from sight. Construction screening shall include, at a minimum, installation of 8-foot-tall fencing for the duration of the construction period that is covered with view-blocking materials, such as tarp or mesh in a color that blends in with the existing environment such as green or blue.

Under the project, implementation of mitigation measure MM-AES-1 would reduce the aesthetics and visual resources impact associated with obstructed views during project construction, but not below a level of significance. Despite the incorporation of mitigation measure MM-AES-1, the impact on aesthetics and visual resources (Impact-AES-1) is considered significant and unavoidable. This is because views of the construction site would still be available from the elevated viewshed of the existing SDCC plaza and no additional mitigation was identified to

reduce impacts on this viewshed to a less-than-significant level. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.1.2 Impact-AES-2: Visual Impacts due to Obstructed Views Within a Vista Area During Project Operations

Potentially Significant Impact: The EIR identifies a potentially significant impact on aesthetic and visual resources (Impact-AES-2). Operation of the project would substantially interfere with existing expansive views of the San Diego Bay from the existing SDCC plaza and the SDCC grand staircase. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Draft EIR), Sections 4.1 and 7.6.4.1, *Aesthetics and Visual Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on aesthetics and visual resources (Impact-AES-2) is analyzed in Sections 4.1 and 7.6.4.1, *Aesthetics and Visual Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-AES-2 will result from the obstruction of views of the San Diego-Coronado Bay Bridge and substantial interference with existing expansive views of the San Diego Bay from the existing SDCC plaza and the SDCC grand staircase. Viewers would be required to travel to other areas in the project vicinity to have the panoramic views restored.

The potentially significant impact on aesthetics and visual resources (Impact-AES-2) would be reduced by mitigation measures MM-AES-2 and MM-AES-3. These mitigation measures are fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and are briefly described as follows:

> **MM-AES-2: Install Wayfinding and Public Accessibility Signage.** The project proponent shall post wayfinding signage and signage at the grand staircase, market-rate hotel tower staircase, public observation terrace, optional pedestrian bridge, and two locations along the existing Embarcadero Promenade, that directs visitors to the proposed public plaza and park areas on the rooftop of the parking structure and hotel ballrooms as well as the walkway around the market-rate hotel tower), and designates the areas as available to the public with open hours listed.
>
> **MM-AES-3: Transparent Fencing Materials at Pool Deck.** The project proponent shall install transparent fencing in front of the pool to separate the pool deck from the public observation terrace viewing point on the

second floor of the west side of the market-rate hotel tower, using transparent materials such as glass or cable rail.

Under the project, implementation of mitigation measures MM-AES-2 and MM-AES-3 would reduce the aesthetics and visual resources impact associated with obstructed views during project operations, but not below a level of significance. This is because the project would still result in substantial obstruction of existing panoramic views of the Bay, and there is no mitigation measure to minimize impacts on the panoramic views from the SDCC's grand staircase. Despite the incorporation of mitigation measures MM-AES-2 and MM-AES-3, the impact on aesthetics and visual resources (Impact-AES-2) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.1.3 Impact-AES-3: Visual Impacts due to Displacement of Existing Designated Vista Areas During Project Operations

Potentially Significant Impact: The EIR identifies a potentially significant impact on aesthetic and visual resources (Impact-AES-3). Operation of the project would displace five vista areas that are designated in the current PMP at the planned rooftop plaza and park areas. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Draft EIR), Sections 4.1 and 7.6.4.1, *Aesthetics and Visual Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 project on aesthetics and visual resources (Impact-AES-3) is analyzed in Sections 4.1 and 7.6.4.1, *Aesthetics and Visual Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-AES-3 will result from the displacement of five vista areas that are designated in the current PMP at the planned rooftop plaza and park areas.

The potentially significant impact on aesthetics and visual resources (Impact-AES-3) would be reduced to below a level of significance by mitigation measure MM-AES-4. This mitigation measure is fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-AES-4: Designated Public Vista Areas.** To replace the five public vista areas currently designated on the project site and/or the SDCC Expansion Rooftop park, the PMP Amendment shall include five new public vista points; four shall be located along the public observation terrace on the rooftop public plaza and park areas and the fifth shall be located on the west end of the market-rate hotel tower terrace (public observation terrace

viewing point). These designated vista points shall be delineated with signage and open to the public at all times.

Under the project, implementation of mitigation measure MM-AES-4 would reduce the impact related to displacement of the existing vistas (Impact-AES-3) to less-than-significant levels because it would locate four vista areas along the public observation terrace on the rooftop public plaza and park areas and a fifth on the west end of the market-rate hotel tower terrace; furthermore, the project would add three new scenic vista areas at the project site, beyond what is required by MM-AES-4, for a total of eight vista areas within the project site.

4.1.4 Impact-AES-4: Temporary New Source of Nighttime Lighting During Construction

Potentially Significant Impact: The EIR identifies a potentially significant impact on aesthetic and visual resources (Impact-AES-4) from the introduction of new sources of temporary nighttime lighting during project construction. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Draft EIR), Sections 4.1 and 7.6.4.1, *Aesthetics and Visual Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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-4 in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on aesthetics and visual resources (Impact-AES-4) is analyzed in Sections 4.1 and 7.6.4.1, *Aesthetics and Visual Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-AES-4 will result from the introduction of new sources of temporary nighttime lighting from the use of overnight security lights at the project site.

The potentially significant impact on aesthetics and visual resources (Impact-AES-4) would be reduced to below a level of significance by mitigation measure MM-AES-5. This mitigation measure is fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-AES-5: Down-shield All Construction Security Lighting.** The project proponent shall ensure that all overnight construction security lighting used at the project site is down-shielded to prevent any light spillover off site consistent with City of San Diego regulations on glare and outdoor lighting (Municipal Code Sections 142.0730 and 142.0740).

Under the project, implementation of MM-AES-5 would reduce Impact-AES-4 to less-than-significant levels by ensuring that all temporary overnight security lighting at the project site is down-shielded to prevent any offsite light spillover consistent with City of San Diego regulations on glare and outdoor lighting.

4.1.5 Impact-AES-5: New Permanent Source of Glare Generated by the Proposed Market-Rate Hotel Tower

Potentially Significant Impact: The EIR identifies a potentially significant impact on aesthetic and visual resources (Impact-AES-5) from the use of architectural finishes and façade materials that would increase the amount of glare produced at the project site. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Draft EIR), Sections 4.1 and 7.6.4.1, *Aesthetics and Visual Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 project on aesthetics and visual resources (Impact-AES-5) is analyzed in Sections 4.1 and 7.6.4.1, *Aesthetics and Visual Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-AES-5 will result from the introduction of new sources of temporary nighttime lighting from the use of architectural finishes and façade materials that would increase the amount of glare produced at the project site.

The potentially significant impact on aesthetics and visual resources (Impact-AES-5) would be reduced to below a level of significance by mitigation measure MM-AES-6. This mitigation measure is fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-AES-6: Incorporate the Use of Reduced Glare Building Materials.** The proposed market-rate hotel tower shall incorporate non-reflective exterior building materials in its design, and any glass incorporated into the façade of the building shall either be of low reflectivity or accompanied by a non-glare coating.

Implementation of MM-AES-6 requires the project proponent to incorporate reduced-glare building materials into the final project design, such as non-reflective building materials and glass that is of low reflectivity or accompanied by a non-glare coating. The incorporation of these features would ensure that Impact-AES-5 is reduced to less-than-significant levels.

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

Potentially Significant Impact: The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-1) in that the project would result in land use changes that were not known at the time the San Diego Regional Air Quality

Strategy (RAQS) and State Implementation Plan (SIP) were last updated. This would result in a conflict with the applicable state and regional air quality plans because the proposed land use and the intensity proposed are not consistent with the current RAQS and SIP.

Detailed information and analysis regarding this significant potential impact are provided in Volume 2 (Draft EIR), Sections 4.2 and 7.6.4.2, *Air Quality and Health Risk*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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.

Facts in Support of Finding: The potentially significant impact of the project on air quality and health risk (Impact-AQ-1) is analyzed in Volume 2 (Draft EIR), Sections 4.2 and 7.6.4.2, *Air Quality and Health Risk*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-AQ-1 will result from the proposed project re-designating Commercial Recreation to Street, Street to Commercial Recreation, Specialized Berthing to Recreational Boat Berthing, Ship Navigation Corridor to Recreational Boat Berthing, Promenade to Commercial Recreation, Park to Commercial Recreation, and Commercial Recreation to Park. As these land use changes were not known at the time the RAQS and SIP were last updated, this would result in a conflict with the applicable state and regional air quality plans because the proposed land use and the intensity proposed are not consistent with the current RAQS and SIP.

The potentially significant impact on air quality and health risk (Impact-AQ-1) can be reduced to below a level of significance by mitigation measure MM-AQ-1. This mitigation measure is fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-AQ-1: Update the RAQS and SIP with New Growth Projections. T**he District shall coordinate with the San Diego Air Pollution Control District in its next triennial update of the RAQS and SIP to amend the growth assumptions in the RAQS and SIP to incorporate the land use changes in the proposed Port Master Plan Amendment. This includes changing the land use designations within the proposed project site.

With implementation of MM-AQ-1, the inconsistency with the current RAQS and SIP associated with the proposed land use designation changes (Impact-AQ-1) would be rectified, and the project would no longer be inconsistent. Therefore, after mitigation, Impact-AQ-1 would be less than significant.

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

Potentially Significant Impact: The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-2). Project emissions during construction, before mitigation, would exceed the San Diego County screening-level thresholds (SLTs) for volatile organic compounds (VOC). The contribution of project-related emissions is considered significant because the project would exceed thresholds that have been set by San Diego Air Pollution Control District (SDAPCD) to attain the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), the purpose of which is to provide for the protection of public health. Detailed information and analysis regarding this significant potential impact are provided in Volume 2 (Draft EIR), Sections 4.2 and 7.6.4.2, *Air Quality and Health Risk*, with revisions and clarifications in Final EIR Chapter 5 *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 project on air quality and health risk (Impact-AQ-2) is analyzed in Volume 2 (Draft EIR), Sections 4.2 and 7.6.4.2, *Air Quality and Health Risk*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-AQ-2 will result from exceedance of the San Diego County SLTs for VOC. The contribution of project-related emissions is considered significant because the project would exceed thresholds that have been set by SDAPCD 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 risk (Impact-AQ-2) can be reduced to below a level of significance by mitigation measures MM-AQ-2 and MM-AQ-3. These mitigation measures are fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and are briefly described as follows:

> **MM-AQ-2: Use Low-VOC Interior and Exterior Coatings During Construction.** During construction, the project proponent shall use low-VOC coatings for all surfaces that go beyond the requirements of San Diego Air Pollution Control District Rule 67.0, and have a VOC content of 75 grams per liter or less.
>
> **MM-AQ-3: Limit Soil Hauling Truck Counts during Excavation to Reduce Daily Construction-Related Emissions.** During construction, the project proponent shall ensure that daily heavy-duty truck counts during soil hauling do not exceed 85 trucks per day.

With implementation of MM-AQ-2 and MM-AQ-3, Impact-AQ-2 would be reduced to less-than-significant levels because construction-related VOC emissions would be reduced to below San Diego County SLTs after mitigation. As such, construction of the project would not violate an air quality standard or contribute substantially to an existing or projected air quality standard.

4.2.3 Impact-AQ-3: Cumulative Emissions in Excess of Criteria Pollutant Thresholds During Project Construction

Potentially Significant Impact: The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-3). Project emissions during construction, before mitigation, would exceed the San Diego County SLTs for VOC, and when combined with other nearby past, present, and probable future projects, the project's contribution would be cumulatively considerable. The contribution of project-related emissions is considered significant because the project would exceed thresholds that have been set by SDAPCD to attain the NAAQS and CAAQS, the purpose of which is to provide for the protection of public health. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.2 and 7.6.4.2, *Air Quality and Health Risk*, with revisions and clarifications in Final EIR Chapter 3 *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 project on air quality and health risk (Impact-AQ-3) is analyzed in Volume 2 (Draft EIR), Sections 4.2 and 7.6.4.2, *Air Quality and Health Risk*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impacts will result from exceedance of the San Diego County SLTs for VOC, and when combined with other nearby past, present, and probable future projects, the project's contribution would be cumulatively considerable (Impact-AQ-3). The contribution of project-related emissions is considered significant because the project would exceed thresholds that have been set by SDAPCD 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 risk (Impact-AQ-3) can be reduced to below a level of significance by mitigation measures MM-AQ-2 and MM-AQ-3. These mitigation measures are fully set forth in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.2.2.

Under the project, Impact-AQ-3 would be reduced to a less-than-significant level with implementation of MM-AQ-2 and MM-AQ-3, because mitigation would reduce the project's construction-related emissions below San Diego County SLTs for

VOC. Therefore, the project's contribution of a nonattainment pollutant would be less than cumulatively considerable during construction and impacts are considered less than significant.

4.3 Biological Resources

4.3.1 Impact-BIO-1: Water Quality Impairment Impacts on California Least Tern and California Brown Pelican Foraging

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-1). Construction and operation of the project could lead to water quality impairment in San Diego Bay, which would inhibit foraging of both California least tern and California brown pelican by reducing water clarity and making it more difficult to identify prey species within the project site. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 impacts on biological resources (Impact-BIO-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on biological resources (Impact-BIO-1) is analyzed in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-BIO-1 will result from water quality impairment in San Diego Bay associated with construction and operation of the project, which would inhibit foraging of both California least tern and California brown pelican by reducing water clarity and making it more difficult to identify prey species within the project site.

The potentially significant impact on biological resources (Impact-BIO-1) will be reduced below a level of significance by implementing mitigation measures MM-BIO-1, MM-HWQ-1, and MM-HWQ-2. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and are briefly described as follows:

> **MM-BIO-1: Avoid California Least Tern Breeding Season or Implement Construction Measures to Eliminate Impacts on California Least Tern Breeding**. The project proponent shall schedule and complete all in-water construction activity outside of the nesting season for California least tern (generally between mid-April and late September). Should in-water construction occur during the California least tern nesting season, the construction measures described on pages 4.3-31 -4.3-32 of Section 4.3, Volume 2 (Draft EIR) of the Final EIR shall be implemented in accordance with regulations, including CWA Section 401, the NPDES permit, and Stormwater Management and Discharge Control Ordinance.

MM-HWQ-1: Marina Best Management Practice Plan and Copper Reduction Measures. To reduce potential impacts on water quality, the project proponent shall prepare a Marina Best Management Practice Plan that shall be reviewed and approved by the District specifically identifying best management practices (BMPs) that will be used within the Marina to (1) minimize the pollutant load of runoff, including measures to prevent, eliminate, and/or otherwise effectively protect water quality of the Bay and (2) reduce inputs of total and dissolved copper resulting from increased berthing of boats. At a minimum, the Marina Best Management Practice Plan shall include, but not be limited to, the following: use of educational materials for boat owners and their crews; docking agreements with specific use restrictions; implementation and monitoring of District-adopted in-water hull cleaning regulations; and no fueling on site.

MM-HWQ-2: Water Quality Sampling for Total and Dissolved Copper. Prior to the commencement of marina development, the project proponent shall conduct water quality sampling to develop an updated baseline for total and dissolved copper. The project proponent shall conduct ongoing water quality monitoring and testing for total and dissolved copper over the course of marina development/occupancy for each phase of marina development. Reports of all monitoring and testing results shall be prepared and paid for by the project proponent and submitted to the District's Development Services Department for review and approval. If at any time during monitoring the water quality equals or exceeds or the Basin Plan water quality objectives and comparison with the updated baseline indicates that the exceedance is a result of the proposed project, the project proponent shall immediately notify the District's Development Services Department and shall immediately cease further development and/or occupancy until additional BMPs addressing the issue are employed and reduce the copper levels. Water quality testing shall occur every year following full occupancy of the marina or until the marina is fully occupied by non-copper hulled boats. Any exceedance attributed to the proposed project (based on a comparison with the updated baseline assessment) shall require additional BMPs if determined necessary to reduce total and dissolved copper to below the Basin Plan water quality objectives. BMPs that must be considered include, but are not limited to: implementation of an incentive structure for non-copper hull paint boats; identification of copper free zones; prohibition of hull bottom scraping, use of toxic detergents, and overwater repairs; and limitations on in-skip hull cleaning.

Implementation of MM-BIO-1, MM-HWQ-1, and MM-HWQ-2 would reduce impacts on California least tern during waterside pile driving (Impact-BIO-1) to less-than-significant levels by requiring construction activities to occur outside of the California least tern nesting season or by implementing construction measures in accordance with regulations, as well as implementing measures that would reduce pollutant load runoff and reduce inputs of copper from boat berthing, and require ongoing monitoring of water quality.

4.3.2 Impact-BIO-2: Potential Disruption or Injury of California Least Tern, Green Sea Turtle, and Marine Mammals During Pile Driving Activities

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-2) as a result of pile driving activities that would potentially generate a noise disturbance to California least tern from in-air noise, and generate underwater noise that could injure or alter behavior of both green sea turtle and marine mammals. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 (Impact-BIO-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on biological resources (Impact-BIO-2) is analyzed in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-BIO-2 will result from pile driving activities that would potentially generate a noise disturbance to California least tern from in-air noise. Pile driving could also generate enough underwater noise to injure (Level A Harassment) or alter behavior (Level B Harassment) of both green sea turtle and marine mammals.

The potentially significant impact on biological resources (Impact-BIO-2) will be reduced to below a level of significance by mitigation measure MM-BIO-1 and MM-BIO-2. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-BIO-1 was described above in Section 4.3.1 and MM-BIO-2 is briefly described as follows:

> **MM-BIO-2: Implement a Marine Mammal and Green Sea Turtle Monitoring Program During Pile Driving Activities.** Prior to construction activities involving in-water pile driving, the project proponent shall prepare and implement a marine mammal and green sea turtle monitoring program approved by the District which shall include the requirements set forth on page 4.3-34 of Section 4.3, Volume 2 (Draft EIR) of the Final EIR.

Implementation of MM-BIO-1 and MM-BIO-2 would reduce impacts on the California least tern and marine mammals and green sea turtles (Impact-BIO-2) to less-than-significant levels by implementing measures that require specific monitoring and other actions intended to ensure that the affected species are not in the construction area or to halt construction activities until the affected species have left the construction area.

4.3.3 Impact-BIO-3: Potential Disturbance or Destruction of Nests Protected by the Migratory Bird Treaty Act and California Fish and Game Code

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-3) from the removal of mature trees during construction, as well as noise from construction activity, that could impede the use of bird breeding sites during the nesting season (February 15 through August 31). Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 (Impact-BIO-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on biological resources (Impact-BIO-3) is analyzed in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-BIO-3 will result from the removal of mature trees during construction, as well as noise from construction activity, that could impede the use of bird breeding sites during the nesting season (February 15 through August 31). The destruction of an occupied nest would be considered a significant impact if it were a violation of the Migratory Bird Treaty Act (MBTA) or California Fish and Game Code.

The potentially significant impacts on biological resources (Impact-BIO-3) will be reduced to below a level of significance by mitigation measures MM-BIO-3. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-BIO-3: Avoid Nesting Season for Birds or Conduct Preconstruction Nesting Surveys.** To ensure compliance with the MBTA and similar provisions under Sections 3503 and 3503.5 of the California Fish and Game Code, the project proponent shall conduct all vegetation removal (e.g., ornamental trees) during the non-breeding season between September 1 and February 14 or shall conduct nesting bird surveys, as described on pages 4.3-34 – 4.3-35 of Section 4.3, Volume 2 (Draft EIR) of the Final EIR, if construction activities are scheduled between February 15 and August 31.

MM-BIO-3 would reduce impacts on nesting birds during construction activities (Impact-BIO-3) to less-than-significant levels by avoiding the bird nesting season or through preconstruction surveys that will determine whether nesting birds are present in the construction area and whether the establishment of non-disturbance buffer zones are required.

4.3.4 Impact-BIO-4: Reflective Materials and Increased Bird Strikes (market-rate hotel tower lower-cost visitor-serving hotel, and retail development)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-4) associated with the use of reflective building and glass finishes that may confuse birds in flight, leading to an increase in strikes. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 (Impact-BIO-4) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on biological resources (Impact-BIO-4) is analyzed in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-BIO-4 will result from the use of reflective building and glass finishes that may confuse birds in flight, leading to an increase in strikes.

The potentially significant impact on biological resources (Impact-BIO-4) will be reduced to below a level of significance by implementing mitigation measure MM-BIO-4. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-BIO-4: Implement Bird Strike Reduction Measures on New Structures.** Building plans shall be reviewed by an ornithologist familiar with local species, retained by the developer and approved by the District, 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* or an equivalent guide to avoid or reduce the potential for bird strikes. Final building design must demonstrate to the satisfaction of the ornithologist and the District that design strategies will be in accordance with the *Bird-Friendly Building Design*, and confirmed with the U.S. Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) by incorporating strategies to minimize the threat to avian species.

Implementation of MM-BIO-4 would reduce impacts on birds in flight (Impact-BIO-4) to less-than-significant levels by requiring the incorporation of design strategies, including but not limited to those set forth on pages 4.3-35 – 4.3-36 of Section 3, Volume 2 (Draft EIR) of the Final EIR, that enable birds to recognize structures from the open sky.

4.3.5 Impact-BIO-5: Loss of Open Water Habitat from Marina Operations

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-5) associated with an increase in overwater coverage resulting from the marina expansion, which would reduce the available open water habitat that is used for foraging by fish-eating avian species. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 (Impact-BIO-5) as identified 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 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-BIO-5 will result from the increase in overwater coverage associated with the marina expansion, which would reduce the available open water habitat that is used for foraging by fish-eating avian species such as the California least tern. While the proposed configuration of overwater structures would not generate shade over eelgrass, overwater structures have the potential to affect nearshore habitat through a number of mechanisms including reduced primary production, altered wave and tidal energy, increased substrate disturbances, and increased nutrient loading.

The potentially significant impact on biological resources (Impact-BIO-5) will be reduced to below a level of significance by mitigation measure MM-BIO-5. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-BIO-5: Implement Overwater Coverage and Structural Fill Mitigation in Coordination with the National Marine Fisheries Service (NMFS), CDFW, USFWS, Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACE), California Coastal Commission (CCC), and the District to Compensate for Loss of Open Water Habitat and Function**. The project proponent shall request and participate in stakeholder meetings with NMFS, CDFW, USFWS, RWQCB, USACE, CCC, and the District to identify locations within San Diego Bay or the San Diego region to mitigate impacts associated with a loss of open water habitat and function and implement one or any combination of the following mitigation options: removal of overwater coverage and structural fill within San Diego Bay or San Diego region; restore eelgrass habitat at the South Bay Power Plant cooling water intake channel or an alternative mitigation site of equivalent size and value within San Diego Bay; purchase credits from a suitable in lieu fee program or mitigation bank within the

Coastal Zone; and/or purchase credits from the District's shading credit program. The project proponent shall secure all applicable permits for the mitigation of overwater coverage and structural fill.

Implementation of MM-BIO-5 would reduce Impact-BIO-5 to less-than-significant levels by requiring implementation of any combination of the following mitigation options: removing overwater coverage and structural fill in the Bay or the San Diego region; restoring eelgrass habitat at the South Bay Power Plant cooling water intake channel or an alternative mitigation site of equivalent size and value within San Diego Bay; purchasing credits for a suitable in lieu fee program or mitigation bank; and/or purchasing credits from the District's shading credit program. Although MM-BIO-5 would reduce Impact-BIO-5 to less-than-significant levels, implementation of this mitigation measure would have the potential to result in secondary effects. The removal of overwater coverage and structural fill could involve demolition of existing piers or other structures within San Diego Bay, which would potentially result in short-term water quality impacts if water quality protection measures were not implemented. However, adherence to regulatory permit requirements associated with Rivers and Harbors Act Section 10 and Clean Water Act Section 401 would ensure that implementation of this mitigation measure would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade existing water quality. Additionally, it is anticipated that criteria pollutant and GHG emissions generated by MM-BIO-5 would be minimal and temporary, and would primarily be associated with construction worker and haul trips to and from the removal site. Consequently, the overall secondary effects of implementing MM-BIO-5 would be less than significant.

4.3.6 Impact-BIO-6: Loss of Open Water Function from Structural Fill

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-6) associated with an increase in structural fill from the construction of piles and the breakwater for the marina expansion. The increase in structural fill would reduce the amount of open water within the San Diego Bay. The piles and breakwater could restrict or change water circulation. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 (Impact-BIO-6) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on biological resources (Impact-BIO-6) is analyzed in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-BIO-6 will result from the

increase in structural fill with the construction of piles and the breakwater for the marina expansion. The increase in structural fill would reduce the amount of open water within the San Diego Bay. The piles and breakwater could restrict or change water circulation. The restriction in circulation would likely have a minimal but unpredictable impact on eelgrass beds in the areas inside of the breakwater.

The potentially significant impact on biological resources (Impact-BIO-6) will be reduced to below a level of significance by mitigation measure MM-BIO-5. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.3.5.

Implementation of MM-BIO-5 would reduce Impact-BIO-6 to less-than-significant levels by requiring implementation of any combination of the following mitigation options: removing overwater coverage and structural fill in the Bay or the San Diego region; restoring eelgrass habitat at the South Bay Power Plant cooling water intake channel or an alternative mitigation site of equivalent size and value within San Diego Bay; purchasing credits for a suitable in lieu fee program or mitigation bank; and/or purchasing credits from the District's shading credit program. Although MM-BIO-5 would reduce Impact-BIO-6 to less-than-significant levels, implementation of this mitigation measure would have the potential to result in secondary effects. The removal of overwater coverage and structural fill could involve demolition of existing piers or other structures within San Diego Bay, which would potentially result in short-term water quality impacts if water quality protection measures were not implemented. However, adherence to regulatory permit requirements associated with Rivers and Harbors Act Section 10 and Clean Water Act Section 401 would ensure that implementation of this mitigation measure would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade existing water quality. Additionally, it is anticipated that criteria pollutant and GHG emissions generated by MM-BIO-5 would be minimal and temporary, and would primarily be associated with construction worker and haul trips to and from the removal site. Consequently, the overall secondary effects of implementing MM-BIO-5 would be less than significant.

4.3.7 Impact-BIO-7: Potential Reduction in Eelgrass Habitat and Productivity During Construction

Potentially Significant Impact: The EIR identifies a potentially significant direct impact on biological resources (Impact-BIO-7) from in-water construction activities that have the potential to affect eelgrass beds adjacent to the marina expansion portion of the project. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 biological resources (Impact-BIO-7) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on biological resources (Impact-BIO-7) is analyzed in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-BIO-7 will result from in-water construction activities that have the potential to affect eelgrass beds adjacent to the marina expansion portion of the project. Impacts may include direct physical disturbance to the beds from anchoring and staging of equipment, through shading from construction-related equipment, and from elevated turbidity levels from construction-related activities such as pile driving.

The potentially significant impact on biological resources (Impact-BIO-7) will be reduced to below a level of significance by mitigation measures MM-BIO-6 and MM-BIO-7. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and are briefly described as follows:

> **MM-BIO-6: Develop an Eelgrass Mitigation and Monitoring Plan in Compliance with the California Eelgrass Mitigation Policy.** 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 surveys indicate the project has impacts on eelgrass. A qualified marine biologist retained by the project proponent and approved by the District shall conduct preconstruction and post-construction eelgrass surveys. If impacts on eelgrass are detected, a qualified marine biologist shall develop a mitigation plan for in-kind mitigation and conduct mitigation performance monitoring.
>
> **MM-BIO-7: Avoid or Mitigate Impacts on Eelgrass Due to Anchored Barges, Boat Navigation, and Propeller Wash.** Tug and barge operators shall ensure that anchored construction barges are located outside of eelgrass beds. The preconstruction and post-construction eelgrass surveys required under MM-BIO-6 shall also identify and demarcate the distribution of eelgrass to assist tug and barge operators and to assess any impacts on eelgrass that may occur. Additionally, tugboat operators shall be instructed that propeller wash can damage eelgrass beds and the integrity of the sediment cap at the adjacent Campbell Shipyard Mitigation Cap Site. No anchoring (and other bottom-disturbing activities) shall occur within eelgrass beds, and propeller wash shall not be directed toward eelgrass beds. If an unanticipated impact on eelgrass occurs, this impact shall be mitigated by replacing the eelgrass at a ratio of 1.2:1, as specified in the California Eelgrass Mitigation Policy, and included in the mitigation and monitoring plan identified under MM-BIO-6.

Implementation of MM-BIO-6 and MM-BIO-7 would reduce impacts on eelgrass during construction (Impact-BIO-7) 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 (MM-BIO-6), and by clearly demarcating the extent of eelgrass within the project area to help construction operations avoid anchoring and other bottom-disturbing activities within eelgrass beds (MM-BIO-7).

4.3.8 Impact-BIO-8: Potential Loss of Eelgrass Habitat Due to Increased Boat Traffic, Marina Operations, and Increased Shade from Hotel Operations

Potentially Significant Impact: The EIR identifies a potentially significant direct impact on biological resources (Impact-BIO-8). Operations associated with both the landside and waterside portions of the project have the potential to affect eelgrass beds due to increased boating traffic disturbing eelgrass beds, and shading of eelgrass habitat from overwater structures and the hotel. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 (Impact-BIO-8) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on biological resources (Impact-BIO-8) is analyzed in Volume 2 (Draft EIR), Sections 4.3 and 7.6.4.3, *Biological Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-BIO-8 will result from operations associated with both the landside and waterside portions of the project, which have the potential to affect eelgrass beds due to increased boating traffic disturbing eelgrass beds, and shading of eelgrass habitat from overwater structures and the hotel.

The potentially significant impact on biological resources (Impact-BIO-8) will be reduced to below a level of significance by mitigation measures MM-HWQ-1, MM-BIO-6, and MM-BIO-8. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-HWQ-1 is described above in Section 4.3.1 and MM-BIO-6 is described above in Section 4.3.7. MM-BIO-8 is briefly described as follows:

> **MM-BIO-8: Implement Boater Education and Marina Lease Requirements, and Install Navigation Aids and Demarcate Eelgrass Adjacent to the Marina**. Prior to operation of the proposed marina, the project proponent shall draft and implement marina lease requirements and a boater education program, and install navigation aids and a floating barrier

to demarcate the eelgrass beds and create a visible barrier to better protect the eelgrass mitigation site from being affected by negligent boating.

Implementation of MM-BIO-6, MM-BIO-8, and MM-HWQ-1 would reduce impacts on eelgrass habitat from marina and hotel operations (Impact-BIO-8) to less-than-significant levels by mitigating any loss to eelgrass habitat at a 1.2:1 ratio, as prescribed in the California Eelgrass Mitigation Policy (MM-BIO-6), by implementing a boater education program and marina requirements and installing navigation aids demarcating eelgrass beds adjacent to the marina to prevent boating impacts on eelgrass habitat (MM-BIO-8), and by minimizing surface water impairment through implementation of Marina Best Management Practice Plan and copper reduction measures (MM-HWQ-1).

4.4 Cultural Resources

4.4.1 Impact-CUL-1: Excavation Related to the Project would Potentially Damage Significant Archaeological Resources

Potentially Significant Impact: The EIR identifies a potentially significant impact on cultural resources (Impact-CUL-1). Portions of CA-SDI-15118H, a large historic period dump under the SDCC that may continue to the south into the project site, have the potential to be unearthed during excavation undertaken as part of the proposed construction activities on the project site. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.4 and 7.6.4.4, *Cultural Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 cultural resources (Impact-CUL-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on cultural resources (Impact-CUL-1) is analyzed in Volume 2 (Draft EIR), Sections 4.4 and 7.6.4.4, *Cultural Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-CUL-1 will result from excavation undertaken as part of the proposed construction activities on the project site, which have the potential to unearth portions of CA-SDI-15118H, a large historic period dump under the SDCC that may continue to the south into the project site.

The potentially significant impact on cultural resources (Impact-CUL-1) will be reduced to below a level of significance by mitigation measure MM-CUL-1. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-CUL-1: Archaeological Monitoring in Areas of Sensitivity**. The project proponent shall retain a qualified archaeologist(s) who meets the Secretary of the Interior's Professional Qualifications Standards, as

promulgated in 36 Code of Federal Regulations 61. The qualified archaeologist shall monitor all proposed grading and excavating for the project in the archaeologically sensitive portion of the project site and shall perform the actions required for discovery, salvaging and treatment of recovered items described more fully on pages 4.4-21 – 4.4-22 of Section 4.4, Volume II (Draft EIR) of the Final EIR..

After implementation of MM-CUL-1, Impact-CUL-1 would be reduced to a less-than-significant level because the recommended monitoring, discovery and recovery actions required for any ground-disturbing activities on the project site would minimize the potential to damage, or result in the loss of, unknown subsurface archaeological resources.

4.4.2 Impact-CUL-2: Potential to Disturb Buried Paleontological Resources

Potentially Significant Impact: The EIR identifies a potentially significant impact on cultural resources (Impact-CUL-2). There is the potential to significantly affect highly sensitive paleontological resources due to excavation that would extend 10 feet or more below ground surface and would include the movement of more than 1,000 cubic yards of soil. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.4 and 7.6.4.4, *Cultural Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 cultural resources (Impact-CUL-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on cultural resources (Impact-CUL-2) is analyzed in Volume 2 (Draft EIR), Sections 4.4 and 7.6.4.4, *Cultural Resources*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-CUL-2 will result from excavation that would extend 10 feet or more below ground surface and would include the movement of more than 1,000 cubic yards of soil, which has the potential to significantly affect highly sensitive paleontological resources.

The potentially significant impact on cultural resources (Impact-CUL-2) will be reduced to below a level of significance by mitigation measure MM-CUL-2. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-CUL-2: Paleontological Monitoring in Areas of Sensitivity.** To reduce potential impacts on paleontological resources, all proposed grading and excavating to depths greater than 10 feet shall be monitored by a qualified paleontologist(s) who will perform the actions required for discovery, salvaging and treatment of recovered items described more fully on page 4.4-23 of Section 4.4, Volume II (Draft EIR) of the Final EIR.

After implementation of MM-CUL-2, Impact-CUL-2 would be reduced to a less-than-significant level because the recommended monitoring, discovery and recovery actions required for any ground-disturbing activities that occur 10 feet or more below ground surface would minimize the potential to affect a unique paleontological resource or site or unique geological feature.

4.5 Geology and Soils

4.5.1 Impact-GEO-1: Potential to Exacerbate Conditions That Would Result in Liquefaction

Potentially Significant Impact: The EIR identifies a potentially significant impact on geology and soils (Impact-GEO-1). There is the potential that construction activities could loosen soil compaction and change the existing geologic conditions in a way that would increase the potential for liquefaction to occur. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.5 and 7.6.4.5, *Geology and Soils*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 geology and soils (Impact-GEO-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on geology and soils (Impact-GEO-1) is analyzed in Volume 2 (Draft EIR), Sections 4.5 and 7.6.4.5, *Geology and Soils*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-GEO-1 will result from construction activities that could loosen soil compaction and change the existing geologic conditions in a way that would increase the potential for liquefaction to occur.

The potentially significant impact on geology and soils (Impact-GEO-1) will be reduced to below a level of significance by mitigation measure MM-GEO-1. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-GEO-1: Demonstrate Compliance with Regulations, including the California Building Code (CBC) and City of San Diego Municipal Code, by Preparing a Geotechnical Investigation Report.** The project proponent shall conduct a geotechnical investigation for the project prior to the completion of the final design of the project. The geotechnical report shall be prepared in compliance with CBC regulations. The geotechnical investigation shall be submitted to the District and the City of San Diego and be approved by the City of San Diego. The project proponent shall be required to implement the recommendations identified in the geotechnical report.

With implementation of MM-GEO-1, potential impacts associated with liquefaction (Impact-GEO-1) would be less than significant because the geotechnical investigation would include recommendations for design and construction practices in compliance with the applicable regulations.

4.5.2 Impact-GEO-2: Potential to Exacerbate Conditions That Would Result in Lateral Spreading or Soil Collapse

Potentially Significant Impact: The EIR identifies a potentially significant impact on geology and soils (Impact-GEO-2). There is the potential that construction activities could loosen soil compaction and change the existing geologic conditions in a way that would increase the potential for lateral spreading or soil collapse to occur. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.5 and 7.6.4.5, *Geology and Soils*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 geology and soils (Impact-GEO-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on geology and soils (Impact-GEO-2) is analyzed in Volume 2 (Draft EIR), Sections 4.5 and 7.6.4.5, *Geology and Soils*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-GEO-2 will result from construction activities that could loosen soil compaction and change the existing geologic conditions in a way that would increase the potential for lateral spreading or soil collapse to occur.

The potentially significant impact on geology and soils (Impact-GEO-2) will be reduced to below a level of significance by mitigation measure MM-GEO-1. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.5.1.

With implementation of MM-GEO-1 and compliance with regulations such as the CBC and City of San Diego's Municipal Code, potential impacts associated with lateral spreading and soil collapse (Impact-GEO-2) would be less than significant because the geotechnical investigation would include recommendations for design and construction practices in compliance with regulations such as the CBC and City of San Diego's Municipal Code.

4.6 Greenhouse Gas Emissions and Climate Change

4.6.1 Impact-GHG-1: Inconsistency with District Climate Action Plan and Only Partial Consistency with Applicable GHG Reduction Plans, Policies, and Regulatory Programs through 2025

Potentially Significant Impact: The EIR identifies a potentially significant impact on GHG emissions and climate change (Impact-GHG-1). Project GHG emissions during combined project construction and operational activities would be inconsistent with the District's Climate Action Plan (CAP) because the project would not meet the performance benchmark for recreational boating (i.e., 42% reduction) and would only partially comply with plans, policies, and regulatory programs outlined in the CAP, the Scoping Plan, and other plans, policies, and regulatory programs adopted by the California Air Resources Board (ARB) for the purpose of reducing the emissions of GHGs. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.6 and 7.6.4.6, *Greenhouse Gas Emissions and Climate Change*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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.

Facts in Support of Finding: The potentially significant impact of the project on GHG emissions and climate change (Impact-GHG-1) is analyzed in Volume 2 (Draft EIR), Sections 4.6 and 7.6.4.6, *Greenhouse Gas Emissions and Climate Change*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-GHG-1 will result from project GHG emissions during combined project construction and operational activities. These emissions would be inconsistent with the CAP because the project would not meet the performance benchmark for recreational boating (i.e., 53% reduction) and would only partially comply with plans, policies, and regulatory programs outlined in the District's CAP, the Scoping Plan, and other plans, policies, and regulatory programs adopted by ARB for the purpose of reducing the emissions of GHGs.

The potentially significant impact on GHG emissions and climate change (Impact-GHG-1) will be reduced to below a level of significance by mitigation measures MM-GHG-1, MM-GHG-2, MM-GHG-3, and MM-GHG-4. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and are briefly described as follows:

> **MM-GHG-1: Implement Diesel Emission-Reduction Measures** The project proponent shall implement diesel emission-reduction measures during project construction and shall submit reports to the District's Development Services Department for its review and approval, evidencing compliance.

MM-GHG-2: Comply with San Diego Unified Port District Climate Action Plan Measures. Effective opening day, the project proponent shall implement the following measures: no commercial drive-through; reduce indoor water consumption by 20% lower than baseline buildings; comply with Assembly Bill 939 and the City of San Diego's Recycling Ordinance; use only fluorescent, Light-Emitting Diodes (LEDs), Compact Fluorescent Lights (CFLs), or the most energy-efficient lighting and replace existing lighting on the project site if not already highly energy efficient; implement a parking management plan that incentivizes transit, provides bike racks and a bike share station, and provides shuttle programs; install 29 electric car charging stations in the parking garage.

MM-GHG-3: Implement Sustainability Features during Project Operations. The project proponent shall list all GHG-reducing measures and shall demonstrate in the plans where these measures will be located. A report shall be submitted to the District's Development Services Department evidencing compliance. The project has registered its intent to achieve certification under the Leadership in Energy and Environmental Design (LEED) Green Building Rating Systems with the Green Building Certification Institute. The project proponent has proposed various sustainable design features equivalent to LEED v.3.0 Silver level that are set forth on pages 4.6-45 – 4.6-46 of Section 4.6, Volume 2 (Draft EIR) of the Final EIR and will be required and incorporated into the Coastal Development Permit as conditions of approval for the project.

MM-GHG-4: Implement a Renewable Energy Project on Site, on Tidelands, or Within Offsite Tidelands Adjacent to Community or Member City, or Purchase the Equivalent Greenhouse Gas Offsets from a California Air Resources Board Approved Registry or a Locally Approved Equivalent Program.

A. Options for Reducing GHG Emissions. To reach the waterside performance standard for 2025, the 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 District GHG emission reduction program. 3) Purchase GHG emission offset credits.

B. Required Annual GHG Emissions Reductions. To meet the 2025 waterside reduction target, GHG reductions must be equal to 1,411 MTCO2e per year or 6,321 megawatt-hours per year (MWh/year), which would amount to 6,321 MTCO2e over 5 years (between 2025 and 2030).

C. Implementation of GHG Emissions Reduction Options. Prior to becoming operational, the project applicant shall notify the District with plans to achieve the annual GHG emissions reduction in the order of priority specified above:

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. If the project applicant develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project applicant shall submit to the District's a GHG Emission Reduction Report and a reduction to the required offsets shall be calculated by the District.
2. Purchase GHG emission offsets

D. Adjustments to Required GHG Emissions Reductions.

Impact-GHG-1 would be less than significant after implementation of MM-GHG-1 through MM-GHG-4 because the proposed project would reach its GHG reduction target of 53% for recreational boating and would be consistent with the Assembly Bill 32 Scoping Plan and other related programs designed to reduce project GHG emissions.

MM-GHG-4 includes incorporation of renewable energy such as installation of solar panels on available rooftop space within the leasehold or off site but within the District's jurisdiction. It is assumed that minimal construction activities would be required and would consist of installing poles or infrastructure on the rooftops to mount the solar arrays, electrical connections to the existing grid, potential minor upgrades to the existing onsite electrical system (pending consultation with San Diego Gas & Electric), minor structural improvements to the buildings, and a few associated material deliveries for the solar hardware. Once operational, the solar arrays would not create any glare issues because they are designed and coated to absorb light, not reflect it, require very little maintenance, and in general would not cause any significant impacts on the environment. Therefore, environmental impacts associated with implementation of the solar option under MM-GHG-4 would be less than significant.

4.6.2 Impact-GHG-2: GHG Emissions in Excess of Post-2020 Targets for Landside Uses and Recreational Boating

Potentially Significant Impact: The EIR identifies a potentially significant impact on GHG emissions and climate change (Impact-GHG-2).

Project GHG emissions during combined project construction and operational activities would not meet the landside efficiency target in 2030 and 2050, and would not meet the performance standard for recreational boating in both 2030 and 2050. Additionally, the proposed project would not comply with plans, policies, and regulatory programs outlined in the 2017 Scoping Plan Update because emissions are not sufficiently reduced to meet statewide targets. Detailed

information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.6 and 7.6.4.6, *Greenhouse Gas Emissions and Climate Change*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on GHG emissions and climate change (Impact-GHG-2) is analyzed in Volume 2 (Draft EIR), Sections 4.6 and 7.6.4.6, *Greenhouse Gas Emissions and Climate Change*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-GHG-2 will result from project GHG emissions during combined project construction and operational activities. These emissions would not meet the landside efficiency target in 2030 and 2050, and would not meet the performance standard for recreational boating in both 2030 and 2050. Additionally, the project would not comply with plans, policies, and regulatory programs outlined in the 2017 Scoping Plan Update because emissions are not sufficiently reduced to meet statewide targets.

The potentially significant impact on GHG emissions and climate change (Impact-GHG-2) will be reduced by mitigation measures MM-GHG-1, MM-GHG-2, MM-GHG-3, MM-GHG-4, and MM-GHG-5. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-GHG-1, MM-GHG-2, MM-GHG-3, MM-GHG-4 are described above in Section 4.6.1. MM-GHG-5 is briefly described as follows:

> **MM-GHG-5: Implement a Renewable Energy Project on Site, on Tidelands, or Within Offsite Tidelands Adjacent to Community or Member City, or Purchase the Equivalent Greenhouse Gas Offsets from a California Air Resources Board Approved Registry or a Locally Approved Equivalent Program.**
>
> A. Options for Reducing GHG Emissions. To reach the landside and waterside reduction target for 2030 and 2050, the 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 District GHG emission reduction program on Tidelands (locally approved equivalent program), or similar activities or

actions that reduce operational GHG emissions 3) Purchase GHG emission offset credits.

B. Required Annual GHG Emissions Reductions: 1) To meet the 2030 landside and waterside reduction target, GHG reductions must be equal to 3,851 MTCO2e per year or 17,258 MWh/year, which would amount to 77,021 MTCO2e over 20 years (between 2030 and 2050). 2) To meet the 2050 landside and waterside reduction target, GHG reductions must be equal to 5,703 MTCO2e per year 25,556 MWh/year, which would amount to 211,004 MTCO2e over 37 years (between 2050 and the end of the lease, 2087).

C. Implementation of GHG Emissions Reduction Options. Prior to becoming operational, the project applicant shall notify the District with plans to achieve the annual GHG emissions reduction in the order of priority specified above:

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. If the project applicant develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project applicant shall submit to the District's a GHG Emission Reduction Report and a reduction to the required offsets shall be calculated by the District.
2. Purchase GHG emission offsets

D. Adjustments to Required GHG Emissions Reductions.

Under the project, implementation of mitigation measures MM-GHG-1, MM-GHG-2, MM-GHG-3, MM-GHG-4, and MM-GHG-5 would reduce the GHG emissions and climate change impacts associated with project GHG emissions in exceedance of the landside efficiency target and the performance standard for recreational boating, and non-compliance with plans, policies, and regulatory programs outlined in the 2017 Scoping Plan Update, but not below a level of significance. This is because of the lack of a known reduction target that considers the location and type of project; therefore, it cannot be stated with certainty that the project would result in emissions that would represent a fair share of the requisite reductions to achieve post-2020 targets. Despite the incorporation of mitigation measures MM-GHG-1, MM-GHG-2, MM-GHG-3, MM-GHG-4, and MM-GHG-5, the impact on GHG emissions and climate change (Impact-GHG-2) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.7 Hazards and Hazardous Materials

4.7.1 Impact-HAZ-1: Landside Soil Contamination

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards and hazardous materials (Impact-HAZ-1) in that contaminated soils may be encountered during project construction activities, which could potentially 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 (Draft EIR), Sections 4.7 and 7.6.4.7, *Hazards and Hazardous Materials*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 (Draft EIR), Sections 4.7 and 7.6.4.7, *Hazards and Hazardous Materials*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-HAZ-1 will result because the project site has a history of handling, disposal, and releases of hazardous materials. Therefore, contaminated soils may be encountered during construction activities, which could potentially 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, MM-HAZ-2, MM-HAZ-3, and MM-HAZ-4. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and are briefly described as follows:

> **MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan.** Prior to the District's approval of the project's landside working drawings, 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 Development Services Department for review and approval. After the District's review and approval, the project proponent shall implement the Soil and Groundwater Management Plan. The Soil and Groundwater Management Plan shall include the following: a Landside Site Contamination Characterization Report; a Soil and Groundwater Testing and Profiling Plan; a Soil and Groundwater Disposal Plan; and a Site Worker Health and Safety Plan.

MM-HAZ-2: Prepare and Submit a Monitoring and Reporting Program. During and upon completion of landside construction, the project proponent shall prepare a Monitoring and Reporting Program and submit it to the District's Development Services Department for review and approval. 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.

MM-HAZ-3: Prepare and Submit a Project Closeout Report. Within 30 days of completion of landside construction, the project proponent shall prepare a Project Closeout Report and submit it to the District's Development Services Department 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.

MM-HAZ-4: Develop and Implement a Site-Specific Community Health and Safety Program. Prior to the District's approval of the project's landside working drawings, the project proponent shall develop a site-specific Community Health and Safety Program (Program) that addresses the chemical constituents of concern for the project site. The guidelines of the Program shall be in accordance with the County of San Diego Department of Environmental Health's *Site Assessment and Mitigation Manual* (2009) and EPA's *SW-846 Manual* (1986). The Program shall include detailed plans on environmental and personal air monitoring, dust control, and other appropriate construction means and methods to minimize the public's exposure to the chemical constituents of concern.

With implementation of MM-HAZ-1 through MM-HAZ-4, Impact-HAZ-1 would be reduced to less-than-significant levels because safeguards would be taken during landside construction to ensure upset and accident conditions do not occur, and effects in the event of an unanticipated upset condition would be minimized.

4.7.2 Impact-HAZ-2: Waterside Sediment Contamination and Damage to the Cap

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards and hazardous materials (Impact-HAZ-2) in that contaminated sediments may be encountered during construction activities within the marina portion of the project site. Construction activities that disturb the sediment would potentially result in a release of hazardous materials and create a potentially significant hazard within the environment by bringing and releasing subsurface sediment contaminants to the surface of the Bay floor or exacerbating the existing hazardous conditions by spreading contaminated sediment. In addition, installation of piles for the marina could damage the existing cap during construction of the marina expansion if piles or construction equipment were placed on the cap. Disruption of contaminated sediment and/or the cap could result in a potential

violation of/interfere with the goals of RWQCB Order No. R9-2004-0295. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.7 and 7.6.4.7, *Hazards and Hazardous Materials*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on hazards and hazardous materials (Impact-HAZ-2) is analyzed in Volume 2 (Draft EIR), Sections 4.7 and 7.6.4.7, *Hazards and Hazardous Materials*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-HAZ-2 will result because historical information and monitoring reports compiled from previous site assessments and database searches indicate that it is reasonably foreseeable that contaminated sediments may be encountered during construction activities within the marina portion of the project site. As such, construction activities that disturb the sediment would potentially result in a release of hazardous materials and create a potentially significant hazard within the environment by bringing and releasing subsurface sediment contaminants to the surface of the Bay floor or exacerbating the existing hazardous conditions by spreading contaminated sediment. In addition, installation of piles for the Phase I expansion of the marina could damage the existing cap during construction of the marina expansion if piles or construction equipment were placed on the cap. Disruption of contaminated sediment and/or the cap could result in a potential violation of/interfere with the goals of Order No. R9-2004-0295.

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-2) will be reduced by mitigation measures MM-HAZ-5, MM-HAZ-6, and MM-HAZ-7. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and are briefly described as follows:

> **MM-HAZ-5: Avoidance of the Engineered Cap.** During construction of the marina expansion, the project proponent shall avoid disturbance of the engineered cap and installation of all piles for the marina expansion shall occur outside of the engineered cap.
>
> **MM-HAZ-6: Conduct Sediment Sampling and Implement Measures to Mitigate Potential Cross-Contamination of Marine Sediment from Pile Driving and In-Water Construction.** Prior to the District's approval of the project's in-water working drawings, the project proponent shall retain a licensed Professional Engineer with substantial experience (i.e., more than 5 years) in marine sediment contamination, sediment sampling, and

contamination remediation to perform all sediment sampling and analysis required by the Sampling and Analysis Plan (SAP) and Marine Sediment Contamination Characterization Report (Sediment Characterization Report). If contaminated sediment is identified in the Sediment Characterization Report, the project proponent shall prepare a Contaminated Sediment Management Plan (Sediment Management Plan) for the District's, RWQCB's, and any other appropriate regulatory agencies' review and approval, if applicable. Once approved, the Sediment Management Plan shall be implemented by the project proponent subject to oversight by the District, RWQCB, and any other appropriate regulatory agencies, if applicable. The Sediment Management Plan shall describe in detail the methods to be employed to prevent waterside construction activity from adversely affecting or exposing the contaminated sediment outside the engineered cap as identified in the Sediment Characterization Report and the monitoring that will occur post-construction

MM-HAZ-7: Compliance with Federal and State Permits: No Impedance of Investigative Order No. R9-2017-0081. Prior to in-water construction, the project proponent shall obtain all federal and state permits required for in-water construction activities and demonstrate to the District compliance with all permit conditions during in-water construction. In addition, the project proponent shall not impede the District's compliance with Investigative Order No. R9-2017-0081 as it pertains to the project site.

Under the project, implementation of mitigation measures MM-HAZ-5, MM-HAZ-6, and MM-HAZ-7 would reduce the hazards and hazardous materials impact associated with disturbance of contaminated sediment during in-water construction activities for the marina expansion (Impact-HAZ-2), but not below a level of significance. While implementation of mitigation measures MM-HAZ-5 through MM-HAZ-7 would minimize potential impacts associated with sediment contamination, it is still possible that in-water construction activities for the marina expansion could be located within areas with contaminated sediment. Additionally, approval of the methods for in-water construction are within the jurisdiction of the RWQCB and/or other federal and state agencies, and not the District. As such, while the District has required measures to minimize impacts associated with contaminated sediment, the RWQCB and/or other federal and state agencies have final regulatory authority to approve specific methods for in-water construction. Despite the incorporation of mitigation measures MM-HAZ-5, MM-HAZ-6, and MM-HAZ-7, the impact on hazards and hazardous materials (Impact-HAZ-2) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.7.3 Impact-HAZ-3: Exacerbate an Existing Safety Hazard for People Residing or Working within the Vicinity of the Project Site

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards and hazardous materials (Impact-HAZ-3) in that the project could affect the safe and efficient utilization of the navigable airspace by aircraft or the

operation of air navigation facilities due to the height of construction and operational equipment and structures. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.7 and 7.6.4.7, *Hazards and Hazardous Materials*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 project on hazards and hazardous materials (Impact-HAZ-3) is analyzed in Volume 2 (Draft EIR), Sections 4.7 and 7.6.4.7, *Hazards and Hazardous Materials*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-HAZ-3 will result because the project site is located within an airport land use plan; therefore, the proposed project could affect the safe and efficient utilization of the navigable airspace by aircraft or the operation of air navigation facilities due to the height of construction and operational equipment and structures. This could result in a safety hazard for people residing or working within the vicinity of the project site.

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-8. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-HAZ-8: Obtain Federal Aviation Administration (FAA) Approval and Airport Land Use Commission (ALUC) Formal Review and Determination.** Prior to the Board of Port Commissioners taking final action to adopt the PMPA, the project proponent shall obtain FAA approval and ALUC review and determination for construction equipment and operational structures.

With implementation of MM-HAZ-8, Impact-HAZ-3 would be reduced to a less-than-significant level because FAA approval and ALUC review and determination would ensure that construction and operation of the project would not affect the safe and efficient utilization of the navigable airspace by aircraft or the operation of air navigation facilities.

4.8 Hydrology and Water Quality

4.8.1 Impact-HWQ-1: Potential to Violate Water Quality Standards or Waste Discharge Requirements for the Waterside Improvements

Potentially Significant Impact: The EIR identifies a potentially significant impact on hydrology and water quality (Impact-HWQ-1) associated with expanded marina operations and boater activities that have the potential to significantly impair water quality in the long term. Detailed information and analysis regarding this potentially

significant impact are provided in Volume 2 (Draft EIR), Sections 4.8 and 7.6.4.8, *Hydrology and Water Quality*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 hydrology and water quality (Impact-HWQ-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on hydrology and water quality (Impact-HWQ-1) is analyzed in Volume 2 (Draft EIR), Sections 4.8 and 7.6.4.8, *Hydrology and Water Quality*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-WQ-1 would result from expanded marina operations and boater activities that have the potential to significantly impair water quality in the long term.

The potentially significant impact on hydrology and water quality (Impact-HWQ-1) would be reduced to below a level of significance by mitigation measures MM-HWQ-1 and MM-HWQ-2. These mitigation measures are set forth in full the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and are described above in Section 4.3.1.

Implementation of MM-HWQ-1 would require marina operators to implement measures that would reduce pollutant load runoff and reduce inputs of copper from boat berthing. In addition, MM-HWQ-2 would require ongoing monitoring of water quality to ensure that marina operations do not equal or exceed the Basin Plan water quality objectives and to identify additional BMPs if this occurs. With these mitigation measures, Impact-HWQ-1 would be less than significant.

4.8.2 Impact-HWQ-2: Potential to Provide Substantial Additional Sources of Polluted Runoff for the Waterside Improvements

Potentially Significant Impact: The EIR identifies a potentially significant impact on hydrology and water quality (Impact-HWQ-2) in that the Phase I marina expansion and breakwater have the potential to significantly impair water quality in the long term. The marina expansion and breakwater could reduce tidal flushing and prevent pollutants or excess nutrients from being carried out to sea. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.8 and 7.6.4.8, *Hydrology and Water Quality*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 hydrology and water quality (Impact-HWQ-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on hydrology and water quality (Impact-HWQ-2) is analyzed in Volume 2 (Draft EIR),

Sections 4.8 and 7.6.4.8, *Hydrology and Water Quality*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-HWQ-2 would result because the Phase I marina expansion and breakwater have the potential to significantly impair water quality in the long term. The marina expansion and breakwater could reduce tidal flushing and prevent pollutants or excess nutrients from being carried out to sea.

The potentially significant impact on hydrology and water quality (Impact-HWQ-2) will be reduced to below a level of significance by mitigation measure MM-HWQ-3. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-HWQ-3: Marina Design Measures to Promote Tidal Flushing**. To reduce potential impacts on water quality, prior to the commencement of any construction of the marina, the project proponent shall design the marina so that structures do not significantly restrict the natural circulation of water caused by tidal action.

Mitigation measure MM-HWQ-3 requires the design of the marina to promote water circulation within the basin, which would promote tidal flushing and reduce impacts related to concentrated pollutants and debris that would result from operation of the marina. With this mitigation measure, Impact-HWQ-2 would be less than significant.

4.9 Land Use and Planning

4.9.1 Impact-LU-1: Potential Inconsistency with the PMP Due to Displacement of Five Designated Vista Areas

Potentially Significant Impact: The EIR identifies a potentially significant impact on land use and planning (Impact-LU-1) in that the project would result in the displacement of five vista areas that are currently designated at the project site in the PMP, which would be inconsistent with the PMP. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.9 and 7.6.4.9, *Land Use and Planning*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on land use and planning (Impact-LU-1) is analyzed in Volume 2 (Draft EIR), Sections 4.9 and 7.6.4.9, *Land Use and Planning*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-LU-1 will result from the displacement of five vista areas that are currently designated at the project site in the PMP, which would be inconsistent with the PMP.

The potentially significant impact on land use and planning (Impact-LU-1) will be reduced to below a level of significance by mitigation measure MM-AES-4. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.1.3.

Under the project, implementation of mitigation measure MM-AES-4 would locate four vista areas along the public observation terrace on the rooftop public plaza and park areas and a fifth on the west end of the market-rate hotel tower terrace; furthermore, the project would add three new scenic vista areas at the project site, beyond what is required by MM-AES-4, for a total of eight vista areas within the project site. In addition, the project includes a PMPA which will eliminate the inconsistency with the PMP by substituting the new vista areas in place of the vista areas identified in the current PMP. As a result, implementation of MM-AES-4 and adoption of the PMPA would reduce Impact-LU-1 to less-than-significant levels because it would ensure that the project would be consistent with the PMP, and, thus, would be consistent with the applicable land use plans and policies.

4.9.2 Impact-LU-2: Potential for Insufficient Wayfinding and Accessibility Signage to Inform Public that Public Plaza and Park Areas Are Available for Public Use and Enjoyment Related to Impact-PS-3

Potentially Significant Impact: The EIR identifies a potentially significant impact on land use and planning (Impact-LU-2) in the event public access is limited within public plaza and park areas for a long period of time or if there is no wayfinding signage to inform the public that the recreational areas are available. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.9 and 7.6.4.9, *Land Use and Planning*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 project on land use and planning (Impact-LU-2) is analyzed in Volume 2 (Draft EIR), Sections 4.9 and 7.6.4.9, *Land Use and Planning*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-LU-2 will result if public access is limited within public plaza and park areas for a long period of time or if there is no wayfinding signage to inform the public that the recreational areas are available.

The potentially significant impact on land use and planning (Impact-LU-2) will be reduced to below a level of significance by mitigation measures MM-AES-2 and MM-PS-1. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-AES-2 is described above in Section 4.1.2. MM-PS-1 is briefly described as follows:

MM-PS-1: Operation Requirements for the Multifunctional Plaza and Lawn, Public Park Plaza, and Public Park Plaza and Public Observation Terrace Areas. Under no circumstances shall the closure of the public plaza and park areas for private hotel events be more than the following percentages: Multifunctional Plaza and Lawn (50% private access, 50% public access); Public Park Plaza (15% private access, 85% public access); Public Park Plaza and Public Observation Terrace (0% private access, 100% public access); and Public Promenade (0% private access, 100% public access). If the private event area is blocked off from the public usable area, such barriers shall not be solid materials but shall be a material like ropes. To ensure the private event area is restored for the public use, all trash and debris shall be immediately picked up and disposed of appropriately during and after the private event. During times when the Multifunctional Plaza and Lawn area or Public Park Plaza area is open to the public (i.e., during non-private event times), the hours of operation shall be the same as the District's park hours of operation. During all private events, clear signage shall be placed in publicly visible locations (i.e., not posted inside the hotel) that indicate the Multifunctional Plaza and Lawn area and/or the Public Park Plaza areas, if applicable, are open to the public.

Implementation of MM-PS-1 and MM-AES-2 would reduce Impact-LU-2 to less-than-significant levels because these measures would ensure that the public plaza and park areas would be available to the public for the proposed percentages, and, thus, would be consistent with the applicable land use plans and policies.

4.9.3 Impact-LU-3: Potential Inconsistency with the California Coastal Act's Requirement to Minimize Coastal Hazards through Planning and Development, Resulting in a Physical Impact on the Environment

Potentially Significant Impact: The EIR identifies a potentially significant impact on land use and planning (Impact-LU-3) because the project would place people or structures at risk due to sea-level rise (SLR) effects over the latter portion of the project's life, which would not minimize coastal hazards (i.e., SLR) and the effect on future amenities and facilities within the Coastal Zone. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.9 and 7.6.4.9, *Land Use and Planning*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 project on land use and planning (Impact-LU-3) is analyzed in Volume 2 (Draft EIR), Sections 4.9 and 7.6.4.9, *Land Use and Planning*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-LU-3 will result because

the project would place people or structures at risk due to SLR effects over the latter portion of the project's life, which would not minimize coastal hazards (i.e., SLR) and the effect on future amenities and facilities within the Coastal Zone. Therefore, if not mitigated, the project would be inconsistent with the California Coastal Act.

The potentially significant impact on land use and planning (Impact-LU-3) will be reduced to below a level of significance by mitigation measure MM-LU-1. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-LU-1: Smart Design Decisions, Future Adaptation Strategies, and Operational Strategies**. To reduce potential impacts related to bulkhead overtopping in mid-century during extreme storms, the project proponent shall implement the following into building design and construction, and during operation: smart design decisions; contribution of a "fair share" payment for the cost of construction of future bulkhead improvements; future adaptation strategies; operational strategies; establish emergency evacuation procedures; obtain or execute on-call contracts for backup power generators and portable pumps, ensure that there is sufficient fuel for their operation, and establish protocols for operating said generators and pumps during storm events; deploy sandbags or inflatable barriers, monitor and track the rainfall amounts and storm projections, and update the deployment protocol; test emergency power sources and pumps and ensure that there is sufficient fuel, inspect building exterior for cracks and leaks, seal cracks and leaks or temporarily cover with a flood-proof material, monitor and track the rainfall amounts and storm projections, and update the deployment protocol; and restrict public access during storms or flooding events.

With the implementation of MM-LU-1, Impact-LU-3 would be reduced to a less-than-significant level because the smart design decisions, future adaptation strategies, and operational strategies would reduce future building vulnerability, reduce the need for future structural alterations, allow for future structural additions to be constructed as necessary, and reduce the risk of damage to the buildings and its occupants. These steps would ensure consistency with Executive Order S-13-08 and the California Coastal Act by demonstrating consistency with the California Coastal Commission's 2015 Sea Level Rise Policy Guidance.

4.9.4 Impact-LU-4: Potential Inconsistency with the ALUCP

Potentially Significant Impact: The EIR identifies a potentially significant impact on land use and planning (Impact-LU-4) because the project would potentially be inconsistent with the Airport Land Use Compatibility Plan (ALUCP) if an FAA determination and ALUC Consistency Determination are not obtained. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.9 and 7.6.4.9, *Land Use and Planning*, with

revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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-4) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on land use and planning (Impact-LU-4) is analyzed in Volume 2 (Draft EIR), Sections 4.9 and 7.6.4.9, *Land Use and Planning*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-LU-4 will result because the proposed project would potentially be inconsistent with the ALUCP if an FAA determination and ALUC Consistency Determination are not obtained.

The potentially significant impact on land use and planning (Impact-LU-4) will be reduced to below a level of significance by mitigation measure MM-HAZ-8. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.7.3.

With the implementation of MM-HAZ-8, Impact-LU-4 would be reduced to a less-than-significant level because the project would be required to obtain necessary determinations and approvals from the FAA and ALUC to ensure that the project is consistent with the ALUCP.

4.10 Noise and Vibration

4.10.1 Impact-NOI-1: Exceedance of an Adopted Noise Standard During Project Construction

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-1) associated with project construction exceeding 75 A-weighted decibels (dBA) 12-hour equivalent noise level (L_{eq}) between 7 a.m. and 7 p.m. at noise-sensitive receptors. These impacts would occur at Embarcadero Marina Park South and Fifth Avenue Landing Park. Impacts would primarily be caused by activities that include pile driving; however, some impacts at Fifth Avenue Landing Park are also related to overlapping activities that would lead to an increased level of construction equipment usage at the site. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.10 and 7.6.4.10, *Noise and Vibration*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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-NOI-1) as identified in the EIR, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social,

technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on noise and vibration (Impact-NOI-1) is analyzed in Volume 2 (Draft EIR), Sections 4.10 and 7.6.4.10, *Noise and Vibration*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-NOI-1 would result because project construction would exceed 75 dBA 12-hour L_{eq} between 7 a.m. and 7 p.m. at noise-sensitive receptors. These impacts would occur at Embarcadero Marina Park South and Fifth Avenue Landing Park. Impacts would primarily be caused by activities that include pile driving; however, some impacts at Fifth Avenue Landing Park are also related to overlapping activities that would lead to an increased level of construction equipment usage at the site.

The potentially significant impact on noise and vibration (Impact-NOI-1) would be reduced by mitigation measures MM-NOI-1, MM-NOI-2, and MM-NOI-3. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and are briefly described as follows:

> **MM-NOI-1: Avoid or Reduce Construction Noise from Impact-Type Pile Driving During Both Landside and Marina Construction.** The project proponent and its construction contractor shall prohibit all pile driving activities outside the hours of 7:00 a.m. to 7:00 p.m. on Monday through Saturday. Construction personnel shall not be permitted on the project site (including laydown and storage areas), and material or equipment deliveries and collections shall not be permitted during the prohibited hours. In addition, impact pile driving shall be avoided by using alternative, quieter installation methods such as press-in piles or drilled pile techniques (e.g., cast-in-drilled-hole, poured-in-place). If the project proponent and its construction contractor determine that alternative pile installation methods are infeasible at some or all areas of the project site and that such areas require impact pile driving, then an acoustical shroud shall be utilized.
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> **MM-NOI-2: Notify Users of Nearby Recreational Areas.** If impact-type pile driving construction techniques cannot be avoided, the project proponent or its construction contractor shall post public noticing not less than 48 hours prior to initiating landside or waterside pile driving activities within 700 feet of a public recreational area (e.g., Embarcadero Marina Park South and Fifth Avenue Landing Park). The project proponent shall include this measure in the construction specification documents for the proposed project.
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> **MM-NOI-3: Reduce Construction Noise from Other (Non-Pile Driving) Activities.** During all construction activity, the project proponent and its construction contractor shall implement the following techniques and best practices to reduce noise levels from non-pile driving construction activities: prohibit all construction activities outside the hours of 7:00 a.m. to 7:00 p.m. on Monday through Saturday; ensure that all construction equipment used on the proposed project that is regulated for noise output by a local, state,

or federal agency complies with such regulations; properly maintain all construction equipment used during project construction and remove any noise generating equipment from service if defective or damaged; equip all construction equipment, where applicable, with properly operating and maintained mufflers, air-inlet silencers, and any other shrouds, shields, or other noise-reducing features; operate construction equipment only when necessary, switch off powered equipment when not in use, and prohibit the idling of inactive construction vehicles and equipment; restrict the use of noise-producing signals for safety warning purposes only; install temporary noise barriers around the project site during the demolition, site preparation (including dewatering and shoring), excavation, and foundation phases of construction; and train all construction employees in the proper operation and use of the equipment.

Under the project, implementation of mitigation measures MM-NOI-1, MM-NOI-2, and MM-NOI-3 would reduce the noise and vibration impact associated with project construction exceeding 75 dBA 12-hour L_{eq} between 7 a.m. and 7 p.m. at noise-sensitive receptors, but not below a level of significance. If impact pile driving can be avoided as described in MM-NOI-1, many of the noise impacts would be reduced to less-than-significant levels. If impact pile driving cannot be avoided, the use of an acoustical shroud as described in MM-NOI-1 would noticeably reduce noise levels, but not to less-than-significant levels. In addition, due to the proximity of the project site, significant impacts would likely still occur at Fifth Avenue Landing Park even at times when pile driving is not occurring. Despite the incorporation of mitigation measures MM-NOI-1, MM-NOI-2, and MM-NOI-3, the impact on noise and vibration (Impact-NOI-1) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.10.2 Impact-NOI-2: Potential Exceedance of an Adopted Noise Standard Due to Onsite Operational Noise from Mechanical Equipment

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-2) associated with onsite operation of mechanical equipment for the project, which could exceed the standards of the City of San Diego's noise ordinance. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.10 and 7.6.4.10, *Noise and Vibration*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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-NOI-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on noise and vibration (Impact-NOI-2) is analyzed in Volume 2 (Draft EIR), Sections 4.10 and 7.6.4.10, *Noise and Vibration*, with revisions and clarifications in Final

EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-NOI-2 would result from onsite operation of mechanical equipment for the project, which could exceed the standards of the City of San Diego's noise ordinance.

The potentially significant impact on noise and vibration (Impact-NOI-2) would be reduced to below a level of significance by mitigation measure MM-NOI-4. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-NOI-4: Design and Construct Project Facilities to Control Noise from All Onsite Mechanical Equipment.** The project proponent shall design and construct all building systems and mechanical equipment proposed as part of the project to ensure their compliance with the City of San Diego noise ordinance (Municipal Code section 59.5.0401). To achieve this performance standard, the project proponent shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary.

With the implementation of MM-NOI-4, Impact-NOI-2 would be less than significant because the measure would ensure that the project is designed and constructed so that noise from all onsite mechanical equipment and other onsite stationary sources would comply with the City of San Diego noise ordinance (Municipal Code section 59.5.0401).

4.10.3 Impact-NOI-3: Potential Exceedance of an Adopted Noise Standard Due to Outdoor Special Events

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-3) associated with outdoor event noise that has the potential to exceed the standards of the City of San Diego's noise ordinance dependent upon the exact nature and timing of events and the sound system use. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.10 and 7.6.4.10, *Noise and Vibration*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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-NOI-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on noise and vibration (Impact-NOI-3) is analyzed in Volume 2 (Draft EIR), Sections 4.10 and 7.6.4.10, *Noise and Vibration*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-NOI-3 will result from outdoor event noise that has the potential to exceed the standards of the City of San Diego's noise ordinance dependent upon the exact nature and timing of events and the sound system use.

The potentially significant impact on noise and vibration (Impact-NOI-3) would be reduced to below a level of significance by mitigation measure MM-NOI-5. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-NOI-5: Incorporate Operational/Contract Specifications to Minimize Exterior Special Event Noise.** The project proponent and any future owner/operator of the proposed project shall observe the following requirements and/or incorporate them into the contract specifications for outdoor events: any exterior special event associated with the project shall not exceed 65 dBA L_{eq} at the project's property line between the hours of 7:00 a.m. and 7:00 p.m.; any concert associated with the project shall not exceed 60 dBA Leq at the project's property line between the hours of 7:00 p.m. and 7:00 a.m. Any event that fails to comply with the previous requirement shall only be permitted if an applicable event permit, or variance or exemption from the code, has been sought and granted by the appropriate agency (City or District); and complies with all City and District requirements related to hosting outdoor events.

With the implementation of MM-NOI-5, Impact-NOI-3 would be less than significant because the measure would ensure that exterior special events are conducted in compliance with local requirements. Events would either comply with the noise limits of the City of San Diego noise ordinance (Municipal Code section 59.5.0401) or would be conducted subject to an applicable event permit, variance, or exemption from the code granted by the appropriate agency (City or District).

4.10.4 Impact-NOI-4: Potentially Substantial Increase in Ambient Noise Levels Due to Onsite Operational Noise from Mechanical Equipment

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-4) associated with onsite project operations if mechanical systems and other stationary noise sources (e.g., trash compactors, loading docks) are not properly designed to control noise. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.10 and 7.6.4.10, *Noise and Vibration*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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-NOI-4) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on noise and vibration (Impact-NOI-4) is analyzed in Volume 2 (Draft EIR), Sections 4.10 and 7.6.4.10, *Noise and Vibration*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-NOI-4 will result from onsite project operations if mechanical systems and other stationary noise sources (e.g., trash compactors, loading docks) are not properly designed to control noise.

The potentially significant impact on noise and vibration (Impact-NOI-4) would be reduced to below a level of significance by mitigation measure MM-NOI-4. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.10.2.

With the implementation of MM-NOI-4, Impact-NOI-4 would be less than significant because the measure would ensure that the project is designed and constructed so that noise from all onsite mechanical equipment and other onsite stationary sources would comply with the City of San Diego noise ordinance (Municipal Code section 59.5.0401) and thus would not result in a substantial increase in ambient noise levels.

4.10.5 Impact-NOI-5: Potentially Substantial Increase in Ambient Noise Levels Due to Outdoor Special Events

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-5) associated with outdoor event noise that has the potential to increase existing ambient noise levels by more than 5 decibels (dB) at nearby noise-sensitive receptors dependent upon the exact nature and timing of events and the sound system used. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.10 and 7.6.4.10, *Noise and Vibration*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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-NOI-5) as identified in the EIR, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on noise and vibration (Impact-NOI-5) is analyzed in Volume 2 (Draft EIR), Sections 4.10 and 7.6.4.10, *Noise and Vibration*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-NOI-5 will result from outdoor event noise that has the potential to increase existing ambient noise levels by more than 5 dB at nearby noise-sensitive receptors dependent upon the exact nature and timing of events and the sound system used.

The potentially significant impact on noise and vibration (Impact-NOI-5) would be reduced by mitigation measure MM-NOI-5. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.10.3.

Under the project, implementation of mitigation measure MM-NOI-5 would reduce the noise and vibration impact associated with outdoor special event noise, but not below a level of significance. This is because large events may operate under a permit/variance/exemption that allows the event to exceed typical noise limits.

Under these circumstances, temporary or periodic noise increases of 5 dB or more would likely occur at neighboring noise-sensitive receptors. Despite the incorporation of mitigation measure MM-NOI-5, the impact on noise and vibration (Impact-NOI-5) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.11 Public Services and Recreation

4.11.1 Impact-PS-1: Construction of the Rooftop Public Plaza and Park Areas Would Contribute to Significant Impacts Related to Impact-AES-1, Impact-AES-4, Impact-CUL-1, Impact-CUL-2, Impact-GEO-1, Impact-GEO-2, Impact-HAZ-1, Impact-HAZ-3, Impact-NOI-1, Impact-NOI-6, Impact-TRA-1, Impact-TRA-2, and Impact-TRA-6

Potentially Significant Impact: The EIR identifies a potentially significant impact on public services and recreation (Impact-PS-1). Construction of the public plaza and park areas would be a component of the project that would contribute to significant impacts on aesthetics and visual resources (Impact-AES-1 and Impact-AES-4), cultural resources (Impact-CUL-1 and Impact-CUL-2), geology and soils (Impact-GEO-1 and Impact-GEO-2), and hazards and hazardous materials (Impact-HAZ-1 and Impact-HAZ-3), noise and vibration (Impact-NOI-1 and Impact-NOI-6), and transportation, circulation, and parking (Impact-TRA-1, Impact-TRA-2, and Impact-TRA-6). Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.11 and 7.6.4.11, *Public Services and Recreation*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 public services and recreation (Impact-PS-1) as identified in the EIR, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on public services and recreation (Impact-PS-1) is analyzed in Volume 2 (Draft EIR), Sections 4.11 and 7.6.4.11, *Public Services and Recreation*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-PS-1 will result from construction of the proposed public plaza and park areas that would contribute to significant impacts on aesthetics and visual resources (Impact-AES-1 and Impact-AES-4), cultural resources (Impact-CUL-1 and Impact-CUL-2), geology and soils (Impact-GEO-1 and Impact-GEO-2), and hazards and hazardous materials (Impact-HAZ-1 and Impact-HAZ-3), noise and vibration (Impact-NOI-1 and Impact-NOI-6), and transportation, circulation, and parking (Impact-TRA-1, Impact-TRA-2, and Impact-TRA-6).

The potentially significant impact on public services and recreation (Impact-PS-1) would be reduced by mitigation measures MM-AES-1, MM-AES-5, MM-CUL-1, MM-CUL-2, MM-GEO-1, MM-HAZ-1, MM-HAZ-2, MM-HAZ-3, MM-HAZ-4, MM-HAZ-8, MM-NOI-1, MM-NOI-2, MM-NOI-3, MM-TRA-1, and MM-TRA-7. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR.

MM-AES-1 is described above in Section 4.1.1. MM-AES-5 is described above in Section 4.1.4. MM-CUL-1 is described above in Section 4.4.1. MM-CUL-2 is described above in Section 4.4.2. MM-GEO-1 is described above in Section 4.5.1. MM-HAZ-1, MM-HAZ-2, MM-HAZ-3, and MM-HAZ-4 are described above in Section 4.7.1. MM-HAZ-8 is described above in Section 4.7.3. MM-NOI-1, MM-NOI-2, and MM-NOI-3 are described above in Section 4.10.1. MM-TRA-1 and MM-TRA-7 are briefly described as follows:

> **MM-TRA-1: Transportation Demand Management Plan.** Prior to commencing any construction or demolition activities, the project proponent shall provide a Transportation Demand Management (TDM) Plan to the San Diego Unified Port District, City of San Diego, and California Department of Transportation (Caltrans) for approval that shall limit the number of construction worker trips that travel through the affected intersections during peak periods to 50 trips. The TDM plan shall incorporate TDM strategies to be implemented during construction. The TDM plan shall incorporate TDM strategies to be implemented during construction, including, but not limited to: implementation of a ride-sharing program; adjustment of work schedules; provision of offsite parking locations for workers; and provision of subsidized transit passes. In addition, for impacts on the I-5 southbound (SB)/Boston Avenue intersection during construction, prior to commencing construction or demolition activities, the project proponent shall provide a Traffic Control Plan in accordance with Caltrans policies to the San Diego Unified Port District and Caltrans for approval.
>
> **MM-TRA-7: Provide Offsite Parking and Shuttle Transportation and Require Incentives for Transit Use and Wayfinding Signage for Visitors.** Prior to the commencement of any construction activity, the project proponent shall provide an offsite parking location at the R.E. Staite property at 2145 East Belt Street, San Diego, CA for construction workers and shall provide shuttle service from the offsite parking location to the project site and back. 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, the project proponent shall provide conspicuous on-street signage to direct waterfront visitors to available parking facilities throughout the duration of the construction period.

Under the project, implementation of mitigation measures MM-AES-1, MM-AES-5, MM-NOI-1, MM-NOI-2, MM-NOI-3, MM-TRA-1, and MM-TRA-7 would reduce the impact on public services and recreation associated with construction of the rooftop public plaza and park areas contributing to significant impacts on aesthetics and visual resources, noise and vibration, and transportation, circulation, and parking, but not below a level of significance for the reasons identified within Sections 4.1, 4.10, and 4.12 of this document. Despite the incorporation of mitigation measures MMM-AES-1, MM-AES-5, MM-NOI-1, MM-NOI-2, MM-NOI-3, MM-TRA-1, and MM-TRA-7, the impact on public services and recreation (Impact-PS-1) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.11.2 Impact-PS-2: Operation of the Rooftop Public Plaza and Park Areas Would Contribute to Significant Impacts Related to Impact-AES-2, Impact-AES-3, Impact-NOI-3, Impact-NOI-5, Impact-TRA-3, Impact-TRA-4, and Impact-TRA-7

Potentially Significant Impact: The EIR identifies a potentially significant impact on public services and recreation (Impact-PS-2). Operation of the public plaza and park areas would be a component of the project that would contribute to significant impacts on aesthetics and visual resources (Impact-AES-2 and Impact-AES-3), noise and vibration (Impact-NOI-3 and Impact-NOI-5), and transportation, circulation, and parking (Impact-TRA-3, Impact-TRA-4, and Impact-TRA-7). Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.11 and 7.6.4.11, *Public Services and Recreation*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 public services and recreation (Impact-PS-2) as identified in the EIR, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on public services and recreation (Impact-PS-2) is analyzed in Volume 2 (Draft EIR), Sections 4.11 and 7.6.4.11, *Public Services and Recreation*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-PS-2 will result from operation of the proposed public plaza and park areas that would contribute to significant impacts aesthetics and visual resources (Impact-AES-2 and Impact-AES-3), noise and vibration (Impact-NOI-3 and Impact-NOI-5), and transportation, circulation, and parking (Impact-TRA-3, Impact-TRA-4, and Impact-TRA-7).

The potentially significant impact on public services and recreation (Impact-PS-2) would be reduced by mitigation measures MM-AES-2, MM-AES-3, MM-AES-4, MM-NOI-5, MM-TRA-2, MM-TRA-3, MM-TRA-4, MM-TRA-5, and MM-TRA-8. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR.

MM-AES-2 and MM-AES-3 are described above in Section 4.1.2. MM-AES-4 is described above in Section 4.1.3. MM-NOI-5 is described above in Section 4.10.3. MM-TRA-2, MM-TRA-3, MM-TRA-4, MM-TRA-5, and MM-TRA-8 are briefly described as follows:

MM-TRA-2: Signalization of the 15th Street/F Street Intersection. Prior to issuance of occupancy permits, the project proponent shall pay for or directly install a traffic signal at the intersection of 15th Street and F Street. Installation of the traffic signal will require approval from the City of San Diego.

MM-TRA-3: Signalization of the 17th Street/G Street Intersection. Prior to issuance of occupancy permits, the project proponent shall pay for or directly install a traffic signal at the intersection of 17th Street and G Street. Installation of the traffic signal will require approval from the City of San Diego.

MM-TRA-4: Restriping of Northbound Left-Turn Lane at 19th Street/J Street Intersection. Prior to the issuance of occupancy permits, the project proponent shall pay for or directly implement restriping the northbound left-turn lane into a northbound left-turn and through-share lane at the intersection of 19th Street and J Street. Restriping lanes will require approval from the City of San Diego and coordination with Caltrans.

MM-TRA-5: Compliance with San Diego Forward: The Regional Plan, I-5 Operational Improvements. Prior to the issuance of occupancy permits, the project proponent shall enter into a Traffic Mitigation Agreement with Caltrans for I-5 operational improvements for the segment of northbound I-5 between Grape Street and First Avenue, in compliance with *San Diego Forward: The Regional Plan* prepared by the San Diego Association of Governments (SANDAG) (SANDAG 2015) and proof of this agreement shall be provided to the District. The installation of the I-5 operational improvements is under Caltrans jurisdiction.

MM-TRA-8: Implement a Parking Management Plan that Provides Parking Management Strategies. Prior to the issuance of the certificate of occupancy for market-rate hotel operations, the project proponent shall submit a Parking Management Plan to the District for approval. Upon approval and during project operations, the project proponent shall provide a quarterly report on the Parking Management Plan to the District's Development Services Department, which shall be subject to verification by District staff. The project proponent shall implement the following parking management strategies and any other strategies identified in the Parking

Management Plan to mitigate the projected parking deficiency: valet parking; transportation network companies; water taxi; bike racks; bike share stations; public transit; public transit subsidies for employees; Port of San Diego (formerly Big Bay) Shuttle; airport shuttle; participation in the SANDAG-operated iCommute Program; provision of employee carpool and vanpool parking spaces; and designation of an onsite employee alternative commute options coordinator.

Under the project, implementation of mitigation measures MM-AES-2, MM-AES-3, MM-NOI-5, MM-TRA-2, MM-TRA-3, MM-TRA-4, MM-TRA-5, and MM-TRA-8 would reduce the impact on public services and recreation associated with operation of the rooftop public plaza and park areas contributing to significant impacts on aesthetics and visual resources, noise and vibration, and transportation, circulation, and parking, but not below a level of significance for the reasons identified within Sections 4.1, 4.10, and 4.12 of this document. Despite the incorporation of mitigation measures MM-AES-2, MM-AES-3, MM-NOI-5, MM-TRA-2, MM-TRA-3, MM-TRA-4, MM-TRA-5, and MM-TRA-8, the impact on public services and recreation (Impact-PS-2) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.11.3 Impact-PS-3: Potential for Insufficient Wayfinding and Accessibility Signage to Inform Public that Public Plaza and Park Areas Are Available for Public Use and Enjoyment

Potentially Significant Impact: The EIR identifies a potentially significant impact on public services and recreation (Impact-PS-3) associated with insufficient wayfinding signage to inform the public that the public plaza and park areas are available for public use. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.11 and 7.6.4.11, *Public Services and Recreation*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 public services and recreation (Impact-PS-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on public services and recreation (Impact-PS-3) is analyzed in Volume 2 (Draft EIR), Sections 4.11 and 7.6.4.11, *Public Services and Recreation*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-PS-3 will result because limited public access for long periods of time due to hotel programming could result in the perception that the entire 2.26-acre public plaza and park area is not open to the public while private events are in session. Additionally, because the rooftop public plaza and park area and terraces are raised from ground level, the public may not readily know that these recreational

areas are available for public use. As such, without sufficient wayfinding signage, the general public may be unaware of their existence and availability.

The potentially significant impact on public services and recreation (Impact-PS-3) would be reduced to below a level of significance by mitigation measures MM-PS-1 and MM-AES-2. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-PS-1 is described above in Section 4.9.2, and MM-AES-2 is described above in Section 4.1.2.

Implementation of mitigation measures MM-PS-1 and MM-AES-2 would reduce Impact-PS-3 to a less-than-significant level because the public would be informed of the public plaza and park areas, know that they are open to the public, and know how to access them.

4.11.4 Impact-PS-4: Limited Public Access to the Marina

Potentially Significant Impact: The EIR identifies a potentially significant impact on public services and recreation (Impact-PS-4) associated with a lack of lower-cost slips and no-cost public slips at the marina expansion. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.11 and 7.6.4.11, *Public Services and Recreation*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 public services and recreation (Impact-PS-4) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on public services and recreation (Impact-PS-4) is analyzed in Volume 2 (Draft EIR), Sections 4.11 and 7.6.4.11, *Public Services and Recreation*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-PS-4 will result because the Phase I marina expansion component of the proposed project would not offer lower-cost slips or no-cost public slips, which would affect public accessibility of the proposed marina.

The potentially significant impact on public services and recreation (Impact-PS-4) would be reduced to below a level of significance by mitigation measure MM-PS-2. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-PS-2: Low-Cost or No-Cost Boat Slip.** The project proponent shall provide at least one boat slip for a vessel of a maximum size of 30 feet at low cost or no cost for public use. To ensure sufficient availability to the public, berthing at the low-cost or no-cost slip shall be a maximum of 6 hours. Signage shall be provided and availability of the low-cost or no-cost slip shall be posted on the project proponent’s website.

Implementation of mitigation measure MM-PS-2 would reduce Impact-PS-4 to a less-than-significant level because the public would have water access via a low-cost or no-cost slip within the proposed marina where currently no such slip exists.

4.12 Transportation, Circulation, and Parking

4.12.1 Impact-TRA-1: Construction-Related Impacts along the 28th Street Roadway Segment Between National Avenue and Boston Avenue Under Existing Plus Project Construction

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-1) in that construction of the project would worsen the existing level of service (LOS) along 28th Street between National Avenue and Boston Avenue from an already unacceptable LOS E to LOS F. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-TRA-1) as identified in the EIR, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on transportation, circulation, and parking (Impact-TRA-1) is analyzed in Volume 2 (Draft EIR), Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-TRA-1 would result because construction of the project would worsen the existing LOS along 28th Street between National Avenue and Boston Avenue from an already unacceptable LOS E to LOS F.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-1) will be reduced by mitigation measure MM-TRA-1. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is described above in Section 4.11.1.

Under the project, implementation of mitigation measure MM-TRA-1 would reduce the transportation, circulation, and parking impact associated with project-related construction traffic worsening the existing LOS along the segment of 28th Street between National Avenue and Boston Avenue, but not below a level of significance. Because the extent to which construction traffic impacts will be reduced by the TDM plan cannot be quantified, it cannot be stated with certainty that the mitigation would reduce impacts to less-than-significant levels. Despite the incorporation of mitigation measure MM-TRA-1, the impact on transportation, circulation, and parking (Impact-TRA-1) is considered significant and unavoidable.

Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.12.2 Impact-TRA-2: Construction-Related Impacts on Study Area Intersections Under Existing Plus Project Construction: Sampson Street/Harbor Drive (AM and PM Peak Hours) and I-5 SB On-Ramp/Boston Avenue (PM Peak Hour)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-2) in that construction of the project would worsen the existing delay experienced by more than 2.0 seconds during peak hours at two study area intersections currently operating at LOS E or F, including Sampson Street and Harbor Drive and I-5 SB on-ramp and Boston Avenue during the PM peak hour. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-TRA-2) as identified in the EIR, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on transportation, circulation, and parking (Impact-TRA-2) is analyzed in Volume 2 (Draft EIR), Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-TRA-2 would result because construction of the project would worsen the existing delay experienced by more than 2.0 seconds during peak hours at two study area intersections currently operating at LOS E or F, including Sampson Street and Harbor Drive (during the AM peak hour when the project reaches 90% of its construction traffic trip generation and during the PM peak hour when the project reaches 65% of its construction traffic trip generation) and I-5 SB on-ramp and Boston Avenue during the PM peak hour (when the project reaches 3% of its construction traffic trip generation.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-2) would be reduced by mitigation measure MM-TRA-1. This mitigation measure is set forth in full the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is described above in Section 4.11.1.

Under the project, implementation of mitigation measure MM-TRA-1 would reduce the transportation, circulation, and parking impact associated with project-related construction traffic worsening the existing delay at the intersections of Sampson Street and Harbor Drive and I-5 SB on-ramp and Boston Avenue, but not below a

level of significance. Because the extent to which construction traffic impacts will be reduced by the TDM plan cannot be quantified, it cannot be stated with certainty that the mitigation would reduce impacts to less-than-significant levels. Despite the incorporation of mitigation measure MM-TRA-1, the impact on transportation, circulation, and parking (Impact-TRA-2) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.12.3 Impact-TRA-3: Operation-Related Impacts on Study Area Intersections Under Existing Plus Project Conditions: 15th Street/F Street (PM Peak Hour); 17th Street/G Street (PM Peak Hour); 19th Street/J Street (PM Peak Hour)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-3) in that operation of the roject would worsen the existing delay experienced during the peak hours at three study area intersections: 15th and Grape Streets by 15.8 seconds (LOS F) during the PM peak hour, 17th and G Streets by 28.0 seconds (LOS F) during the PM peak hour, and 19th and J Streets by 18.6 seconds (LOS F) during the PM peak hour, where a threshold of 1.0 second of additional delay applies to LOS F. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-TRA-2) as identified in the EIR, but not to a less-than-significant level; and pursuant to CEQA Guidelines §15091(a)(2), such changes or alterations are within the responsibility and jurisdiction of another public agency which can and should adopt such changes or alterations. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on transportation, circulation, and parking (Impact-TRA-3) is analyzed in Volume 2 (Draft EIR), Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-TRA-3 would result because operation of the project would worsen the existing delay experienced during the peak hours at three study area intersections: 15th and Grape Streets by 15.8 seconds (LOS F) during the PM peak hour, 17th and G Streets by 28.0 seconds (LOS F) during the PM peak hour, and 19th and J Streets by 18.6 seconds (LOS F) during the PM peak hour, where a threshold of 1.0 second of additional delay applies to LOS F.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-3) would be reduced by mitigation measures MM-TRA-2, MM-TRA-3, and MM-TRA-4. These mitigation measures are set forth in full the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.11.2.

Under the project, implementation of mitigation measures MM-TRA-2, MM-TRA-3, and MM-TRA-4 would reduce the transportation, circulation, and parking impact associated with project operation-related traffic worsening the existing delay at the intersections of 15th Street and F Street (PM Peak Hour), 17th Street and G Street (PM Peak Hour), and 19th Street and J Street (PM Peak Hour), but not below a level of significance. Because the timing and implementation of the necessary improvements at these intersections are within the exclusive jurisdiction of the City of San Diego and not the District, the District cannot state with certainty that the improvements will be completed prior to an impact occurring. Despite the incorporation of mitigation measures MM-TRA-2, MM-TRA-3, and MM-TRA-4, the impact on transportation, circulation, and parking (Impact-TRA-3) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.12.4 Impact-TRA-4: Operation-Related Impacts on a Study Area Freeway Segment Under Existing Plus Project Conditions: NB I-5 Between Grape Street and First Avenue (AM Peak Hour)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-4) in that operation of the project would worsen the volume to capacity (V/C) ratio by 0.012 along the segment of northbound (NB) I-5 between Grape Street and First Avenue (currently operating at LOS E) during the AM peak hour, which would exceed the threshold of 0.010 for a segment operating at LOS E. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-TRA-2) as identified in the EIR, but not to a less-than-significant level; and pursuant to CEQA Guidelines §15091(a)(2), such changes or alterations are within the responsibility and jurisdiction of another public agency, which can and should adopt such changes or alterations. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on transportation, circulation, and parking (Impact-TRA-4) is analyzed in Volume 2

(Draft EIR), Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-TRA-4 would result because operation of the project would worsen the V/C ratio by 0.012 along the segment of NB I-5 between Grape Street and First Avenue (currently operating at LOS E) during the AM peak hour, which would exceed the threshold of 0.010 for a segment operating at LOS E.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-4) would be reduced by mitigation measure MM-TRA-5. This mitigation measure is set forth in full the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.11.2.

Under the project, implementation of mitigation measure MM-TRA-5 would reduce the transportation, circulation, and parking impact associated with the operation-related impact along the freeway segment of NB I-5 between Grape Street and First Avenue, but not below a level of significance. Mitigation measure MM-TRA-5 requires compliance with *San Diego Forward: The Regional Plan*, which includes a series of operational improvements along I-5 between I-15 and I-8, which would encompass the segment of NB I-5 between Grape Street and First Avenue (SANDAG 2015). However, these improvements are not scheduled until Year 2050 and are subject to budget availability and the discretion of Caltrans. Accordingly, the mitigation measure does require the project proponent to enter into a Traffic Mitigation Agreement with Caltrans for these improvements to pay a fair-share contribution as identified by Caltrans in the future. Therefore, because the timing and installation of the recommended improvements are within the exclusive jurisdiction of Caltrans and not the District, the District cannot state with certainty that the improvements will be completed prior to an impact occurring. Despite the incorporation of mitigation measure MM-TRA-5, the impact on transportation, circulation, and parking (Impact-TRA-4) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.12.5 Impact-TRA-5: Temporary Closure of Embarcadero Promenade During Construction

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-5). During construction of the project, the portion of the Embarcadero Promenade fronting the project site would remain open, but would be narrowed temporarily from 35 feet to 15 feet. However, the Embarcadero Promenade would be closed for approximately 18 months during construction of the market-rate hotel tower lobby, which spans the entire width of the Embarcadero Promenade, and therefore would require pedestrian traffic to be re-routed. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-TRA-5) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on transportation, circulation, and parking (Impact-TRA-5) is analyzed in Volume 2 (Draft EIR), Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-TRA-5 would result because, during construction of the project, the portion of the Embarcadero Promenade fronting the project site would remain open, but would be narrowed temporarily from 35 feet to 15 feet. However, the Embarcadero Promenade would be closed for approximately 18 months during construction of the market-rate hotel tower lobby, which spans the entire width of the Embarcadero Promenade, and therefore would require pedestrian traffic to be re-routed. As such, the project would result in a temporary significant impact on public access along the Embarcadero Promenade during construction.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-5) would be reduced to below a level of significance by mitigation measure MM-TRA-6. This mitigation measure is set forth in full the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-TRA-6: Maintain Public Access Along Embarcadero Promenade During Construction.** The project proponent, in coordination with the District, shall ensure that public access is maintained along the Embarcadero Promenade during construction by providing reduced or replacement points of public access. The project proponent shall install and maintain clear wayfinding and public access signage in publicly visible locations (i.e., not posted inside the hotel) adjacent to and at the public entrances to the reduced or replacement public access areas.

Implementation of mitigation measure MM-TRA-6 would reduce Impact-TRA-5 to a less-than-significant level because it will ensure that public access is maintained within the project site during construction.

4.12.6 Impact-TRA-6: Insufficient Parking Supply During Construction

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-6) in that the construction phase would experience up to 495 construction worker vehicles traveling to the site per day that would require parking. The project site would not be able to accommodate parking for that many vehicles due to onsite staging of materials and construction equipment, as well as the phasing of construction that would be occurring. In addition, existing parking would be removed from service once onsite grading and demolition activities begin. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR),

Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-TRA-6) as identified in the EIR, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on transportation, circulation, and parking (Impact-TRA-6) is analyzed in Volume 2 (Draft EIR), Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-TRA-6 would result because the construction phase would experience up to 495 construction worker vehicles traveling to the site per day that would require parking. The project site would not be able to accommodate parking for that many vehicles due to onsite staging of materials and construction equipment, as well as the phasing of construction that would be occurring. In addition, existing parking would be removed from service once onsite grading and demolition activities begin.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-6) would be reduced by mitigation measure MM-TRA-7. This mitigation measure is set forth in full the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.11.1.

Under the project, implementation of mitigation measure MM-TRA-7 would reduce the transportation, circulation, and parking impact associated with insufficient onsite parking during construction and a loss of existing parking once onsite grading and demolition activities begin, but not below a level of significance. This is because even though offsite parking would be provided for construction workers, existing parking at the project site would not be accessible by waterfront visitors. Despite the incorporation of mitigation measure MM-TRA-7, the impact on transportation, circulation, and parking (Impact-TRA-6) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.12.7 Impact-TRA-7: Insufficient Parking Supply During Operation

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-7) in that operation of the project would result in a parking deficit of 209 spaces during its highest demand period. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.12 and 7.6.4.12,

Transportation, Circulation, and Parking, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-TRA-7) as identified in the EIR, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on transportation, circulation, and parking (Impact-TRA-7) is analyzed in Volume 2 (Draft EIR), Sections 4.12 and 7.6.4.12, *Transportation, Circulation, and Parking*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-TRA-7 would result because the project would result in a parking deficit of 189 spaces during its highest demand period. As approved, the project would provide 260 onsite parking spaces through a combination of valet and striped spaces. Per the *Tideland Parking Guidelines*, the project is required to provide an adjusted rate of 449 parking spaces.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-7) would be reduced by mitigation measure MM-TRA-8. This mitigation measure is set forth in full the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.11.2.

Under the project, implementation of mitigation measure MM-TRA-8 would reduce the transportation, circulation, and parking impact associated with insufficient onsite parking during project operation, but not below a level of significance. MM-TRA-8 would reduce impacts on permanent parking supply through the implementation of a parking management plan. However, the District cannot guarantee that the project proponent will be able to enter into agreements with the operators of nearby parking lots to provide a sufficient number of parking spaces to eliminate the substantial deficit in the onsite parking supply and the benefits of the parking management plan cannot be quantified. Despite the incorporation of mitigation measure MM-TRA-8, the impact on transportation, circulation, and parking (Impact-TRA-7) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

4.13 Utilities and Energy Use

4.13.1 Impact-UTIL-1: Construction of Utility Improvements Would Contribute to Impact-CUL-1, Impact-CUL-2, Impact-GEO-1, Impact-GEO-2, and Impact-HAZ-1

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and energy use (Impact-UTIL-1). Construction of the various utility improvements would be a component of the project that would contribute to

significant impacts on cultural resources (Impact-CUL-1 and Impact-CUL-2), geology and soils (Impact-GEO-1 and Impact-GEO-2), and hazards and hazardous materials (Impact-HAZ-1). Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.14 and 7.6.4.14, *Utilities and Energy Use*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 utilities and energy use (Impact-UTIL-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on utilities and energy use (Impact-UTIL-1) is analyzed in Volume 2 (Draft EIR), Sections 4.14 and 7.6.4.14, *Utilities and Energy Use*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-UTIL-1 will result from construction of the various utility improvements associated with the project that would contribute to significant impacts on cultural resources (Impact-CUL-1 and Impact-CUL-2), geology and soils (Impact-GEO-1 and Impact-GEO-2), and hazards and hazardous materials (Impact-HAZ-1).

The potentially significant impact on utilities and energy use (Impact-UTIL-1) would be reduced to below a level of significance by mitigation measures MM-CUL-1, MM-CUL-2, MM-GEO-1, MM-HAZ-1, MM-HAZ-2, MM-HAZ-3, and MM-HAZ-4. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-CUL-1 is described above in Section 4.4.1. MM-CUL-2 is described above in Section 4.2.2. MM-GEO-1 is described above in Section 4.5.1. MM-HAZ-1, MM-HAZ-2, MM-HAZ-3, and MM-HAZ-4 are described above in Section 4.7.1.

Implementation of MM-CUL-1 would reduce impacts on cultural resources to a less-than-significant level because the recommended monitoring of any ground-disturbing activities on the project site would minimize the potential to damage, or result in the loss of, unknown subsurface archaeological resources. Implementation of MM-CUL-2 would reduce impacts on cultural resources to a less-than-significant level because the recommended monitoring of any ground-disturbing activities that occur 10 feet or more below ground surface would minimize the potential to affect a unique paleontological resource or site or unique geological feature. With implementation of MM-GEO-1, potential impacts on geology and soils would be less than significant because the geotechnical investigation would include recommendations for design and construction practices that will ensure compliance with applicable building code regulations. With implementation of MM-HAZ-1 through MM-HAZ-4, impacts on hazards and hazardous materials would be reduced to less-than-significant levels because safeguards would be taken during landside construction to ensure upset and accident conditions do not occur, and effects in the event of an unanticipated upset condition would be minimized. Therefore, impacts associated with construction of new wastewater facilities (Impact-UTIL-1) would be less than significant.

4.13.2 Impact-UTIL-2: Insufficient Sewer Capacity to Convey Project-Generated Wastewater

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and energy use (Impact-UTIL-2) associated with insufficient capacity to accommodate project-generated wastewater in the event the existing West Harbor Drive trunk sewer main is not upsized as part of the Ballpark Village project. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Draft EIR), Sections 4.14 and 7.6.4.14, *Utilities and Energy Use*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 utilities and energy use (Impact-UTIL-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the project on utilities and energy use (Impact-UTIL-2) is analyzed in Volume 2 (Draft EIR), Sections 4.14 and 7.6.4.14, *Utilities and Energy Use*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-UTIL-2 will occur if the existing West Harbor Drive trunk sewer main is not upsized as part of the Ballpark Village project, which has a performance bond with the City to upsize the existing West Harbor Drive trunk sewer main from 15 inches to 30 inches. In the event that upsizing of the existing 15-inch trunk sewer main does not occur, there would be insufficient capacity to accommodate project-generated wastewater.

The potentially significant impact on utilities and energy use (Impact-UTIL-2) would be reduced to below a level of significance by mitigation measure MM-UTIL-1. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-UTIL-1: Upsize the Existing West Harbor Drive Trunk Sewer Main to Accommodate Project-Generated Wastewater.** Prior to occupancy and operation of the market-rate hotel tower or the lower-cost visitor-serving hotel, whichever is first, the project proponent shall demonstrate to the satisfaction of the District that the existing 15-inch trunk sewer main located at the intersection of West Harbor Drive and Park Boulevard has been upsized to a 30-inch trunk sewer main either by the project proponent or another entity.

Implementation of MM-UTIL-1 would ensure that the existing 15-inch trunk sewer main at the intersection of West Harbor Drive and Park Boulevard is upsized to 30 inches prior to the commencement of operations of the hotel and lower-cost visitor-serving hotel, which would sufficiently accommodate wastewater generated by the proposed project. As a result, Impact-UTIL-2 would be reduced to less-than-significant levels. Although MM-UTIL-1 would reduce potential significant impacts on wastewater infrastructure capacity, implementation of MM-UTIL-1 would have

the potential to result in secondary effects. Construction activities associated with MM-UTIL-1 would involve, at a minimum, excavation of asphalt, demolition and removal of the existing trunk sewer main, installation of the new trunk sewer main, and repaving of the intersection of West Harbor Drive and Park Boulevard. All of these construction activities would generate increased temporary noise levels, additional construction vehicle trips, and emissions of criteria pollutants and GHGs. There is also a potential that wastewater service could be temporarily disrupted during construction of MM-UTIL-1. Furthermore, ground-disturbing activities associated with MM-UTIL-1, such as excavation, have the potential to damage, or result in the loss of, unknown subsurface archaeological and paleontological resources, as well as exacerbate the potential for liquefaction, lateral spreading, and soil collapse. Similarly, contaminated soils may also be encountered during ground-disturbing activities associated with MM-UTIL-1. However, if upsizing of the trunk sewer main were to be implemented by the project proponent in accordance with MM-UTIL-1, implementation of MM-CUL-1, MM-CUL-2, MM-GEO-1, and MM-HAZ-1 through MM-HAZ-4 would also be required during the project proponent's implementation of MM-UTIL-1. Additionally, it is anticipated that any increases in noise would be generally consistent with other concurrent construction activities associated with the project, and any additional construction haul trips would be minimal compared to the overall number of construction trips generated by the project. Regarding emissions of criteria pollutants and GHGs, the potential impacts on air quality and GHG emissions associated with MM-UTIL-1 are addressed in Sections 4.2 and 7.6.4.2, *Air Quality and Health Risk*, and Sections 4.4 and 7.6.4.4, *Greenhouse Gas Emissions and Climate Change*, of this EIR. As discussed in each of these sections, implementation of MM-UTIL-1 would result in less than significant impacts on air quality and GHG emissions. Consequently, the overall secondary effects of implementing MM-UTIL-1 would be less than significant.

5.0 FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS

CEQA requires a lead agency to evaluate the cumulative impacts of a proposed project (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 (CEQA Guidelines §15355). Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The EIR's cumulative analysis of near-term conditions for a majority of issue areas used the List Method. However, the Transportation Impact Analysis for the project based the 2035 future year conditions on the traffic volumes forecasted in the adopted Downtown San Diego Mobility Plan (June 2016). Consequently, the cumulative analyses for transportation as well as traffic-related impacts on air quality, GHG emissions, and noise and vibration used the Plan Method. Additionally, the cumulative analysis related to future water supply in the utilities and energy use chapter used the Plan Method because it is based on the adopted 2015 Urban Water Management Plan for the City of San Diego.

Based on information provided by the District and the City, 97 cumulative projects were identified for this analysis. The projects listed in the project's cumulative study area have had applications submitted or have been approved, are under construction, or have recently been completed. The cumulative projects identified in the study area are listed in Volume 2 (Draft EIR) Chapter 5, *Cumulative Impacts*, Table 5-2 (project numbering corresponds to numbers shown on Figure 5-1 of the Draft EIR).

The project would contribute to cumulative impacts related to air quality and health risk, GHG emissions and climate change, noise and vibration, transportation, circulation, and parking, and utilities and energy use. 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 identified mitigation measures or project alternatives are infeasible due to specific economic, legal, social, technical or other considerations. The findings incorporate by reference the analysis of significant cumulative impacts contained in Volume 2 (Draft EIR), Chapter 5 *Cumulative Impacts*, and as revised within Chapter 5, *Errata and Revisions*, of the Final EIR.

The significant cumulative impacts related to air quality and health risk, GHG emissions and climate change (up to 2025), and utilities and energy use identified in the EIR would be reduced to a level below significance after implementation of feasible mitigation. The significant cumulative impacts related to GHG emissions and climate change (post-2025), noise and vibration, and transportation, circulation, and parking identified in the EIR would not be avoided or reduced to a level below significance despite the incorporation of all feasible mitigation measures. As described in the Statement of Overriding Considerations in Section 7.0 below, the District has determined these unavoidable significant cumulative impacts are acceptable because of specific overriding considerations.

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

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-1) in that the land use changes associated with the project were not known at the time the RAQS and SIP were last updated, which would result in a conflict with the applicable state and regional air quality plans. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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.

Facts in Support of Finding: The potentially significant cumulative impact of the project on air quality and health risk (Impact-C-AQ-1) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-AQ-1 will result because the project would re-designate Commercial Recreation to Street, Street to Commercial Recreation, Specialized Berthing to Recreational Boat Berthing, Ship Navigation Corridor to Recreational Boat Berthing, Promenade to Commercial Recreation, Park to Commercial Recreation, and Commercial Recreation to Park. As these land use changes were not known at the time the RAQS and SIP were last updated, this would result in a conflict with the applicable state and regional air quality plans.

The potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-1) would be reduced to below significance by mitigation measure MM-AQ-1. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.2.1.

Mitigation measure MM-AQ-1 requires coordination with SDAPCD to amend growth projections, which will ensure the RAQS and SIP adequately consider the redesignated land and water uses at the project site. After mitigation, the project's incremental contribution to cumulative impacts related to plan consistency (Impact-C-AQ-1) would be less than cumulatively considerable.

5.1.2 Impact-C-AQ-2: Emissions in Excess of Cumulative Thresholds during Construction

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-2) in that emissions during construction the project would exceed the cumulative San Diego County SLTs for VOC. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 project on air quality and health risk (Impact-C-AQ-2) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-AQ-2 will result because emissions during construction the project would exceed the cumulative San Diego County SLTs for VOC.

The potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-2) would be reduced to below significance by mitigation measures MM-AQ-2 and MM-AQ-3. These mitigation measures are set forth in full in the MMRP and

Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.2.2.

With mitigation measure MM-AQ-2 and MM-AQ-3, construction-related VOC emissions would be reduced to below San Diego County SLTs. After mitigation, the project's incremental contribution to cumulative impacts related to construction emissions (Impact-C-AQ-2) would be less than cumulatively considerable.

5.1.3 Impact-C-AQ-3: Potential Health Effects Associated with Emissions in Excess of Cumulative Thresholds during Construction

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-3) in that emissions during construction of the project would exceed the cumulative San Diego County SLTs for VOC. The contribution of project-related emissions is considered significant because the project would exceed thresholds that have been set by SDAPCD to attain the NAAQS and CAAQS, the purpose of which is to provide for the protection of public health. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 project on air quality and health risk (Impact-C-AQ-3) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-AQ-3 will result because project emissions during construction would exceed the San Diego County SLTs for VOC. While the incremental contribution to health effects from VOC cannot be traced solely to the project, the contribution of project-related emissions is considered significant because the project would exceed thresholds that have been set by SDAPCD to attain the NAAQS and CAAQS, the purpose of which is to provide for the protection of public health.

The potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-3) would be reduced to below significance by mitigation measures MM-AQ-2 and MM-AQ-3. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.2.2.

With mitigation measure MM-AQ-2 and MM-AQ-3, construction-related VOC emissions would be reduced to below San Diego County SLTs. After mitigation, the project's incremental contribution to cumulative impacts related to potential

health effects from construction emissions (Impact-C-AQ-3) would be less than cumulatively considerable.

5.2 Greenhouse Gas Emissions and Climate Change

5.2.1 Impact-C-GHG-1: Inconsistency with District Climate Action Plan and Only Partial Consistency with Applicable GHG Reduction Plans, Policies, and Regulatory Programs through 2025

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-1) in that project GHG emissions during combined project construction and operational activities would be inconsistent with the CAP because the project would not meet the performance benchmark for recreational boating (i.e., 53% reduction) and would only partially comply with plans, policies, and regulatory programs outlined in the District's CAP, the Scoping Plan, and other plans, policies, and regulatory programs adopted by ARB for the purpose of reducing the emissions of GHGs. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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.

Facts in Support of Finding: The potentially significant cumulative impact of the project on GHG emissions and climate change (Impact-C-GHG-1) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-GHG-1 will result because project GHG emissions during combined project construction and operational activities would be inconsistent with the CAP because the project would not meet the performance benchmark for recreational boating (i.e., 53% reduction) and would only partially comply with plans, policies, and regulatory programs outlined in the District's CAP, the Scoping Plan, and other plans, policies, and regulatory programs adopted by ARB for the purpose of reducing the emissions of GHGs.

The potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-1) will be reduced to below a level of significance by mitigation measures MM-GHG-1, MM-GHG-2, MM-GHG-3, and MM-GHG-4. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.6.1.

With implementation of MM-GHG-1 through MM-GHG-4, the project would meet the reduction targets required by the CAP, and would be consistent with the CAP, Assembly Bill 32 Scoping Plan, and other near-term (2025) GHG reduction policies

and plans. After mitigation, the project's incremental contribution to cumulative impacts related to GHG emissions and reduction targets and plans through 2025 would be less than cumulatively considerable.

5.2.2 Impact-C-GHG-2: GHG Emissions in Excess of Post-2020 Targets for Landside Uses and Recreational Boating

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-2) in that project GHG emissions during combined project construction and operational activities would not meet the landside efficiency target in 2030 and 2050, and would not meet the performance benchmark for recreational boating in both 2030 and 2050. Additionally, the project would not comply with plans, policies, and regulatory programs outlined in the 2017 Scoping Plan Update because emissions are not sufficiently reduced to meet statewide targets. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on GHG emissions and climate change (Impact-C-GHG-2) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-GHG-2 will result because project GHG emissions during combined project construction and operational activities would not meet the landside efficiency target in 2030 and 2050, and would not meet the performance benchmark for recreational boating in both 2030 and 2050. Additionally, the project would not comply with plans, policies, and regulatory programs outlined in the 2017 Scoping Plan Update because emissions are not sufficiently reduced to meet statewide targets.

The potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-2) will be reduced by mitigation measures MM-GHG-1, MM-GHG-2, MM-GHG-3, MM-GHG-4, and MM-GHG-5. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Sections 4.6.1 and 4.6.2.

Under the project, mitigation measures MM-GHG-1, MM-GHG-2, MM-GHG-3, MM-GHG-4, and MM-GHG-5 would reduce the cumulative impact on GHG

emissions and climate change associated with GHG emissions in excess of post-2020 targets for landside uses and recreational boating, but not below a level of significance. The project's incremental contribution to cumulative impacts related to GHG emissions and reduction targets and plans for post-2020 would be cumulatively considerable after implementation of mitigation measures MM-GHG-1 through MM-GHG-5 due to the lack of a known reduction target that considers the location and type of project. Therefore, it cannot be stated with certainty that the project would result in emissions reductions that would represent a fair share of the requisite reductions to achieve post-2020 targets. Despite the incorporation of mitigation measures MM-GHG-1, MM-GHG-2, MM-GHG-3, MM-GHG-4, and MM-GHG-5, the cumulative impact on GHG emissions and climate change (Impact-C-GHG-2) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.3 Noise and Vibration

5.3.1 Impact-C-NOI-1: Exacerbate Significant Construction Noise Levels if Cumulative Construction Activities Overlap

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on noise and vibration (Impact-C-NOI-1) in that project-related construction noise in excess of established City standards would be exacerbated by construction activity for related projects. It is noted that this impact would only occur if construction activities for related projects within 1,500 feet of the proposed project site (i.e., Ballpark Village Parcel D and the Bayside Performance Park), were to overlap with project construction. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Noise and Vibration), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on noise and vibration (Impact-C-NOI-1) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Noise and Vibration), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-NOI-1 will result because project-related construction noise in excess of established City standards would be exacerbated by construction activity for related projects. It is noted that this impact would only occur if construction activities for related projects within 1,500 feet of the project site (i.e., Ballpark

Village Parcel D and the Bayside Performance Park), were to overlap with proposed project construction.

The potentially significant cumulative impact on noise and vibration (Impact-C-NOI-1) will be reduced by mitigation measures MM-NOI-1, MM-NOI-2, and MM-NOI-3. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.10.1.

Under the project, mitigation measures MM-NOI-1, MM-NOI-2, and MM-NOI-3 would reduce the cumulative impact on noise and vibration associated with the project's contribution to cumulative construction noise impact, but not below a level of significance. This would occur if construction activities for related projects within 1,500 feet of the project site were to overlap with project construction. Despite the incorporation of mitigation measures MM-NOI-1, MM-NOI-2, and MM-NOI-3, the cumulative impact on noise and vibration (Impact-C-NOI-1) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.4 Transportation, Circulation, and Parking

5.4.1 Impact-C-TRA-1: Near-Term Construction-Related Impact on the Roadway Segment of 28th Street between National Avenue and Boston Avenue

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-1) in that construction of the project would worsen the existing LOS along 28th Street between National Avenue and Boston Avenue from an already unacceptable LOS E to LOS F under 2021 near-term conditions (as noted in the Traffic Letter prepared by Chen Ryan Associates, dated October 1, 2020 and attached to the Final EIR, updating the project completion year from 2021 to 2025 does not affect Impact-C-TRA-1 or other identified cumulative traffic impacts). Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-C-TRA-1) as identified in the EIR, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on transportation, circulation, and parking (Impact-C-TRA-1) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation,

and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-TRA-1 will result because construction of the project would worsen the existing LOS along 28th Street between National Avenue and Boston Avenue from an already unacceptable LOS E to LOS F under 2025 near-term conditions.

The potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-1) will be reduced by mitigation measure MM-TRA-1. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.11.1.

Under the project, implementation of mitigation measure MM-TRA-1 would reduce the cumulative impact on transportation, circulation, and parking associated with project-related construction traffic worsening the existing LOS along 28th Street between National Avenue and Boston Avenue from an already unacceptable LOS E to LOS F under 2025 near-term conditions, but not below a level of significance. Because the extent to which construction traffic impacts will be reduced by the TDM plan cannot be quantified, it cannot be stated with certainty that the mitigation would reduce impacts to less-than-significant levels. Despite the incorporation of mitigation measure MM-TRA-1, the cumulative impact on transportation, circulation, and parking (Impact-C-TRA-1) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.4.2 Impact-C-TRA-2: Near-Term Construction-Related Impacts on Study Area Intersections: Sampson Street/Harbor Drive; I-5 Southbound On-Ramp/Boston Avenue

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-2) in that construction of the project would worsen the existing delay experienced during peak hours at the study area intersections of Sampson Street and Harbor Drive and I-5 SB on-ramp and Boston Avenue by more than 2.0 seconds under 2025 near-term conditions. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-C-TRA-2) as identified in the EIR, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on transportation, circulation, and parking (Impact-C-TRA-2) is analyzed in

Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-TRA-2 would result because construction of the project would worsen the existing delay experienced during peak hours at the study area intersections of Sampson Street and Harbor Drive and I-5 SB on-ramp and Boston Avenue by more than 2.0 seconds under 2025 near-term conditions.

The potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-2) would be reduced by mitigation measure MM-TRA-1. This mitigation measure is set forth in full the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is described above in Section 4.11.1.

Under the project, implementation of mitigation measure MM-TRA-1 would reduce the cumulative impact on transportation, circulation, and parking associated with project-related construction traffic worsening the existing delay experienced during peak hours at the study area intersections of Sampson Street and Harbor Drive and I-5 SB on-ramp and Boston Avenue by more than 2.0 seconds under 2021 (or 2025) near-term conditions. Because the extent to which construction traffic impacts will be reduced by the TDM plan cannot be quantified, it cannot be stated with certainty that the mitigation would reduce impacts to less-than-significant levels. Despite the incorporation of mitigation measure MM-TRA-1, the impact on transportation, circulation, and parking (Impact-C-TRA-2) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.4.3 Impact-C-TRA-3: Failing Roadway Segment: Harbor Drive between Laurel Street and Hawthorne Street (Near-Term)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-3) in that near-term operation of the project would worsen conditions along Harbor Drive between Laurel Street and Hawthorne Street, which operates at LOS F, by increasing the V/C ratio by more than 0.01. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on transportation, circulation, and parking (Impact-C-TRA-3) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-TRA-3 will result because operation of the project would worsen conditions along Harbor Drive between Laurel Street and

Hawthorne Street, which operates at LOS F, by increasing the V/C ratio by more than 0.01.

To reduce the cumulative impact along Harbor Drive between Laurel Street and Hawthorn Street to less-than-significant levels, Harbor Drive would need to be widened from a six-lane major facility to an eight-lane facility. Although the design and installation of such improvement is within the jurisdiction of the City of San Diego, not the District, this improvement is not possible due to right-of-way constraints within the corridor and no mitigation measures are recommended in the City of San Diego's Downtown Mobility Plan to reduce the impacts on the roadway segment of Harbor Drive between Laurel Street and Hawthorne Street. Therefore, there are no physical improvements available that would mitigate this impact. Consequently, the potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-3) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.4.4 Impact-C-TRA-4: Failing Intersections in AM Peak Hour in Near-Term Cumulative Conditions: 16th Street/F Street; Logan Avenue/I-5 Southbound Off-Ramp; and Logan Avenue/I-5 Southbound On-Ramp

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-4) in that of the project would worsen existing delays at failing study area intersections during the AM peak hour under near-term conditions, including the intersections of 16th Street and F Street, Logan Avenue and I-5 SB off-ramp, and Logan Avenue and I-5 SB on-ramp. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-C-TRA-4) as identified in the EIR, but not to a less-than-significant level; and pursuant to CEQA Guidelines §15091(a)(2), such changes or alterations are within the responsibility and jurisdiction of another public agency which can and should adopt such changes or alterations; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on transportation, circulation, and parking (Impact-C-TRA-4) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-TRA-4 will result because operation of the project would worsen existing delays at failing study area intersections during the

AM peak hour under near-term conditions, including the intersections of 16th Street and F Street (5.3 seconds), Logan Avenue and I-5 SB off-ramp (5.6 seconds), and Logan Avenue and I-5 SB on-ramp (5.5 seconds).

The potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-4) will be reduced by mitigation measure MM-C-TRA-1 and MM-C-TRA-2. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and are briefly described as follows:

> **MM-C-TRA-1: Signalization of Logan Avenue/I-5 Southbound Off-Ramp**. Prior to issuance of occupancy permits, the project proponent shall enter into a Traffic Mitigation Agreement with Caltrans for the payment of a fair-share contribution of 22 percent of the improvement costs to install a traffic signal at the intersection of Logan Avenue and the southbound I-5 off-ramp and provide proof of this agreement to the District. Installation of the traffic signal will require approval from Caltrans.
>
> **MM-C-TRA-2: Signalization of Logan Avenue/I-5 Southbound On-Ramp**. Prior to issuance of occupancy permits, the project proponent shall enter into a Traffic Mitigation Agreement with Caltrans for the payment of a fair-share contribution of 6 percent of the improvement costs to install a traffic signal at the intersection of Logan Avenue and the southbound I-5 on-ramp and provide proof of this agreement to the District. Installation of the traffic signal will require approval from Caltrans.

Under the project, implementation of mitigation measures MM-C-TRA-1 and MM-C-TRA-2 would reduce the cumulative impact on transportation, circulation, and parking associated with project operation-related traffic worsening the existing delays at failing study area intersections during the AM peak hour under near-term conditions, including the intersections of 16th Street and F Street, Logan Avenue and I-5 SB off-ramp, and Logan Avenue and I-5 SB on-ramp, but not below a level of significance. Because these intersections are controlled by other jurisdictions, including the City and Caltrans, the District does not have jurisdiction to ensure that improvements are completed. As such, the District cannot be certain that the mitigation would be implemented when needed or at all. In addition, for some intersections, no mitigation measures are recommended in the City's Downtown Mobility Plan. Despite the incorporation of mitigation measures MM-C-TRA-1 and MM-C-TRA-2, the cumulative impact on transportation, circulation, and parking (Impact-C-TRA-4) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.4.5 Impact-C-TRA-5: Failing Intersections in PM Peak Hour in Near-Term Cumulative Conditions: First Avenue/Beech Street; 14th Street/G Street; 15th Street/F Street; 16th Street/G Street; 16th Street/Island Avenue; 16th Street/K Street; 17th Street/G Street; 19th Street/J Street; Logan Avenue/I-5 Southbound On-Ramp

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-5) in that operation of the project would worsen existing delays at failing study area intersections during the PM peak hour under near-term conditions, including the intersections of First Avenue and Beech Street, 14th Street and G Street, 15th Street and F Street, 16th Street and G Street, 16th Street and Island Avenue, 16th Street and K Street, 17th Street and G Street, 19th Street and J Street, and Logan Avenue and I-5 SB on-ramp.

Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-C-TRA-5) as identified in the EIR, but not to a less-than-significant level; and pursuant to CEQA Guidelines §15091(a)(2), such changes or alterations are within the responsibility and jurisdiction of another public agency which can and should adopt such changes or alterations; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on transportation, circulation, and parking (Impact-C-TRA-5) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-TRA-5 will result because operation of the project would worsen existing delays at failing study area intersections during the PM peak hour under near-term conditions, including the intersections of First Avenue and Beech Street (9 seconds), 14th Street and G Street (4.4 seconds), 15th Street and F Street (19.9 seconds), 16th Street and G Street (4.3 seconds), 16th Street and Island Avenue (4.3 seconds), 16th Street and K Street (15 seconds), 17th Street and G Street (more than 2.0 seconds [delay exceeds calculation capacity of the traffic analysis software]), 19th Street and J Street (20.6 seconds), and Logan Avenue and I-5 SB on-ramp (more than 2.0 seconds [delay exceeds calculation capacity of the traffic analysis software]).

The potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-5) will be reduced by mitigation measures MM-C-TRA-2

through MM-C-TRA-9. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-C-TRA-2 is described above in Section 5.4.5. MM-C-TRA-3 through MM-C-TRA-9 are briefly described as follows:

MM-C-TRA-3: New Travel Lane on G Street (3 Percent Fair-Share). Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 3 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour for impacts occurring at the intersection of 14th and G Streets, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Conversion of on-street parking to a travel lane will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.

MM-C-TRA-4: Signalization of the Intersection of 15th Street and F Street. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 4 percent of the improvement costs to install a traffic signal at the intersection of 15th Street and F Street, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Installation of the traffic signal will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.

MM-C-TRA-5: New Travel Lane on G Street (2 Percent Fair Share). Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 2 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour for impacts occurring at the intersection of Park Boulevard and G Street, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Conversion of on-street parking to a travel lane will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.

MM-C-TRA-6: Signalization of the Intersection of 16th Street and Island Avenue. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 18 percent of the improvement costs to install a traffic signal at the intersection of 16th Street and Island Avenue, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Installation of the traffic signal

will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.

MM-C-TRA-7: Signalization of the Intersection of 16th Street and K Street. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 9 percent of the improvement costs to install a traffic signal at the intersection of 16th Street and K Street. Installation of the traffic signal will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.

MM-C-TRA-8: Signalization of 17th Street and G Street Intersection. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 2 percent of the improvement costs to install a traffic signal at the intersection of 17th Street and G Street, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Installation of the traffic signal will require approval from the City of San Diego.

MM-C-TRA-9: Restriping Left-Turn Lane on J Street. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 20 percent of the improvement costs to restripe the northbound left-turn lane along J Street at its intersection with 19th Street into a northbound left-turn and through-shared lane, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Restriping of J Street will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.

Under the project, implementation of mitigation measures MM-C-TRA-2 through MM-C-TRA-9 would reduce the cumulative impact on transportation, circulation, and parking associated with project operation-related traffic worsening the existing delays at failing study area intersections during the PM peak hour under near-term conditions, including the intersections of First Avenue and Beech Street, 14th Street and G Street, 15th Street and F Street, 16th Street and G Street, 16th Street and Island Avenue, 16th Street and K Street, 17th Street and G Street, 19th Street and J Street, and Logan Avenue and I-5 SB on-ramp, but not below a level of significance. Because these intersections are controlled by other jurisdictions, including the City and Caltrans, the District does not have jurisdiction to ensure that improvements are completed. As such, the District cannot be certain that the mitigation would be implemented when needed or at all. In addition, for some intersections, no mitigation measures are recommended in the City's Downtown

Mobility Plan to reduce impacts. Despite the incorporation of mitigation measures MM-C-TRA-2 through MM-C-TRA-9, the cumulative impact on transportation, circulation, and parking (Impact-C-TRA-5) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.4.6 Impact-C-TRA-6: Failing Freeway Mainline Segment during AM Peak Hour under Near-Term Cumulative Conditions: I-5 Northbound, between Grape Street and First Avenue

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-6) in that operation of the project would worsen the existing V/C ratio along NB I-5 between Grape Street and First Avenue, which currently operates at LOS E, by 0.012 during the AM peak period. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-C-TRA-6) as identified in the EIR, but not to a less-than-significant level; pursuant to CEQA Guidelines §15091(a)(2), such changes or alterations are within the responsibility and jurisdiction of another public agency; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on transportation, circulation, and parking (Impact-C-TRA-6) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-TRA-6 will result because operation of the project would worsen the existing V/C ratio along NB I-5 between Grape Street and First Avenue, which currently operates at LOS E, by 0.012 during the AM peak period.

The potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-6) will be reduced by mitigation measure MM-TRA-5. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.11.2.

Under the project, implementation of mitigation measure MM-TRA-5 would reduce the cumulative impact on transportation, circulation, and parking associated with project operation-related traffic worsening the existing V/C ratio along NB I-5 between Grape Street and First Avenue, but not below a level of significance.

SANDAG's The Regional Plan includes a series of operational improvements along I-5 between I-15 and I-8, which would encompass the segments of NB and SB I-5 that would be affected by the project. However, these improvements are not scheduled until Year 2050. These improvements are also subject to budget availability and coordination with Caltrans. The mitigation measure does require the project proponent to enter into a Traffic Mitigation Agreement with Caltrans for these improvements to pay a fair-share contribution as identified by Caltrans in the future. Therefore, because the timing and installation of the recommended improvements are within the exclusive jurisdiction of Caltrans and not the District, the District cannot state with certainty that the improvements will be completed prior to an impact occurring. Despite the incorporation of mitigation measure MM-TRA-5, the cumulative impact on transportation, circulation, and parking (Impact-C-TRA-6) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.4.7 Impact-C-TRA-7: Failing Roadway Segment: Harbor Drive between Laurel Street and Hawthorne Street (Future Year)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-7) in that long-term operation of the project would worsen conditions along Harbor Drive between Laurel Street and Hawthorne Street, which operates at LOS F, by increasing the V/C ratio by more than 0.01. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on transportation, circulation, and parking (Impact-C-TRA-7) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-TRA-7 will result because long-term operation of the project would worsen conditions along Harbor Drive between Laurel Street and Hawthorne Street, which operates at LOS F, by increasing the V/C ratio by more than 0.01.

To reduce impacts along Harbor Drive between Laurel Street and Hawthorn Street to less-than-significant levels, Harbor Drive would need to be widened from a six-lane major facility to an eight-lane facility. However, this improvement is not feasible due to right-of-way constraints within the corridor and no mitigation measures are recommended in the City's Downtown Mobility Plan to reduce the impacts on the roadway segment of Harbor Drive between Laurel Street and Hawthorne Street. Therefore, there are no physical improvements available that

would mitigate this impact. Consequently, the potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-7) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.4.8 Impact-C-TRA-8: Failing Intersections in AM Peak Hour in Future Year Cumulative Conditions: 16th Street/F Street; 15th Street/F Street; and 17th Street/G Street

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-8) in that operation of the project would worsen existing delays at failing study area intersections during the AM peak hour under Future Year conditions, including the intersections of 15th Street and F Street, 16th Street and F Street, and 17th Street and G Street. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-C-TRA-8) as identified in the EIR, not to a less-than-significant level; and pursuant to CEQA Guidelines §15091(a)(2), such changes or alterations are within the responsibility and jurisdiction of another public agency; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on transportation, circulation, and parking (Impact-C-TRA-8) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-TRA-8 will result because operation of the project would worsen existing delays at failing study area intersections during the AM peak hour under Future Year conditions, including the intersections of 15th Street and F Street (more than 2.0 seconds [delay exceeds calculation capacity of the traffic analysis software]), 16th Street and F Street (3.2 seconds), and 17th Street and G Street (more than 2.0 seconds [delay exceeds calculation capacity of the traffic analysis software]).

The potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-8) will be reduced by mitigation measure MM-C-TRA-4 and MM-C-TRA-8. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 5.4.5.

Under the project, implementation of mitigation measures MM-C-TRA-4 and MM-C-TRA-8 would reduce the cumulative impact on transportation, circulation, and parking associated with project operation-related traffic worsening the existing delays at failing study area intersections during the AM peak hour under Future Year conditions, including the intersections of 15th Street and F Street, 16th Street and F Street, and 17th Street and G Street, but not below a level of significance. Because these intersections are controlled by other jurisdictions, including the City, the District does not have jurisdiction to ensure that improvements are completed. As such, the District cannot be certain that the mitigation would be implemented when needed or at all. In addition, for some intersections, no mitigation measures are recommended in the City's Downtown Mobility Plan to reduce impacts. Despite the incorporation of mitigation measures MM-C-TRA-4 and MM-C-TRA-8, the cumulative impact on transportation, circulation, and parking (Impact-C-TRA-8) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.4.9 Impact-C-TRA-9: Failing Intersections in PM Peak Hour in Future Year Cumulative Conditions: Front Street and Broadway; First Avenue and Broadway; 11th Avenue and Broadway; 11th Avenue and G Street; 11th Avenue and Market Street; Park Boulevard and G Street; 13th Street and G Street; 14th Street and G Street; 15th Street and F Street; 16th Street and G Street; 16th Street and K Street; Imperial Avenue and 16th Street; and 17th and G Streets

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-9) in that operation of the project would worsen existing delays at failing study area intersections during the PM peak hour under Future Year conditions, including the intersections of Front Street and Broadway; First Avenue and Broadway; 11th Avenue and Broadway; 11th Avenue and G Street; 11th Avenue and Market Street; Park Boulevard and G Street; 13th Street and G Street; 14th Street and G Street; 15th Street and F Street; 16th Street and G Street; 16th Street and K Street; Imperial Avenue and 16th Street; and 17th and G Streets.

Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-C-TRA-9) as identified in the EIR, but not to a less-than-significant level; and pursuant to CEQA Guidelines §15091(a)(2), such changes or alterations are within the responsibility and jurisdiction of another public agency; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on transportation, circulation, and parking (Impact-C-TRA-9) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-TRA-9 will result because operation of the project would worsen existing delays at failing study area intersections during the PM peak hour under Future Year conditions, including the intersections of Front Street and Broadway (4.1 seconds); First Avenue and Broadway (2.2 seconds); 11th Avenue and Broadway (4.4 seconds); 11th Avenue and G Street (5.0 seconds); 11th Avenue and Market Street (11.4 seconds); Park Boulevard and G Street (4.0 seconds); 13th Street and G Street (4.4 seconds); 14th Street and G Street (4.6 seconds); 15th Street and F Street (51.8 seconds); 16th Street and G Street (3.6 seconds); 16th Street and K Street (15.7 seconds); Imperial Avenue and 16th Street (46.2 seconds); and 17th and G Streets (more than 2.0 seconds [delay exceeds calculation capacity of the traffic analysis software]).

The potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-9) will be reduced by mitigation measure MM-C-TRA-4, MM-C-TRA-5, MM-C-TRA-10, MM-C-TRA-11, MM-C-TRA-12, and MM-C-TRA-13. These mitigation measures are set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR. MM-C-TRA-4 and MM-C-TRA-5 are described above in Section 5.4.5. MM-C-TRA-10 through MM-C-TRA-13 are briefly described as follows:

> **MM-C-TRA-10: New Travel Lane on G Street (1 Percent Fair Share)**. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 1 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour for impacts occurring at the intersection of 11th Avenue and G Streets, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Conversion of on-street parking to a travel lane will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.
>
> **MM-C-TRA-11: New Travel Lane on G Street (2 Percent Fair Share)**. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 2 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour for impacts occurring at the intersection of Park Boulevard and G Street, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Conversion of on-street parking to a travel lane will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project

proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.

MM-C-TRA-12: New Travel Lane on G Street (1 Percent Fair Share). Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 1 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour for impacts occurring at the intersection of Park Boulevard and G Street, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Conversion of on-street parking to a travel lane will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.

MM-C-TRA-13: New Travel Lane on G Street (3 Percent Fair Share). Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 3 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour for impacts occurring at the intersection of Park Boulevard and G Street, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Conversion of on-street parking to a travel lane will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.

MM-C-TRA-14: Restripe Northbound and Southbound Approaches to Imperial and 16th Street. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 18 percent of the improvement costs to restripe the northbound and southbound approaches to the intersection of Imperial Avenue and 16th Street to include an exclusive right-turn lane in each direction. Restriping of the intersection will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.

Under the project, implementation of mitigation measures MM-C-TRA-4, MM-C-TRA-5, MM-C-TRA-10, MM-C-TRA-11, MM-C-TRA-12, MM-C-TRA-13, and MM-C-TRA-14 would reduce the cumulative impact on transportation, circulation, and parking associated with project operation-related traffic worsening the existing delays at failing study area intersections during the PM peak hour under Future Year conditions, including the intersections of Front Street and Broadway, First Avenue and Broadway, 11th Avenue and Broadway, 11th Avenue and G Street,

11th Avenue and Market Street, Park Boulevard and G Street, 13th Street and G Street, 14th Street and G Street, 15th Street and F Street, 16th Street and G Street, 16th Street and K Street, Imperial Avenue and 16th Street, and 17th and G Streets, but not below a level of significance. Because these intersections are controlled by other jurisdictions, including the City, the District does not have jurisdiction to ensure that improvements are completed. As such, the District cannot be certain that the mitigation would be implemented when needed or at all. In addition, for some intersections, no mitigation measures are recommended in the City's Downtown Mobility Plan to reduce impacts. Despite the incorporation of mitigation measures MM-C-TRA-4, MM-C-TRA-5, MM-C-TRA-10, MM-C-TRA-11, MM-C-TRA-12, MM-C-TRA-13, and MM-C-TRA-14 the cumulative impact on transportation, circulation, and parking (Impact-C-TRA-9) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.4.10 Impact-C-TRA-10: Failing Freeway Mainline Segment during AM Peak Hour under Future Year Cumulative Conditions: I-5 Northbound, between Grape Street and First Avenue, First Avenue and SR-163, B Street and SR-94, and SR-94 and Imperial Avenue; and during the PM Peak Hour I-5 Southbound between First Avenue and SR-163 and B Street and SR-94

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-10) in that operation of the project would cause a significant change in the V/C ratio (i.e., add more than 0.010 for LOS E or 0.005 for LOS F) along the following NB I-5 segments that are projected to operate at LOS F during the AM peak period: between Grape Street and First Avenue, between First Avenue and SR-163, between B Street and SR-94, and between SR-94 and Imperial Avenue. In addition, operation of the proposed project would cause a significant change in the V/C ratio along the following SB I-5 segments that are currently operating at LOS F during the PM peak period: between First Avenue and SR-163, and between B Street and SR-94.

Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-C-TRA-10) as identified in the EIR, but not to a less-than-significant level; pursuant to CEQA Guidelines §15091(a)(2), such changes or alterations are within the responsibility and jurisdiction of another public agency; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR..

Facts in Support of Finding: The potentially significant cumulative impact of the project on transportation, circulation, and parking (Impact-C-TRA-10) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-TRA-10 will result because operation of the project would cause a significant change in the V/C ratio (i.e., add more than 0.010 for LOS E or 0.005 for LOS F) along the following NB I-5 segments that are projected to operate at LOS F during the AM peak period: between Grape Street and First Avenue, between First Avenue and SR-163, between B Street and SR-94, and between SR-94 and Imperial Avenue. In addition, operation of the project would cause a significant change in the V/C ratio along the following SB I-5 segments that are currently operating at LOS F during the PM peak period: between First Avenue and SR-163, and between B Street and SR-94.

The potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-10) will be reduced by mitigation measure MM-TRA-5. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.11.2.

Under the project, implementation of mitigation measure MM-TRA-5 would reduce the cumulative impact on transportation, circulation, and parking associated with project operation-related traffic causing a significant change in the V/C ratio along the NB I-5 segments between Grape Street and First Avenue, First Avenue and SR-163, B Street and SR-94, and SR-94 and Imperial Avenue, and along the SB I-5 segments between First Avenue and SR-163 and B Street and SR-94, but not below a level of significance. SANDAG's The Regional Plan includes a series of operational improvements along I-5 between I-15 and I-8, which would encompass the segments of NB and SB I-5 that would be affected by the proposed project. However, these improvements are not scheduled until Year 2050. These improvements are also subject to budget availability and coordination with Caltrans. The mitigation measure does require the project proponent to enter into a Traffic Mitigation Agreement with Caltrans for these improvements to pay a fair-share contribution as identified by Caltrans in the future. Therefore, because the timing and installation of the recommended improvements are within the exclusive jurisdiction of Caltrans and not the District, the District cannot state with certainty that the improvements will be completed prior to an impact occurring. Despite the incorporation of mitigation measure MM-TRA-5, the cumulative impact on transportation, circulation, and parking (Impact-C-TRA-10) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.4.11 Impact-C-TRA-11: Cumulatively Considerable Contribution to a Cumulative Parking Impact

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-11) in that there would be a deficit of onsite parking that would not be sufficient to meet the projected demand, and reasonably foreseeable future projects are expected to

contribute to a parking deficit in the downtown area. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 transportation, circulation, and parking (Impact-C-TRA-11) as identified in the EIR, but not to a less-than-significant level. Furthermore, pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on transportation, circulation, and parking (Impact-C-TRA-11) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-TRA-11 will result because there would be a deficit of onsite parking that would not be sufficient to meet the projected demand, and reasonably foreseeable future projects are expected to contribute to a parking deficit in the downtown area. The project's contribution to the cumulative parking impact from past, present, and reasonably foreseeable future projects would be cumulatively considerable and significant.

The potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-11) will be reduced by mitigation measure MM-TRA-8. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and described above in Section 4.11.2.

Under the project, implementation of mitigation measure MM-TRA-8 would reduce the cumulative impact on transportation, circulation, and parking associated with insufficient onsite parking during project operation, but not below a level of significance. MM-TRA-8 would reduce impacts on permanent parking supply through the implementation of a parking management plan. However, the District cannot ensure that the project proponent will be able to enter into agreements with nearby parking lot operators to provide the additional parking spaces needed and the benefits of the parking management plan cannot be quantified. Despite the incorporation of mitigation measure MM-TRA-8, the impact on transportation, circulation, and parking (Impact-C-TRA-11) is considered significant and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

5.5 Utilities and Energy Use

5.5.1 Impact-C-UTIL-1: The Proposed Project Would Generate Solid Waste that Would Exceed the City's Threshold

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on utilities and energy use (Impact-C-UTIL-1) in that the project would generate an annual amount of solid waste in excess of 60 tons, which would exceed the City's cumulative solid waste threshold. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Utilities and Energy Use), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

Finding: Pursuant to 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 utilities and energy use (Impact-C-UTIL-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the project on utilities and energy use (Impact-C-UTIL-1) is analyzed in Volume 2 (Draft EIR), Chapter 5, *Cumulative Impacts* (Utilities and Energy Use), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Impact-C-UTIL-1 will result because operation of the project would generate an annual amount of solid waste in excess of 60 tons, which would exceed the City's cumulative solid waste threshold.

The potentially significant cumulative impact on utilities and energy use (Impact-C-UTIL-1) would be reduced to below a level of significance by mitigation measure MM-C-UTIL-1. This mitigation measure is set forth in full in the MMRP and Table 2-4 of Chapter 2, *Executive Summary*, of the Final EIR and is briefly described as follows:

> **MM-C-UTIL-1: Prepare a Waste Management Plan.** Prior to issuance of the construction permits, the project proponent shall prepare a waste management plan and submit the plan to the City's Environmental Services Department for approval. The plan shall address the demolition, construction, and operation phases of the project as applicable.

Implementation of mitigation measure MM-C-UTIL-1 would reduce the project's incremental contribution to cumulative solid waste impacts (Impact-C-UTIL-1) to less than cumulatively considerable by ensuring that the project limits its solid waste to a minimum and is fully compliant with all solid waste laws.

6.0 FINDINGS REGARDING PROJECT ALTERNATIVES

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and 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 proposed project, the District considers only those significant environmental impacts that cannot be avoided or substantially lessened through mitigation.

Where a project will result in some unavoidable significant environmental impacts even after application of all feasible mitigation measures identified in an EIR, the lead agency must evaluate the project alternatives identified in the EIR. Under such circumstances, the lead agency must consider the feasibility of alternatives to the project that could avoid or substantially lessen the unavoidable significant environmental impacts. “Feasible” means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social, and technological factors (CEQA Guidelines §15364).

If there are no feasible project alternatives that could avoid or substantially lessen any of the unavoidable significant impacts of the project, the lead agency must consider the adoption of a Statement of Overriding Considerations with regard to the project pursuant to CEQA Guidelines §15093. If there is a feasible alternative to the project, the lead agency must decide whether it is environmentally superior to the proposed project. The lead agency must consider in detail only those alternatives that could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts even if these alternatives would impede to some degree the attainment of project objectives (CEQA Guidelines §15126.6(f)).

These findings compare the alternatives where appropriate in order to determine whether there is any feasible alternative that would avoid or substantially lessen any of the unavoidable significant impacts of the project. In rejecting certain alternatives, the District has examined the project objectives and weighed the ability of the various alternatives to meet the objectives. The District believes the approved project best meets these objectives with the least environmental impact. The objectives considered by the District are set forth in Section 1.3 above and in Volume 2 (Draft EIR), Chapter 3, *Project Description*, Section 3.3, Project Objectives.

The EIR 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. These findings also considered the feasibility of each alternative. In determining the feasibility of alternatives, the District considered whether the alternatives could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, social, and technological factors (CEQA Guidelines §§15126(d)(5)(A), 15364).

The EIR concluded that the proposed project will result in unavoidable significant direct impacts on aesthetics and visual resources; GHG emissions and climate change; hazards and hazardous materials; noise and vibration; public services and recreation; and transportation, circulation, and parking and unavoidable significant

cumulative impacts on greenhouse gas emissions and climate change; noise and vibration; and transportation, circulation, and parking because even though these impacts could be reduced by the mitigation measures recommended in the EIR, the District cannot state with certainty that the impacts will be reduced below significance.

Accordingly, the EIR analyzed six alternatives to the proposed project: (1) the No Project/No Build Alternative, (2) the No Project/Port Master Plan Consistency Alternative, (3) the No Net New Marina Alternative, (4) the Phase I Only Marina Alternative, (5) the Reduced Density Alternative, and (6) the Below Grade Parking Alternative. Detailed information and analysis concerning these alternatives are set forth in Volume 2 (Draft EIR), Chapter 7, *Alternatives to the Proposed Project*, of the EIR, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable.

This section of the findings summarizes these alternatives and their feasibility and effectiveness in avoiding or substantially lessening any of the unavoidable significant impacts associated with the proposed project.

6.1 Alternative 1 – No Project/No Build Alternative

The No Project/No Build Alternative is an alternative required to be evaluated by CEQA (CEQA Guidelines §15126(d)(2)). The No Project/No Build Alternative assumes that the proposed project would not be implemented.

Under the No Project/No Build Alternative, the site would operate as it currently does until the expiration of the current ARC Lease. The proposed project would not occur and the existing site would retain a 35-foot Embarcadero Promenade, parking lots used for parking and staging for special events associated with SDCC, Fifth Avenue Landing superyacht marina, and open grass area used as a public park. The marina would not be expanded and the existing 12 boat slips would remain. The water transportation center (WTC) would not be relocated and upgraded under this alternative. No hotel tower, lower-cost visitor-serving hotel, retail along the Embarcadero Promenade, parking structure, ballroom, additional public parks or plazas, and marina expansion would occur.

The potential impacts of the No Project/No Build Alternative are discussed in detail in Volume 2 (Draft EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.6.1), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. Because the proposed project would not be implemented, the No Project/No Build Alternative would avoid or substantially reduce significant and unavoidable direct impacts related to aesthetics and visual resources; GHG emissions and climate change; hazards and hazardous materials; noise and vibration; public services and recreation; and traffic, circulation, and parking and the significant and unavoidable cumulative impacts on GHG emissions and climate change; noise and vibration; and transportation, circulation, and parking associated with the proposed project.

However, the No Project/No Build Alternative would not meet any of the project objectives (#1, #2, #3, #4, #5, #6, or #7), which aim to develop a full-service hotel; provide a lower-cost visitor-serving hotel; provide infill development on District tidelands; increase activation along the bayfront by providing new visitor-serving retail uses, new public park/plaza, and expansion of the marina; provide new public vista opportunities; improve public access and incorporate sustainable practices. Moreover, the No Project/No Build Alternative would preclude obtaining any of the benefits described in Section 7.0 below.

The District finds that all potentially significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the MMRP, except the unavoidable significant direct and cumulative impacts on aesthetics and visual resources; GHG emissions and climate change; hazards and hazardous materials; noise and vibration; public services and recreation; and traffic, circulation, and parking. The District further finds that, although the No Project/No Build Alternative would avoid or substantially lessen the significant and unavoidable direct and cumulative impacts on aesthetics and visual resources; GHG emissions and climate change; hazards and hazardous materials; noise and vibration; public services and recreation; and traffic, circulation, and parking, the No Project/No Build Alternative is infeasible because it would not meet any of the project objectives and would not provide the District and the region with any of the benefits described below in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potentially significant impacts that cannot be avoided or mitigated to a level below significance, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

6.2 Alternative 2 – No Project/Port Master Plan Consistency Alternative (SDCC Phase III Expansion)

Under the No Project/Port Master Plan Consistency Alternative, the SDCC Phase III Expansion and Expansion Hotel would be constructed as entitled in the current PMP. The proposed Expansion Hotel would occur outside of the proposed project site and, therefore, the focus of this alternative is the portion of the SDCC Phase III Expansion that would occur within the project site. This analysis assumes that the City of San Diego either obtains property rights to the site or constructs the expansion after the expiration of the ARC Lease term. Under the current PMP, the SDCC Phase III Expansion includes the expansion of the existing Convention Center that would add approximately 220,150 square feet of exhibit hall space, approximately 101,500 square feet of meeting rooms, and approximately 78,470 square feet of ballroom space to the existing facility. Public amenities include a 5-acre rooftop park/plaza. It would be accessible to the public with lighted paths, seating areas, an open lawn/performance area, and several observation vistas. Spaces on the rooftop park/plaza would range from grand areas where events can take place to more intimate, contemplative areas. This alternative would not involve any in-water work.

The potential impacts of the No Project/Port Master Plan Consistency Alternative (SDCC Phase III Expansion) are discussed in detail in Volume 2 (Draft EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.6.2), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. The No Project/Port Master Plan Consistency Alternative would substantially reduce the significant and unavoidable aesthetics and visual resources and GHG emission impacts associated with the proposed project because of consistency with the public vistas identified in the current PMP; and the reduced height of the convention center compared to the hotel tower and decreased boating activity, respectively. This Alternative would avoid significant and unavoidable hazards and hazardous materials impacts associated with the avoidance of construction near the sediment cap and potentially contaminated sediment since there would be no in water work. However, all other significant and unavoidable impacts would be similar.

The District finds that the No Project/Port Master Plan Consistency Alternative (SDCC Phase III Expansion) would not meet the project Objectives #1 and #2 associated with the development and operation of a full service hotel and a lower-cost visitor-serving hotel, respectively. Alternative 2 would meet a portion of Objective #3 by providing infill development compatible with surrounding uses. Alternative 2 would meet a portion of Objective #4 because it would increase activation at the project site and along the bayfront by providing a 5-acre rooftop plaza and park area and would continue to provide a WTC, but Alternative 2 would not provide an expanded marina. Alternative 2 would meet Objectives #5 and #6 by providing public vista opportunities of San Diego Bay from the SDCC and public plazas and by improving public access to the waterfront and Embarcadero Promenade. This alternative would meet Objective #7 because the proposed SDCC Phase III Expansion would incorporate sustainable design features into the proposed development. The No Project/Port Master Plan Consistency Alternative (SDCC Phase III Expansion) would preclude obtaining the benefits described in Section 7.0 below related to stimulus to the local and regional economy through creation of temporary and permanent jobs, leasing fees and taxes, nor employment opportunities associated with the construction and operation of the market-rate hotel tower and lower-cost visitor-serving hotel; provide lower-cost visitor-serving accommodations to allow for greater access and enjoyment by the public and compliance with Board Policy 775.

The District finds that all potentially significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the MMRP, except the unavoidable significant direct and cumulative impacts on aesthetics and visual resources; GHG emissions and climate change; hazards and hazardous materials; noise and vibration; public services and recreation; and traffic, circulation, and parking. The District further finds that, although the No Project/Port Master Plan Consistency Alternative (SDCC Phase III Expansion) would reduce or avoid the proposed project's potentially significant impacts on aesthetics and visual resources, hazards and hazardous material and GHG emissions and climate change, the No

Project/Port Master Plan Consistency Alternative is infeasible because it would not meet the fundamental project objectives to provide for the development and operation of a full-service hotel of a size, quality, and location appropriate for first-class convention operations that is a financially viable operation and is of a similar size and stature as nearby hotels (Objective # 1) and to provide lower-cost, visitor-serving accommodations to allow greater access and enjoyment by the public that complies with Board Policy 775 (Objective #2), and thus would be undesirable from a policy standpoint. For the potentially significant impacts that cannot be avoided or mitigated to a level below significance, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

6.3 Alternative 3 – No Net New Marina Alternative

Under the No Net New Marina Alternative, the proposed project would occur as proposed with the development of the hotel tower, lower-cost visitor-serving hotel, retail along the Embarcadero Promenade, parking structure, ballroom, and public parks and plazas; however, the marina would not be expanded. The marina would continue its current operation of the existing 12 boat slips. The No Net New Marina Alternative would include the proposed landside marina improvements of relocating the existing marina office to the promenade level of the lower-cost, visitor-serving hotel. Under Alternative 3, the existing Fifth Avenue Landing ferry and taxi service would continue operation at the project site. The No Net New Marina Alternative is intended to avoid or substantially lessen the proposed project-related significant impacts on biological resources related to loss of eelgrass and open water habitat and hazards and hazardous materials related to waterside sediment contamination and damage to the engineered cap.

The potential impacts of the No Net New Marina Alternative are discussed in detail in Volume 2 (Draft EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.6.3), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. The No Net New Marina Alternative would reduce unavoidable and significant GHG impacts related to increased boating activity and noise impacts associated with the marina expansion component of the proposed project; and avoid unavoidable and significant hazards and hazardous materials impacts associated with the avoidance of construction near the sediment cap and potentially contaminated sediment.

The No Net New Marina Alternative would meet the majority of the project objectives. Objective #4 would only be partially met without the marina expansion, since Objective #4 aims to increase activation to the project site and along the bayfront by providing public plaza and park spaces, accompanied by visitor-serving retail, an expanded marina, a new water transportation center, and continuing operation of the existing public in-Bay water transportation system. This Alternative also provides the same benefits as the proposed project as outlined in Section 7.0 except for a reduced stimulus to the local and regional economy associated with an expanded marina.

The District finds that all potentially significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the MMRP, except the unavoidable significant direct and cumulative impacts on aesthetics and visual resources; GHG emissions and climate change; hazards and hazardous materials; noise and vibration; public services and recreation; and traffic, circulation, and parking. The District further finds that the No Net New Marina Alternative would reduce the proposed project's unavoidable significant impacts on GHG emissions and climate change, and noise and vibration and avoid unavoidable significant impacts on hazards and hazardous materials.

However, Alternative 3 would not meet a portion of Objective #4 because Alternative 3 would not include an expanded marina. Therefore, the District finds that the No Net New Marina Alternative is infeasible for policy reasons because it would not achieve the project objectives to the same degree as the proposed project and would not provide the District and the region with the benefits associated with a marina such as stimulus to the local and regional economy described in Section 7.0 below, and thus would be undesirable from a policy standpoint. For the approved project's unavoidable significant impacts that cannot be avoided or substantially lessened, therefore, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

6.4 Alternative 4 – Phase I Only Marina Alternative

Under the Phase I Only Marina Alternative, the proposed project would occur as proposed but the marina expansion would only include Phase I. Phase II of the marina expansion, which would add 27 slips to the marina, would be eliminated. The Phase I waterside component would add 23 new marina slips ranging in size from 50 feet to 200 feet and would be constructed concurrently with the proposed hotels. Phase I would include the proposed pile-supported dock, which would be approximately 20 feet in width and extend approximately 439 feet. A breakwater with wave attenuation panels may be included as part of Alternative 4 to reduce wave energy coming into the marina. The breakwater, located at the end of the proposed dock, would be approximately 400 linear feet and 20 feet in width. The water transportation office would be relocated and upgraded under this alternative and the Fifth Avenue Landing ferry and water taxi service would continue its operation at the project site. The Phase I Only Marina Alternative is intended to substantially lessen the proposed project-related significant unavoidable impacts on hazards and hazardous materials related to waterside sediment contamination and damage to the engineered cap.

The potential impacts of the Phase I Only Marina Alternative are discussed in detail in Volume 2 (Draft EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.6.4), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. The Phase I Only Marina Alternative would reduce the significant unavoidable proposed project impacts associated with GHG emissions and climate change, hazards and hazardous materials, and noise and vibration,

but would not reduce any of these impacts to less than significant. Significant and unavoidable proposed project impacts related to aesthetics, public service and recreation and transportation, circulation, and parking would remain the same as the proposed project under this Phase I Only Marina Alternative.

The Phase I Only Marina Alternative would meet all of the project objectives. While the marina would be smaller under this alternative by providing 23 new slips instead of 50 new slips, this alternative would still meet Objective #4 to increase activation at the project site and along the bayfront but not quite as fully as the proposed project due to the smaller marina. Similarly, the Phase I Only Marina Alternative would provide all of the benefits outlined in Section 7 as the proposed project with only a slightly reduced stimulus of the local and regional economy benefit as a result of a reduced marina expansion.

The District finds that all potentially significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the MMRP, except the unavoidable significant direct and cumulative impacts on aesthetics and visual resources; GHG emissions and climate change; hazards and hazardous materials; noise and vibration; public services and recreation; and traffic, circulation, and parking. The District further finds that, the Phase I Only Marina Alternative would reduce the proposed project's potentially significant and unavoidable impacts on GHG emissions, hazards and hazardous materials and noise and vibration. The District further finds that the Phase I Only Marina Alternative is feasible because it achieves the project objectives to the same degree as the proposed project and provides the District and the region with all the benefits described in Section 7.0 below. For the potentially significant impacts that cannot be avoided or mitigated to a level below significance, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

6.5 Alternative 5 – Reduced Density Alternative

Under the Reduced Density Alternative, the hotel tower would be reduced by 20% from 843 rooms to 675 rooms, and the lower-cost, visitor-serving hotel would be reduced by 20%, from 228 beds (220 rooms) to 183 beds. The height of the hotel tower would be reduced from 498 feet (45 stories) to 428 feet (38 stories). With the reduction in hotel rooms, the number of required onsite parking spaces would be reduced by approximately 90 spaces. All other project components of the proposed project including the retail along the Embarcadero Promenade, public plaza and park areas, ballroom, parking structure, and marina expansion would remain the same as the proposed project under Alternative 5. The Reduced Density Alternative is intended to avoid or substantially lessen proposed project–related significant impacts related to circulation and parking by reducing the number of hotel guests that would use the site. In addition, Alternative 5 would result in a 20% reduction in air quality emissions, GHG emissions, and energy consumption.

The potential impacts of the Reduced Density Alternative are discussed in detail in Volume 2 (Draft EIR), Chapter 7, *Alternatives to the Proposed Project* (Section

7.6.5), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. The Reduced Density Alternative would substantially reduce the project's direct significant and unavoidable impacts related to transportation, circulation, and parking.

The Reduced Density Alternative would meet most of the basic project objectives. Specifically, it would meet Objectives #1 through #7 because it would provide a full-service hotel appropriate for first-class convention operations, provide lower-cost visitor-serving accommodations at the site, provide infill development on District tidelands that is compatible with surrounding uses, increase activation along the waterfront by providing public plaza and park areas, and provide new public vista points. However, because of the decrease in hotel rooms under Alternative 5, this alternative would not fully meet Objective #1: developing a full-service hotel that is a financially viable operation or providing a similar number of hotel rooms as the adjacent hotels (under this alternative, only 675 rooms would be provided in the hotel tower). This alternative would not fully meet Objective #2 as compared to the proposed project, because the reduced number of lower-cost visitor-serving beds would reduce access and enjoyment by the public and reduce the project's ability to meet Board Policy 775. In addition, it would not fully meet Objective #3 because this alternative would not maximize the economic benefit to the District and City of San Diego at the project site. Similarly, benefits outlined in Section 7.0 below, such as stimulus of the local and regional economy and employment opportunities associated with the full service hotel and the lower-cost visitor-serving hotel as well as access and enjoyment by the public and compliance with Board Policy 775 associated with the lower-cost visitor-serving hotel would not be met as fully as the proposed project.

The District finds that all potentially significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the MMRP, except the unavoidable significant direct and cumulative impacts on aesthetics and visual resources; GHG emissions and climate change; hazards and hazardous materials; noise and vibration; public services and recreation; and traffic, circulation, and parking. The District further finds that, the Reduced Density Alternative would substantially reduce the project's direct significant and unavoidable impacts related to transportation, circulation, and parking. However, in light of its reduced size, Alternative 5 would not meet the project objectives (Objectives ## 1, 2, 3) to the same degree as the proposed project nor would the benefits associated with the full service hotel and lower-cost visitor-serving hotel be met as fully as the proposed project and thus this alternative is infeasible because it would be undesirable from a policy standpoint. For the potentially significant impacts that cannot be avoided or mitigated to a level below significance, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

6.6 Alternative 6 – Below Grade Parking Alternative

Under the Below Grade Parking Alternative, 478 parking spaces would be provided in a concrete parking structure, which would include a subterranean parking level approximately 12 feet below grade. The parking structure would span from the lower-cost visitor-serving hotel to the first major stormwater discharge outfall. The P1 level would include 190 standard stall spaces, 9 Americans with Disabilities Act spaces, and 64 valet spaces. The P2 level would include 167 standard spaces and 48 valet spaces. Valet parking would be provided between the drive aisles on both the P1 and P2 levels. Public parking would be provided on both the P1 and P2 levels. The entrance to the parking structure would be located on Convention Way and public parking signage would be provided along Convention Way. Electrical car charging stations would also be incorporated into the parking structure. All other project components proposed under the proposed project would be implemented under Alternative 6, including the development of the market rate hotel tower, lower-cost visitor-serving hotel, retail along the Embarcadero Promenade, ballroom, public plaza and park areas, and expansion of the marina. The Below Grade Parking Alternative is intended to avoid or substantially lessen the significant parking impacts of the proposed project.

The potential impacts of the Below Grade Parking Alternative are discussed in detail in Volume 2 (Draft EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.6.5), with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable. The Below Grade Parking Alternative would reduce the significant and unavoidable parking impact associated with the proposed project to less-than-significant levels because it would provide sufficient parking on site for project operations. However, significant and unavoidable construction traffic and parking impacts would remain. Additionally, this alternative would result in slightly greater, but still significant and unavoidable GHG emissions and climate change impacts.

The Below Grade Parking Alternative would meet all of the basic project objectives. Specifically, it would provide a full-service hotel appropriate for first-class convention operations, provide lower-cost visitor-serving accommodations at the site, provide infill development on District tidelands that is compatible with surrounding uses, increase activation along the waterfront by providing public plaza and park areas, and provide new public vista points. Therefore, Alternative 6 would generally meet all the basic project objectives. Similarly, all the proposed project benefits outlined in Section 7.0 below would be met by this alternative.

The District finds that all potentially significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the MMRP, except the unavoidable significant direct and cumulative impacts on aesthetics and visual resources; GHG emissions and climate change; hazards and hazardous materials; noise and vibration; public services and recreation; and traffic, circulation, and parking. The District further finds that although the Below Grade Parking Alternative would reduce the significant and unavoidable direct and cumulative operational parking

impact associated with the proposed project to less-than-significant levels, significant and unavoidable traffic and parking impacts associated with construction as well as direct and cumulative traffic and circulation impacts associated with operations would remain. Although this alternative meets project objectives and provides project benefits similar to the proposed project and thus could be considered feasible, this alternative does not substantially reduce significant and unavoidable impacts and thus would be undesirable from a policy standpoint. For the potentially significant impacts that cannot be avoided or mitigated to a level below significance, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The proposed project would have significant unavoidable environmental impacts on the following areas, which are described in detail in Volume 2 (Draft EIR), Chapter 4, *Environmental Impacts*, and Chapter 5, *Cumulative Impacts*, with revisions and clarifications in Final EIR Chapter 5, *Errata and Revisions*, if applicable:

- Direct impacts on aesthetics and visual resources; GHG emissions and climate change; hazards and hazardous materials; noise and vibration; public services and recreation; and transportation, circulation, and parking; and
- Cumulative impacts on GHG emissions and climate change; noise and vibration; and transportation, circulation, and parking.

The District analyzed a reasonable range of alternatives to the proposed project, including the No Project/No Build Alternative, the No Project/Port Master Plan Consistency Alternative, the No Net New Marina Alternative, the Phase I Only Marina Alternative, the Reduced Density Alternative, and the Below Grade Parking Alternative. Based on the evidence contained in the EIR and presented during the administrative proceedings, the District determined that Alternative 4, the Phase I Only Marina Alternative, would meet the project objectives and is feasible. Therefore, the Board of Port Commissioners has approved Alternative 4 (“approved project”).

Because the approved project would have unavoidable significant environmental impacts, the District must balance the economic, legal, social, technological or other benefits, including region-wide or statewide environmental benefits, of the project against its unavoidable environmental risks in determining whether to approve the project Pursuant to CEQA Guidelines §§15043 and 15093, if the District finds the benefits of the project outweigh the unavoidable significant impacts, the adverse environmental effects may be considered acceptable and the District may adopt a Statement of Overriding Considerations in order to approve the proposed project. 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 approved project would have the following benefits and that each of the following benefits is sufficient, on its own, to justify adoption of the approved project:

- 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." by providing a stimulus to the local and regional economy through the increase of employment opportunities within the region including approximately 500 to 1,000 temporary jobs during construction (with a daily average around 186 works on the Project site at one time) and approximately 843 to 1011 permanent post-pandemic jobs during operation of the components of the Project. The market-rate hotel tower would be a full-service hotel with a high employee to guest and guest room ratio. Jobs will include maintenance staff, hotel management, and facilities management. The lower-cost visitor-serving hotel is estimated to provide approximately nine jobs and the marina will continue to provide one job. In addition, the Project site is strategically located in downtown San Diego, adjacent to the existing SDCC, and the public access plazas and park areas of the project would be available to residents and visitors to the San Diego region.

- Provide lower-cost visitor-serving accommodations, which will allow greater access and enjoyment by the public and complies with Board Policy 775, *Guidelines for the Protection, Encouragement, and, Where Feasible, Provision of Lower Cost Visitor and Recreational Facilities*.

- Provide up to five visitor-serving retail storefronts (approximately 7,750 square feet) consisting of open cafés, food and beverage outlets, gift shops, and other visitor-serving establishments along the existing Embarcadero Promenade that will help to activate the Promenade.

- Stimulate economic growth for the District, the City of San Diego, and the overall region of approximately $230 million annually including $80 million in additional annual hotel room revenue and $10 million in additional restaurant and retail sales. In addition, the project will generate $10 million annually in new transient occupancy taxes and sales taxes to the City of San Diego.

- Provide new public vista opportunities (eight with the Port Master Plan Amendment rather than the previous five in the Port Master Plan) of the San Diego Bay from vantage points at the public plazas and park areas.
- Reduce energy use, water use, and solid waste generation as compared to standard hotel and visitor-serving developments through pursuit of Leadership in Energy and Environmental Design (LEED) Silver certification or equivalency.

Although it cannot mitigate the unavoidable environmental impacts to a level below significance, the project incorporates design features and will implement mitigation measures intended to minimize to the extent feasible the potential project-related direct and cumulative impacts on aesthetics and visual resources, GHG emissions and climate change; hazards and hazardous materials; noise and vibration; public services and recreation; and transportation, circulation, and parking.

The District has weighed the benefits of the approved 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 approved project's potentially significant unavoidable environmental impacts are outweighed by the benefits described above.

Attachment 1

Mitigation Monitoring and Reporting Program

1.1 Purpose

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the Fifth Avenue Landing Project and Port Master Plan Amendment implements 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.

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.

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 Measures
- Timing and Methods
- Responsible Parties

1.3 Mitigation Measures

Provides the language of the mitigation measure in its entirety along with the assigned number.

1.4 Timing and Methods

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. The procedures for implementing all mitigation measures as well as documenting and reporting mitigation implementation efforts are also included.

1.5 Responsible Parties

For each mitigation measure, the parties responsible for implementation, monitoring and reporting, and verifying successful completion of the mitigation measure are identified.

Table 1. Mitigation, Monitoring, and Reporting Program

Mitigation Measures	Timing and Methods	Responsible Parties
Aesthetics and Visual Resources		
MM-AES-1: Construction Screening and Fencing. The project proponent shall install construction-screening fencing around the entire perimeter of the project site that would shield construction activities from sight and prior to issuance of demolition permits, the District's Development Services Department shall confirm such fencing is depicted on the appropriate demolition and construction plans. Construction screening shall include, at a minimum, installation of 8-foot-tall fencing for the duration of the construction period that is covered with view-blocking materials, such as tarp or mesh in a color that blends in with the existing environment such as green or blue.	**Timing:** Prior to issuance of demolition permits (confirmation on approved plans) and during project construction (installation of fencing) **Method:** Depict fencing on the appropriate demolition and construction plans and install construction screening and fencing	**Implementation:** Project Proponent (prior to and during construction), Construction Manager (during construction), and General Contractor (during construction) **Monitoring and Reporting:** Project Proponent **Verification:** District
MM-AES-2: Install Wayfinding and Public Accessibility Signage. Prior to the issuance of occupancy permits, the project proponent shall post wayfinding signage and signage at the grand staircase, market-rate hotel tower staircase, public observation terrace, optional pedestrian bridge, and two locations along the existing Embarcadero Promenade, that directs visitors to the proposed public plaza and park areas on the rooftop of the parking structure and hotel ballrooms as well as the walkway around the market-rate hotel tower (the areas identified as Exterior Areas B, C, and D on Figure 3-12 in Chapter 3, *Project Description*, of the EIR), and designates the areas as available to the public with open hours listed (i.e., 6:00 a.m. to 10:30 p.m.). The project proponent shall submit the signage characteristics (e.g., size, color, materials) to the District's Development Services Department for review and approval. Photographic proof of the wayfinding signage and designation signage shall be submitted to the District's Development Services Department prior to issuance of the certificate of occupancy. In addition, the project proponent shall allow the District to conduct periodic inspections to ensure that this space remains publicly accessible. The wayfinding signage shall clearly direct the public to the public plaza and park areas and public observation terrace and	**Timing:** Prior to construction (signage characteristics review) and prior to the issuance of occupancy permits (installation of wayfinding and public accessibility signage) **Method:** Submit signage characteristics for review and install wayfinding and public accessibility signage	**Implementation:** Project Proponent (prior to and during construction), Construction Manager (during construction), and General Contractor (during construction) **Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
indicate that the space is open to the public except during certain circumstances consistent with the PMP Amendment.		
MM-AES-3: Transparent Fencing Materials at Pool Deck. Prior to the issuance of the certification of occupancy for the market-rate hotel tower, the project proponent shall install transparent fencing in front of the pool to separate the pool deck from the public observation terrace viewing point on the second floor of the west side of the market-rate hotel tower, using transparent materials such as glass or cable rail. Prior to issuance of a building permit for the market-rate hotel tower, the District's Development Services Department shall confirm such transparent fencing is depicted on the appropriate building plans.	**Timing:** Prior to issuance of a building permit (confirmation of transparent fencing on plans) and prior to the issuance of the certification of occupancy for the market-rate hotel tower (installation of transparent fencing) **Method:** Depict transparent fencing on building plans and install transparent fencing materials at pool deck	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District
MM-AES-4: Designated Public Vista Areas. To replace the five public vista areas currently designated on the project site and/or the SDCC Expansion Rooftop park, the PMP Amendment shall include five new public vista points as shown on Figure 3-19; four shall be located along the public observation terrace on the rooftop public plaza and park areas and the fifth shall be located on the west end of the market-rate hotel tower terrace (public observation terrace viewing point, Figure 3-12). These designated vista points shall be delineated with signage and open to the public at all times.	**Timing:** Prior to issuance of the certificate of occupancy **Method:** Designation of public vista areas and installation of signage	**Implementation:** Project Proponent, District **Monitoring and Reporting:** Project Proponent **Verification:** District
MM-AES-5: Down-shield All Construction Security Lighting. The project proponent shall ensure that all overnight construction security lighting used at the project site is down-shielded to prevent any light spillover off site consistent with City of San Diego regulations on glare and outdoor lighting (Municipal Code Sections 142.0730 and 142.0740).	**Timing:** During construction **Method:** Ensure that all overnight construction security lighting used at the project site is down-shielded	**Implementation:** Project Proponent, Construction Manager, and General Contractor **Monitoring and Reporting:** Project Proponent **Verification:** District
MM-AES-6: Incorporate the Use of Reduced Glare Building Materials. The proposed market-rate hotel tower shall incorporate non-reflective exterior building materials in its design, and any glass incorporated into the façade of the building shall either be of low reflectivity or accompanied by a non-glare coating. Prior to issuance of a building permit for the market-rate hotel tower, the District's	**Timing:** Prior to issuance of a building permit **Method:** Incorporate the Use of Reduced Glare Building Materials	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent

Mitigation Measures	Timing and Methods	Responsible Parties
Development Services Department shall confirm such non-reflective materials and low reflectivity or non-glare coating are depicted on the appropriate building plans.		**Verification:** District
Air Quality and Health Risk		
MM-AQ-1: Update the RAQS and SIP with New Growth Projections. Prior to the San Diego Air Pollution Control District's next review of the RAQS, the District shall coordinate with the San Diego Air Pollution Control District to amend the growth assumptions using the Port Master Plan Amendment. This includes changing the designation of Commercial Recreation to Street, Street to Commercial Recreation, Specialized Berthing to Recreational Boat Berthing, Ship Navigation Corridor to Recreational Boat Berthing, Promenade to Commercial Recreation, Park to Commercial Recreation, and Commercial Recreation to Park within the proposed project site.	**Timing:** Prior to the San Diego Air Pollution Control District's next review of the RAQS **Method:** Update the RAQS and SIP with new growth projections.	**Implementation:** District in coordination with the San Diego Air Pollution Control District **Monitoring and Reporting:** District **Verification:** District
MM-AQ-2: Use Low-VOC Interior and Exterior Coatings During Construction. During construction, the project proponent shall use low-VOC coatings for all surfaces that go beyond the requirements of San Diego Air Pollution Control District Rule 67.0, and have a VOC content of 75 grams per liter or less. Prior to the commencement of construction activities, the project proponent shall submit a list of coatings to be used and their respective VOC content to the District's Development Services Department and shall submit a report verifying the use of said low-VOC coatings. The District may conduct inspections during construction to verify the use of low-VOC coatings.	**Timing:** Prior to and during project construction **Method:** Submittal of list of coatings to be used with VOC content and use of low-VOC coatings for all interior and exterior coatings	**Implementation:** Project Proponent (prior to and during construction), Construction Manager (during construction), and General Contractor (during construction) **Monitoring and Reporting:** Project Proponent **Verification:** District
MM-AQ-3: Limit Soil Hauling Truck Counts during Excavation to Reduce Daily Construction-Related Emissions. During construction, the project proponent shall ensure that daily heavy-duty truck counts during soil hauling do not exceed 85 trucks per day. During excavation work (Phase 2.1), the project proponent shall submit record of daily truck counts to the District's Development Services Department. The District may conduct inspections during construction to verify the number of trucks does not exceed 85 on a given day.	**Timing:** During project construction **Method:** Limit Soil Hauling Truck Counts during Excavation to Reduce Daily Construction-Related Emissions and submit daily truck counts	**Implementation:** Project Proponent, Construction Manager, General Contractor **Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
Biological Resources		
MM-BIO-1: Avoid California Least Tern Breeding Season or Implement Construction Measures to Eliminate Impacts on California Least Tern Breeding. The project proponent shall schedule and complete all in-water construction activity outside of the nesting season for California least tern (generally between mid-April and late September). Should in-water construction occur during the California least tern nesting season, the following construction measures shall be implemented in accordance with regulations, including CWA Section 401, the NPDES permit, and Stormwater Management and Discharge Control Ordinance: • The contractor shall deploy a turbidity curtain around the pile driving areas to restrict the visible surface turbidity plume to the area of construction and pile driving. It shall consist of a hanging weighted curtain with a surface float line and shall extend from the surface to 20 feet down into the water column. The goal of this measure is to minimize the area in which visibility of prey by terns is obstructed. • The contractor shall retain a qualified ornithologist (with knowledge of the species to be surveyed) approved by the District who shall conduct monitoring within 500 feet of construction activities to identify presence of terns displaying foraging behavior (e.g., searching and diving) and assess adverse impacts, if any, on California least terns. Should adverse impacts on terns occur (e.g., agitation or startling during foraging activities), construction shall cease until least terns have left the project site. • The contractor shall follow all regulatory requirements to minimize reduction in water quality in San Diego Bay. Construction of the proposed project would include preparation and implementation of a SWPPP, and implementation of appropriate regulatory permits, including the CWA Section 401 Water Quality Certification. A full explanation of these requirements can be found in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR.	**Timing:** During construction **Method:** Avoid California Least Tern breeding season or implement construction measures to eliminate impacts on California Least Tern Breeding	**Implementation:** Project Proponent, Construction Manager, and General Contractor **Monitoring and Reporting:** Qualified ornithologist, approved by the District, Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
MM-BIO-2: Implement a Marine Mammal and Green Sea Turtle Monitoring Program During Pile Driving Activities. Prior to construction activities involving in-water pile driving, the project proponent shall prepare and implement a marine mammal and green sea turtle monitoring program. This monitoring program shall be approved by the District and 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 and approved by the District's Director of Real Estate Development or designee of the District, shall monitor a 384-foot surface radius around the active pile driving areas to ensure that special-status species are not present. • 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 within the marina shall begin with soft starts, gradually increasing the force of the pile driving. • Level B harassment of marine mammals and green sea turtles (harassment level leading to behavior modification) from pile driving shall be avoided at a distance of 384 feet. • Monitoring by a qualified biologist for marine mammals and green sea turtles within 384 feet shall be implemented during all pile driving activities to prevent impacts on these species by identifying when they are approaching or within 384 feet, and by coordinating with construction crews to halt pile driving until the species have left this area. In addition, hydroacoustic monitoring shall be conducted during all pile driving activities and the qualified biologist shall work directly with construction contractor to ensure that noise levels remain at levels that would not affect any marine species, including fish. • All monitors must meet the minimum requirements as defined by the National Oceanic Atmospheric Administration's *Guidance for Developing a Marine Mammal Monitoring Plan* (NOAA 2017).	**Timing:** Prior to construction activities involving in-water pile driving and during construction **Method:** Implement a marine mammal and green sea turtle monitoring program during pile driving activities	**Implementation:** Project Proponent, Construction Manager, and General Contractor **Monitoring and Reporting:** Qualified biologist, approved by the District, Project Proponent **Verification:** District
MM-BIO-3: Avoid Nesting Season for Birds or Conduct Preconstruction Nesting Surveys. To ensure compliance with the MBTA and similar provisions under Sections 3503 and 3503.5 of the	**Timing:** Prior to construction	**Implementation:** Project Proponent

Mitigation Measures	Timing and Methods	Responsible Parties
California Fish and Game Code, the project proponent shall conduct all vegetation removal (e.g., ornamental trees) during the non-breeding season between September 1 and February 14 or shall implement the following: • If construction activities are scheduled between February 15 and August 31, the project proponent shall retain a qualified ornithologist (with knowledge of the species to be surveyed) who shall conduct a focused nesting bird survey within potential nesting habitat prior to the start of vegetation removal. The survey shall be submitted to the District for review and approval of the survey and the buffer area, defined below, if any, prior to the commencement of vegetation removal on the project site. • The nesting bird survey area shall include the entire limits of disturbance plus a 300-foot buffer for non-raptors and a 500-foot buffer for raptors to ensure indirect impacts would be avoided. The nesting surveys shall be conducted within 1 week prior to initiation of construction activities and shall consist of a thorough inspection of the project area by a qualified ornithologist(s). The survey shall occur between sunrise and 12:00 p.m., when birds are most active. If no active nests are detected during these surveys, only a letter report documenting the results shall be prepared. • If the survey confirms nesting within 300 feet of the disturbance footprint for non-raptors or within 500 feet for raptors, a no-disturbance buffer shall be established around each nest site to avoid disturbance or destruction of the nest until after the nesting season or a qualified ornithologist determines that the nest is no longer active. The size and constraints of the no-disturbance buffer shall be determined by the qualified biologist, in consultation with the California Department of Fish and Wildlife, at the time of discovery, but shall not be greater than 300 feet for non-raptors and 500 feet for raptors. If there is a delay of more than 7 days between when the nesting bird survey is performed and vegetation removal begins, the qualified biologist shall resurvey to confirm that no new nests have been established. In addition, if any subsequent reports are prepared, the reports shall be sent to the District and California Department of Fish and Wildlife.	**Method:** Avoid nesting season of conduct nesting bird surveys	**Monitoring and Reporting:** Qualified ornithologist, approved by the District, Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties

MM-BIO-4: Implement Bird Strike Reduction Measures on New Structures. Prior to issuance of any building permits, building plans shall be reviewed by an ornithologist familiar with local species, retained by the developer and approved by the District, 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 must demonstrate to the satisfaction of the ornithologist and the District that design strategies will be in accordance with the *Bird-Friendly Building Design*, and confirmed with USFWS and/or CDFW 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
• Incorporate elements like 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 and/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
	Timing: Prior to issuance of any building permits
	
	Method: Depict specific design strategies that avoid or reduce the potential for bird strikes on building plans and implement bird strike reduction measures on new structures
		Implementation: Project Proponent
		
		Monitoring and Reporting: Qualified ornithologist, approved by the District, Project Proponent
		
		Verification: District

Mitigation Measures	Timing and Methods	Responsible Parties
▪ 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 o Develop a 3-year post-construction monitoring plan to routinely monitor the effectiveness of the building and site design in preventing bird collisions. 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 voluntary corrective action. o Provide a performance monitoring report demonstrating which design strategies have been incorporated and results of performance monitoring for review and approval by the District, USFWS and/or CDFW. A full list and explanation of these design strategies can be found in Appendix E-4 of the Draft EIR.		
MM-BIO-5: Implement Overwater Coverage and Structural Fill Mitigation in Coordination with NMFS, CDFW, USFWS, RWQCB, USACE, CCC, and the District to Compensate for Loss of Open Water Habitat and Function. The project proponent shall implement the following: 1. Prior to issuance of a Coastal Development Permit, the project proponent shall request and participate in stakeholder meetings with NMFS, CDFW, USFWS, RWQCB, USACE, CCC, 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 the Bay. 2. Prior to the commencement of construction activities of the marina expansion, the project proponent shall implement one of	**Timing:** Prior to issuance of a Coastal Development Permit and prior to commencement of construction activities for the marina expansion **Method:** Implement overwater coverage and structural fill mitigation in coordination with NMFS, CDFW, USFWS, RWQCB, USACE, CCC, and the District to compensate for loss of open water habitat and function	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
the following mitigation options, or a combination thereof, that are listed below in order of preference; however, selection of 2.A, 2.B, 2.C and 2.D, or an equivalent combination thereof, would successfully reduce Impact-BIO-5 to a level below significance. A. Remove 58,319 square feet (1.34 acres) of overwater coverage and 13,623 square feet (0.31 acre) of structural fill within San Diego Bay or San Diego region, which would replace the area affected by the proposed project at a 1:1 mitigation ratio, subject to the District's review and approval. If evidence is presented that demonstrates that all or a portion of the required removal of overwater coverage or structural fill is infeasible, the project proponent shall implement 2.B. B. Restore 71,942 square feet of eelgrass habitat at the South Bay Power Plant cooling water intake channel at a 1:1 ratio, which would offset 58,319 square feet (1.34 acres) of overwater coverage and 13,623 square feet (0.31 acre) of structural fill impacts. The project proponent may identify an alternative mitigation site of equivalent size and value within San Diego Bay, subject to the District's review and approval. Prior to the commencement of construction activities for the marina expansion, the project proponent shall submit a mitigation plan for review and approval by the Development Services and Planning and Green Port (P&GP) Departments of the District. The mitigation plan at a minimum shall include a description of the transplant site, eelgrass mitigation requirements, eelgrass planting plan (e.g., transplant sites, donor sites, reference site), restoration methods (e.g., plant collection, transplant units, planning eelgrass units), timing of the restoration work, and a monitoring program (e.g., establishment of monitoring and mitigation success criteria). The project proponent shall secure all applicable permits for the mitigation site prior to commencement of waterside construction. Additionally, the project proponent shall ensure that all fill materials proposed for discharge into San Diego Bay for the development of the mitigation site shall meet the requirements of the U.S. Army Corps of Engineers' *Evaluation*		

Mitigation Measures	Timing and Methods	Responsible Parties
of Dredged Material Proposed for Discharge in Waters of the U.S. – Testing Manual (*Inland Testing Manual*). If evidence is presented that demonstrates that restoration of all or a portion of the required 71,942 square feet of eelgrass habitat is infeasible, the project proponent shall implement 2.C. C. If a suitable in lieu fee program or mitigation bank within the Coastal Zone that is not yet available becomes available in the future, prior to construction of the proposed marina, the project proponent shall purchase credits to offset 58,319 square feet (1.34 acres) of overwater coverage and 13,623 square feet (0.31 acre) of structural fill, or the remaining square footage of the impacts if a combination of other above options are selected. If evidence is presented that demonstrates that purchase of credits toward an in lieu fee program or mitigation bank is infeasible, the project proponent shall implement 2.D. D. Subject to the Board of Port Commissioners' approval and findings, the proposed project may purchase credits from the District's shading credit program established pursuant to board Policy 735 at a fair market value equivalent to that of the proposed project's final shading total (i.e., less any reductions achieved by design modifications to the satisfaction of NMFS, USFWS, RWQCB, CDFW, USACE, and CCC). E. Any combination of the above that sufficiently offsets 58,319 square feet (1.34 acres) of overwater coverage and 13,623 square feet (0.31 acre) of structural fill impacts. F. This shall be the minimum mitigation for overwater coverage and structural fill impacts. One or more of the aforementioned state and federal agencies may require additional or greater mitigation. This mitigation measure in no way supersedes mitigation measures that may be required by state and federal agencies. Should the project proponent only construct Phase 1 of the marina expansion, the mitigation requirement shall be reduced proportionate to the overwater coverage and structural fill		

Mitigation Measures	Timing and Methods	Responsible Parties
impacts of the Phase I only expansion, consistent with a 1:1 mitigation ratio. 3. The project proponent shall secure all applicable permits for the mitigation of overwater coverage and structural fill prior to commencement of waterside construction.		
MM-BIO-6: Develop an Eelgrass Mitigation and Monitoring Plan in Compliance with the California Eelgrass Mitigation Policy. 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 (Appendix E-5). 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 has impacts on eelgrass. The specific eelgrass mitigation plan elements shall include: • Prior to the commencement of any in-water construction activities, a qualified marine biologist retained by the project proponent and approved by the District shall conduct a preconstruction eelgrass survey. Surveys for eelgrass shall be conducted during the active eelgrass growing season (March–October), and results will be valid for 60 days, unless completed in September or October; if completed in September or October, results will 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 retained by the project proponent and approved by the District shall conduct a post-construction eelgrass survey during the active eelgrass growing season. The post-construction survey shall evaluate potential eelgrass impacts associated with construction. Upon completion of the post-construction survey, the qualified marine biologist shall submit the survey report to District and resource agencies within 30 days. • Post-construction eelgrass surveys shall be conducted during the active eelgrass growing season to evaluate the potential for	**Timing:** Prior to the start of any in-water construction, during construction, and post-construction **Method:** Develop and implement an eelgrass mitigation and monitoring plan in compliance with the California eelgrass mitigation policy	**Implementation:** Project Proponent **Monitoring and Reporting:** Qualified marine biologist, approved by the District, Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
operational impacts on eelgrass. The survey monitoring shall follow the following monitoring schedule: o Annual monitoring for years 1 through 5 o Bi-annual monitoring for years 5 through 10 o Monitoring every 5 years for years 10 to 30 Specifically, the surveys shall be designed to evaluate potential shading, vessels associated, and water circulation impacts noted in the project's marine biological assessment (Appendix E-1). As noted above, the Eelgrass Mitigation and Monitoring Plan will be submitted to the resource agencies and the District for review. During this review and consultation, under the California Eelgrass Mitigation Policy (Section II.G.), agencies will determine the appropriate number of years of post-construction eelgrass monitoring. • In the event that impacts on eelgrass are detected, the project proponent shall implement the following: o A qualified marine biologist retained by the project proponent and approved by the District shall develop a mitigation plan for in-kind mitigation. The qualified marine biologist shall submit the mitigation plan to the District and resource agencies within 60 days following the post-construction survey. o Mitigation for eelgrass impacts shall be at a ratio of 1.2:1 at the proposed mitigation site identified at the decommissioned South Bay Power Plant cooling water intake channel. o 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. o 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 (Appendix E-5).		

Mitigation Measures	Timing and Methods	Responsible Parties
○ 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 (Appendix E-5).		
MM-BIO-7: Avoid or Mitigate Impacts on Eelgrass Due to Anchored Barges, Boat Navigation, and Propeller Wash. Tug and barge operators shall ensure that anchored construction barges are located outside of eelgrass beds. The preconstruction and post-construction eelgrass surveys required under **MM-BIO-6** shall also identify and demarcate the distribution of eelgrass to assist tug and barge operators and to assess any impacts on eelgrass that may occur. Additionally, tug boat operators shall be instructed that propeller wash can damage eelgrass beds and the integrity of the sediment cap at the adjacent Campbell Shipyard Mitigation Cap Site. No anchoring (and other bottom-disturbing activities) shall occur within eelgrass beds, and propeller wash shall not be directed toward eelgrass beds. If an unanticipated impact on eelgrass occurs, this impact shall be mitigated by replacing the eelgrass at a ratio of 1.2:1, as specified in the California Eelgrass Mitigation Policy (Appendix E-5), and included in the mitigation and monitoring plan identified under **MM-BIO-6**.	**Timing:** Prior to and during project construction **Method:** Identify and demarcate the distribution of eelgrass and avoid or mitigate impacts on eelgrass	**Implementation:** Project Proponent, Tug boat and barge operators **Monitoring and Reporting:** Project Proponent **Verification:** District
MM-BIO-8: Implement Boater Education and Marina Lease Requirements, and Install Navigation Aids and Demarcate Eelgrass Adjacent to the Marina. Prior to operation of the proposed marina, the project proponent shall draft and implement marina lease requirements and a boater education program, and install navigation aids and a floating barrier to demarcate the eelgrass beds and create a visible barrier to better protect the eelgrass mitigation site from being affected by negligent boating.	**Timing:** Prior to operation of the marina **Method:** Implement boater education and marina lease requirements, and install navigation aids and demarcate eelgrass adjacent to the marina	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District
Cultural Resources		
MM-CUL-1: Archaeological Monitoring in Areas of Sensitivity. The project proponent shall retain a qualified archaeologist(s) who meets the Secretary of the Interior's Professional Qualifications Standards, as promulgated in 36 Code of Federal Regulations 61. The qualified archaeologist shall monitor all proposed grading and excavating for	**Timing:** Prior to construction, during earthwork activities, and within 60 days following completion of ground-disturbing activities	**Implementation:** Project Proponent, Construction Manager, and General Contractor

Mitigation Measures	Timing and Methods	Responsible Parties
the proposed project in the archaeologically sensitive portion of the project site. The sensitive portion of the project site, where it is possible that cultural materials associated with CA-SDI-15118H exist, consists of the northeastern section currently occupied by the paved parking lot along Convention Way (Figure 4.4-4 of the Draft EIR). The following measures shall only apply to the archaeologically sensitive portion of the project site during earthwork activities, including, but not limited to, grading and excavation. • The qualified archaeologist shall participate in a preconstruction meeting to inform all personnel of the potential for historical archaeological materials to be encountered during ground-disturbing activities. • If an isolated artifact or historic period deposit is discovered that requires salvaging, the qualified archaeologist shall have the authority to temporarily halt construction activities within 100 feet of the find and shall be given sufficient time to recover the item(s) and map its location with a global positioning system (GPS) device. • If buried cultural materials are discovered that require salvaging, the qualified archaeologist shall be empowered to divert construction activities away from the find, and be given sufficient time to recover the item(s) and map its location with a GPS device. • The qualified archaeologist shall treat recovered items in accordance with current professional standards by properly provenancing, cleaning, analyzing, researching, reporting, and curating them in a collection facility meeting the Secretary of the Interior's Standards, as promulgated in 36 CFR 79, such as the San Diego Archaeological Center. • Within 60 days after completion of the ground-disturbing activity, the qualified archaeologist shall prepare and submit a final report to the District's Development Services Department for review and approval, which shall discuss the monitoring program and its results, and provide interpretations about the recovered materials, noting to the extent feasible each item's class, material, function, and origin.	**Method:** Monitoring conducted by a qualified archaeologist(s) for archaeological resources	**Monitoring and Reporting:** Qualified archaeologist(s), approved by the District, Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
MM-CUL-2: Paleontological Monitoring in Areas of Sensitivity. To reduce potential impacts on paleontological resources, all proposed grading and excavating to depths greater than 10 feet shall be monitored by a qualified paleontologist(s), approved by the District's Development Services Department and paid for by the project proponent. Specifically, the project proponent and/or its construction supervisor shall ensure the following measures are implemented. • A qualified Paleontologist shall attend the preconstruction meeting 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 a 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 mitigation project supervisor in the County for at least 1 year. • A paleontological monitor shall be on site on a full-time basis during excavation and pile-driving activities that occur 10 feet or more below ground surface, 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 selected by the qualified Paleontologist who has experience in the collection and salvage of fossil materials. • If fossils are discovered, the Paleontologist shall recover them and temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. • Fossil remains collected during the monitoring and salvage portion of the mitigation 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 shall be accompanied by financial support for initial specimen storage, paid for by the project proponent.	**Timing:** Prior to construction, during earthwork activities, and within 30 days following completion of ground-disturbing activities **Method:** Monitoring conducted by a qualified paleontologist(s) for paleontological resources	**Implementation:** Project Proponent, Construction Manager, and General Contractor **Monitoring and Reporting:** Qualified paleontologist(s), approved by the District, Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
• Within 30 days after the completion of an excavation and pile-driving activities, a final data recovery report shall be completed by the qualified Paleontologist that outlines the results of the mitigation program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.		
Geology and Soils		

MM-GEO-1: Demonstrate Compliance with Regulations, including CBC and City of San Diego Municipal Code, by Preparing a Geotechnical Investigation Report. To reduce potential impacts related to soil hazards, the project proponent shall conduct a geotechnical investigation for the project prior to the completion of the final design of the project. The geotechnical investigation shall be submitted to the District and the City of San Diego and be approved by the City of San Diego. The project proponent shall be required to implement the recommendations identified in the geotechnical report. The geotechnical report shall be prepared in compliance with CBC regulations and include the following:
• Site-specific geotechnical and fault evaluation.
• Suitability determination for construction within soil hazard areas.
• Recommendations for design and construction practices based on the suitability determination, such as:
  ○ Temporary shoring
  ○ Supporting structures on pile foundations
  ○ Measures to protect structures against corrosion
  ○ Ground improvement techniques, such as deep soil mixing and compaction grouting
	Timing: Prior to the completion of final project design
	
	Method: Demonstrate compliance with regulations, including CBC and City of San Diego Municipal Code, by preparing a geotechnical investigation report and implement the identified recommendations
		Implementation: Project Proponent, approval from City of San Diego
		
		Monitoring and Reporting: Project Proponent
		
		Verification: District, City of San Diego

Greenhouse Gas Emissions and Climate Change		
MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction The project proponent shall implement the following measures during project construction and, where specified below, shall submit reports to the District's Development Services Department for its review and approval, evidencing compliance.	**Timing:** During project construction **Method:** Implement specific diesel-reduction measures during project construction	**Implementation:** Project Proponent, Construction Manager, and General Contractor

Mitigation Measures	Timing and Methods	Responsible Parties
i. The project proponent shall limit all equipment and delivery truck idling times by shutting down equipment 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 quarterly reports of violators to the District. This measure shall be enforced by the hotel and marina supervisors, and repeat violators shall be subject to penalties pursuant to California airborne toxics control measure 13 California Code of Regulations Section 2485. The project proponent shall submit evidence of the use of diesel reduction measures to the District's Development Services Department through annual reporting, with the first report due 1 year from the date of project completion. ii. 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 and 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 by the certified mechanic of the condition of the construction and operations vehicles and equipment to the District's Development Services Department prior to commencement of their use.		**Monitoring and Reporting:** Project Proponent **Verification:** District
MM-GHG-2: Comply with San Diego Unified Port District Climate Action Plan Measures. Effective opening day, the project proponent shall implement the following measures. • No commercial drive-through shall be implemented. • Reduce indoor water consumption by 20% lower than baseline buildings (defined by Leadership in Energy and Environmental Design [LEED] as indoor water use after meeting Energy Policy Act of 1992 fixture performance requirements) through use of low-flow fixtures in all hotel room and common area bathrooms. • Compliance with Assembly Bill 939 and the City of San Diego's Recycling Ordinance shall be mandatory and shall include	**Timing:** Prior to project operation **Method:** Implement specific measures designed to be consistent with the District's Climate Action Plan	**Implementation:** Project Proponent, District **Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
recycling at least 50% of solid waste; compliance with the City of San Diego's Construction and Demolition Debris Deposit Ordinance 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. • Use only fluorescent, Light-Emitting Diodes (LEDs), Compact Fluorescent Lights (CFLs), 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. • Implement a parking management plan that incentivizes transit, provides bike racks and a bike share station, and provides shuttle programs to reduce worker trips and parking demand, as described in **MM-TRA-8**. By December 31, 2029, the project proponent shall implement and have operational the following measure. • Install 29 electric car charging stations in the parking garage.		
MM-GHG-3: Implement Sustainability Features during Project Operations. Prior to approval of the final design plans, the project proponent shall list all GHG-reducing measures and shall demonstrate in the plans where these measures will be located. The following shall be implemented by the project proponent. A report shall be submitted to the District's Development Services Department evidencing compliance. The project has registered its intent to achieve certification under the Leadership in Energy and Environmental Design (LEED) Green Building Rating Systems with the Green Building Certification Institute. The project proponent has proposed various sustainable design features equivalent to LEED v.3.0 Silver level. The following is a list of proposed sustainability measures that will be required and incorporated into the Coastal Development Permit for the project. • Incorporate indoor water-reduction measures, including high-efficiency toilets, high-efficiency urinals, low-flow faucets, and low-flow showers (as applicable) into the design of all hotel room and common area bathrooms. The project shall achieve a minimum 20% water reduction compared to baseline buildings	**Timing:** Prior to approval of the final design plans **Method:** Depict all GHG reduction measures on final design plans and implement sustainability features during project operations	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
(defined by LEED as indoor water use after meeting Energy Policy Act of 1992 fixture performance requirements). • Install Energy Star rated appliances. • Install a high-efficiency lighting system that takes advantage of natural daylighting, augmented by daylighting controls and occupancy sensors that turn off the lights in unoccupied spaces. • 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 a "Cool Roof" with an R value of 30 or better. • Install sun shading devices as appropriate. • Install a stormwater retention and filtration system. • Install low-water plantings and drip irrigation, and minimize domestic water demand from the City system for landscaping purposes. • Implement onsite recycling. • Install a high-performance chiller/heating plant. • Work with San Diego Gas & Electric's "Savings by Design" program during the design and construction process and incorporate recommended suggestions where feasible. • Utilize low-volatile organic compound materials to improve indoor air quality. • Provide bicycle parking for 24 bicycles. • Integrate light-colored paving at the rooftop plaza and park area to minimize the heat island effect. • Provide education for hotel and marina guests and visitors on sustainability and Bay conservation using various media. • Divert construction and demolition debris from disposal in landfills and incineration facilities by 65%. • Use recycled, regional, and/or rapidly renewable materials where feasible. • Provide preferential carpool spaces within the proposed parking structure.		
MM-GHG-4: Implement a Renewable Energy Project on Site, on Tidelands, or Within Offsite Tidelands Adjacent to Community or Member City, or Purchase the Equivalent Greenhouse Gas Offsets	**Timing:** Prior to January 1, 2025 or project operation, whichever comes first	**Implementation:** Project Proponent or District

Mitigation Measures	Timing and Methods	Responsible Parties
from a California Air Resources Board Approved Registry or a Locally Approved Equivalent Program. A. Options for Reducing GHG Emissions. To reach the waterside performance standard for 2025, the 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 District GHG emission reduction program on Tidelands (locally approved equivalent program), 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 § 38562(d)(1) and (2) and as these terms are further defined in California Code of Regulations, Title 17, § 95802 (see below); (2) use a protocol consistent with or as stringent as ARB protocol requirements under California Code of Regulations, Title 17, § 95972(a); and (3) are issued by an ARB-approved offset registry.[1] Offset credits from projects outside California must be located in states within the United States of America that have laws 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	**Method:** (1) Implement a renewable energy project on site, on tidelands, or within offsite tidelands adjacent to community or member city outside the District's jurisdiction that achieves the amount of MWh/year of renewable energy identified in the measure And/Or (2) Undertake other verifiable actions or activities on Tidelands, approved by the District And/Or (3) Purchase the equivalent amount of GHG offsets from a ARB approved registry, or a locally approved equivalent program	**Monitoring and Reporting:** Project Proponent **Verification:** District

[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
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, greenhouse gas emission reductions or removals that exceed any greenhouse gas reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any greenhouse gas reductions or removals that would otherwise occur in a conservative business-as-usual 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		

Mitigation Measures	Timing and Methods	Responsible Parties
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: To meet the 2025 waterside reduction target, GHG reductions must be equal to 1,411 $MTCO_2e$ per year or 6,321 megawatt-hours per year (MWh/year), which would amount to 6,321 $MTCO_2e$ over 5 years (between 2025 and 2030). C. Implementation of GHG Emissions Reduction Options. Prior to becoming operational, the project applicant shall notify the District with plans to achieve the annual GHG emissions reduction in the order of priority specified above: 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 applicant develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project applicant shall submit to the District's Energy Department/Team, for its review and approval, a report specifying the annual amount of $MTCO_2e$ or MWh reduction achieved by the project(s), actions, or activities; submit evidence that the renewable energy project, 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 Energy Department/Team to verify the amount of GHG emissions reduction achieved by the project, actions or activities (collectively, "GHG Emission Reduction Report"). b. If the GHG Emission Reduction Report is approved, a reduction to the required offsets shall be calculated by the District's Energy Department/Team, and the reduction of offsets shall be transmitted to the project applicant in		

Mitigation Measures	Timing and Methods	Responsible Parties

writing and the amount of GHG reduction shall count towards 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:
   a. Purchase offsets for the first 5 years of operation;
   b. On or before the first year of operation of the proposed project and annually thereafter, the project applicant 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 Energy Department/Team.

D. Adjustments to Required GHG Emissions Reductions.

If the project applicant 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 to meet the 2025 reduction target, or complies with paragraph A(3) above and purchases the requisite offsets for 5 years, through 2030, or does a combination of paragraphs A(1), (2), and (3) to meet the 2025 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 applicant 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

Mitigation Measures	Timing and Methods	Responsible Parties
reduction in offsets is requested by the project applicant because of the development of a renewable energy project(s), the project applicant shall submit a GHG Emission Reduction Report for the District Energy 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 applicant 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 applicant because of the other verifiable actions or activities on tidelands, the project applicant shall submit a GHG Emission Reduction Report for the District Energy 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. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(2)(b), 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 after receiving notice of the noncompliance.		
MM-GHG-5: Implement a Renewable Energy Project on Site, on Tidelands, or Within Offsite Tidelands Adjacent to Community or Member City, or Purchase the Equivalent Greenhouse Gas Offsets from a California Air Resources Board Approved Registry or a Locally Approved Equivalent Program. A. Options for Reducing GHG Emissions To reach the landside and waterside reduction target for 2030 and 2050, the project proponent shall, in order of preference, considering availability of structures and feasibility, implement the following,	**Timing:** Prior to January 1, 2028 for 2030 reduction targets and prior to January 1, 2048 for 2050 reduction targets. **Method:** (1) Implement a renewable energy project on site, on tidelands, or within offsite tidelands adjacent to community or member city outside the District's jurisdiction that achieves the amount of MWh/year of renewable energy identified in the measure	**Implementation:** Project Proponent, District **Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
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 District GHG emission reduction program on Tidelands (locally approved equivalent program), 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 § 38562(d)(1) and (2) and as these terms are further defined in California Code of Regulations, Title 17, § 95802 (see below); (2) use a protocol consistent with or as stringent as ARB protocol requirements under California Code of Regulations, Title 17, § 95972(a); and (3) are issued by an ARB-approved offset registry.[2] Offset credits from projects outside California must be located in states within the United States of America that have laws 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	And/Or (2) Undertake other verifiable actions or activities on Tidelands, approved by the District And/Or (3) Purchase the equivalent amount of GHG offsets from a ARB approved registry, or a locally approved equivalent program	

[2] 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
potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802] b. "Additional" means, in the context of offset credits, greenhouse gas emission reductions or removals that exceed any greenhouse gas reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any greenhouse gas reductions or removals that would otherwise occur in a conservative business-as-usual 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		

Mitigation Measures	Timing and Methods	Responsible Parties
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 for years 2030 and 2050: 1. To meet the 2030 landside and waterside reduction target, GHG reductions must be equal to 3,851 $MTCO_2e$ per year or 17,258 MWh/year, which would amount to 77,021 $MTCO_2e$ over 20 years (between 2030 and 2050). 2. To meet the 2050 landside and waterside reduction target, GHG reductions must be equal to 5,703 $MTCO_2e$ per year 25,556 MWh/year, which would amount to 211,004 $MTCO_2e$ over 37 years (between 2050 and the end of the lease, 2087). C. Implementation of GHG Emissions Reduction Options. Prior to becoming operational, the project applicant shall notify the District with plans to achieve the annual GHG emissions reduction in the order of priority specified above: 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 applicant develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project applicant shall submit to the District's Energy Department/Team, for its review and approval, a report specifying the annual amount of $MTCO_2e$ or MWh reduction achieved by the project(s), actions, or activities; submit evidence that the renewable energy project, 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 Energy Department/Team to verify the amount of GHG emissions		

Mitigation Measures	Timing and Methods	Responsible Parties
reduction achieved by the project, actions or activities (collectively, "GHG Emission Reduction Report"). b. If the GHG Emission Reduction Report is approved, a reduction to the required offsets shall be calculated by the District's Energy Department/Team, and the reduction of offsets shall be transmitted to the project applicant in writing and the amount of GHG reduction shall count towards 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: a. Purchase offsets for the 20 year period from 2030 to 2050 prior to 2030, then for the 37 year period from 2050 to 2087 prior to 2050; b. On or before the first year of operation of the proposed project and annually thereafter, the project applicant 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 Energy Department/Team. D. Adjustments to Required GHG Emissions Reductions. If the project applicant 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 to meet the 2030 and 2050 reduction target, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and		

Mitigation Measures	Timing and Methods	Responsible Parties
(3) to meet the 2030 and 2050 reduction targets, 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 applicant 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 applicant because of the development of a renewable energy project(s), the project applicant shall submit a GHG Emission Reduction Report for the District Energy 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 applicant 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 applicant because of the other verifiable actions or activities on tidelands, the project applicant shall submit a GHG Emission Reduction Report for the District Energy 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. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(2)(b), 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 after receiving notice of the noncompliance.		
Hazards and Hazardous Materials		

Mitigation Measures	Timing and Methods	Responsible Parties
MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan. Prior to the District's approval of the project's landside working drawings, 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 Development Services Department for review and approval. After the District's review and approval, the project proponent shall implement the Soil and Groundwater Management Plan. The Soil and Groundwater Management Plan shall include the following: • A *Landside Site Contamination Characterization Report* (Landside Characterization Report) delineating, throughout the landside project construction area, the vertical and lateral extent and concentration of landside residual contamination from the site's past use including, but not limited to, past use of the site as a fuel facility, municipal burn dump, and manufactured gas plant waste disposal area. The Landside Characterization Report shall include 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 landside residual contamination. A complete soil vapor analysis will also be conducted during preparation of the Landside Characterization Report and will include soil gas sampling and an indoor air quality risk assessment. The project applicant also shall enroll in the Voluntary Assistance Program with the County of San Diego Department of Environmental Health and shall submit the results of the Landside Characterization Report to Department of Environmental Health staff for regulatory concurrence of results. If the Landside Characterization Report identifies residual contamination that would be disturbed by the proposed project and potentially cause harm to human health or the environment, additional remedial actions shall be taken, in accordance with Department of Environmental Health oversight. These remedial actions shall be coordinated with the Department of Environmental Health and shall include, but not be limited to, the	**Timing:** Prior to the District's approval of the project's landside working drawings and during construction **Method:** Prepare and implement a soil and groundwater management plan	**Implementation:** Project Proponent, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer **Monitoring and Reporting:** Project Proponent, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, California State Certified Industrial Hygienist **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
removal of contaminated soils that pose a vapor intrusion risk and/or the incorporation of project design features that prevent vapor intrusion into the proposed new buildings and structures. In addition, a soil vapor analysis and an indoor air quality risk assessment shall be conducted after the remedial action is complete to confirm that no residual VOC contamination remains or that it is below applicable and relevant state guidelines. • A *Soil and Groundwater Testing and Profiling Plan* (Testing and Profiling Plan) for those materials that will be imported to the project site and disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, volatile organic compounds, pesticides, PCBs, semi-volatile organic compounds, hydrocarbons, or any other potential contaminants. 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 Soil and Groundwater Sediment Testing and Profiling Plan. • A *Soil and Groundwater Disposal Plan* (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil and groundwater 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, CAC Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases, such as segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring. In the event contaminated soil or groundwater is encountered, it shall be removed and disposed of in accordance with CA Title 22 and DOT Title 40 CFR Part 263, CAC Title 27 and under the oversight of the County of San Diego Department of Environmental Health, which serves as the local regulatory agency responsible for oversight of hazardous materials issues in San Diego County. Hazardous waste shall be disposed of at three		

Mitigation Measures	Timing and Methods	Responsible Parties
types of facilities, depending on the kind of waste, which will be identified in the Testing and Profiling Plan. Non-hazardous waste can be disposed of at a Class III landfill, such as the Otay Landfill. Waste that is considered hazardous in California but not in other states can be disposed of outside of California, including at the South Yuma County Landfill or the Republic Services Copper Mountain Landfill in Arizona. RCRA hazardous waste must be disposed of at a Class I landfill, such as US Ecology in Nevada. • 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 Landside Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil and groundwater 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 Submit a Monitoring and Reporting Program. During and upon completion of landside construction, the project proponent shall prepare a Monitoring and Reporting Program and submit it to the District's Development Services Department for review and approval. 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 the project proponent's submittal of 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, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these and plans and the overall Soil and Groundwater Management Plan.	**Timing:** During and upon completion of landside construction **Method:** Prepare and submit a monitoring and reporting program	**Implementation:** Project Proponent, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer **Monitoring and Reporting:** Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
MM-HAZ-3: Prepare and Submit a Project Closeout Report. Within 30 days of completion of landside construction, the project proponent shall prepare a Project Closeout Report and submit it to the District's Development Services Department 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**.	**Timing:** Within 30 days of completion of landside construction **Method:** Prepare and submit a project closeout report	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District
MM-HAZ-4: Develop and Implement a Site-Specific Community Health and Safety Program. Prior to the District's approval of the project's landside working drawings, the project proponent shall develop a site-specific Community Health and Safety Program (Program) that addresses the chemical constituents of concern for the project site. The guidelines of the Program shall be in accordance with the County of San Diego Department of Environmental Health's Site Assessment and Mitigation Manual (2009) and EPA's SW-846 Manual (1986). The Program shall include detailed plans on environmental and personal air monitoring, dust control, and other appropriate construction means and methods to minimize the public's exposure to the chemical constituents of concern. The Program shall be reviewed, approved, and monitored for compliance by the District. After the District's approval, the project proponent shall implement the Program. The contractor shall utilize a Certified Industrial Hygienist with significant experience with chemicals of concern on the project site to actively monitor compliance with the Program and ensure its proper implementation during project construction activities.	**Timing:** Prior to the District's approval of the project's landside working drawings and during construction **Method:** Develop and implement a site-specific community health and safety program	**Implementation:** Project Proponent, Construction Manager, General Contractor **Monitoring and Reporting:** Project Proponent California State Certified Industrial Hygienist **Verification:** District
MM-HAZ-5: Avoidance of the Engineered Cap. During construction of the marina expansion, the project proponent shall avoid disturbance of the engineered cap and installation of all piles for the marina expansion shall occur outside of the engineered cap.	**Timing:** During construction of the marina expansion **Method:** Avoid disturbance of the engineered cap	**Implementation:** Project Proponent, Construction Manager, General Contractor **Monitoring and Reporting:** Project Proponent, **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
MM-HAZ-6: Conduct Sediment Sampling and Implement Measures to Mitigate Potential Cross-Contamination of Marine Sediment from Pile Driving and In-Water Construction. Prior to the District's approval of the project's in-water working drawings, the project proponent shall retain a licensed Professional Engineer with substantial experience (i.e., more than 5 years) in marine sediment contamination, sediment sampling, and contamination remediation to perform all sediment sampling and analysis required by the Sampling and Analysis Plan (SAP) and Marine Sediment Contamination Characterization Report (Sediment Characterization Report)—both of which are discussed in detail within this mitigation measure. The results of all sediment sampling shall be documented in a report and submitted to the District prior to any project development-related marine-side sediment-disturbing activities. If remediation is required, the remediation shall be conducted with oversight from the appropriate local, State, or federal regulatory agency. In addition, documentation evidencing the remediation work and completion thereof shall be submitted to the District. The project proponent shall monitor the remediation for its effectiveness for a period of time consistent with guidance from the regulatory agency with jurisdiction, but for no less than 1 year. A monitoring report shall be submitted to the District and the RWQCB for their review on a monthly basis, or at a frequency determined appropriate by relevant agencies having jurisdiction over the remediation. Additional details of this mitigation measure are provided below. The project proponent and the professionally licensed Professional Engineer retained by the project proponent shall complete the following requirements, which shall be reviewed and approved by the District's Development Services Department, the RWQCB, and any other appropriate regulatory agencies. • Develop a SAP and perform sediment sampling in area(s) of potential disturbance for in-water construction activities that are located outside of the engineered cap. Sampling shall be conducted in accordance with the *Water Quality Control Plan for Enclosed Bays and Estuaries Plan* (August 2009). Specifically, the samples shall include analysis of (1) grain size analysis, (2) physical parameters, (3) total organic carbon, (4) Target Analyte	**Timing:** Prior to the District's approval of the project's in-water working drawings (sediment sampling and analysis), prior to project development-related marine-side sediment-disturbing activities (submittal of report), and during in-water construction (implementation of measures) **Method:** Conduct sediment sampling and implement measures to mitigate potential cross-contamination of marine sediment from pile driving and in-water construction	**Implementation:** Project Proponent, Licensed Professional Engineer **Monitoring and Reporting:** Project Proponent, RWQCB, and any other appropriate regulatory agencies. **Verification:** District, RWQCB

Mitigation Measures	Timing and Methods	Responsible Parties
List metals, (5) pesticides, (6) PAHs, (7) total PCBs (all 209 individual PCB congeners), as analyzed and reported by EPA Method 1668, (8) total polychlorinated terphenyls, (9) TPHs, and (10) TBT. The sampling area shall encompass the waterside project footprint and sample locations shall be representative of areas of potential project disturbance. Areas of potential disturbance include, but are not limited to, proposed pile locations for the marina expansion; the locations of construction equipment, including without limitation to the location of any proposed spudding or other anchoring systems that will be utilized during construction of the marina expansion; potential deposition areas within the proposed silt curtain footprint; and any other areas where the Bay floor will be disturbed. • Prepare a Sediment Characterization Report delineating the vertical and lateral extent and concentration of the project site's sediment contamination outside the engineered cap (Sediment Characterization). The Sediment Characterization Report shall be based on the sediment sampling results and shall rely on the Effects Range – Low (ER-L) and Effects Range – Median (ER-M) guideline values of the National Oceanic and Atmospheric Administration's *Sediment Quality Guidelines* (1999) as the basis for characterizing the sediment. The project proponent shall disclose the results of the Sediment Characterization Report to the RWQCB and the District (and any other appropriate regulatory agencies), and consult with the RWQCB on the contamination characterization of the sediment. • If contaminated sediment is identified in the Sediment Characterization Report, the project proponent shall prepare a Contaminated Sediment Management Plan (Sediment Management Plan) for the District's, RWQCB's, and any other appropriate regulatory agencies' review and approval, if applicable. Once approved, the Sediment Management Plan shall be implemented by the project proponent subject to oversight by the District, RWQCB, and any other appropriate regulatory agencies, if applicable. The Sediment Management Plan shall describe in detail the methods to be employed to prevent waterside construction activity from adversely affecting or exposing the contaminated sediment outside the engineered cap		

Mitigation Measures	Timing and Methods	Responsible Parties
as identified in the Sediment Characterization Report and the monitoring that will occur post-construction, including, at a minimum: o Pile Construction Options. Piles shall be constructed using: (1) Impact Hammer Pile Driving. At the conclusion of the pile driving, the project applicant shall conduct sediment sampling of representative areas of potential disturbance near the location of piles consistent with the sampling approach set forth in the SAP, above. If the sediment samples show concentrations of sediment contamination above the Sediment Characterization, the project proponent shall delineate the extent of cross-contamination and propose remediation approaches (subject to approval by the District and any other agencies with jurisdiction over site contamination) that may include, but are not limited to, dredging, placement of sand cover, or Enhanced Monitored Natural Recovery (EMNR) sand containing active carbon. The results of the sampling and remediation approaches shall be documented in a report to be reviewed and approved by the District, RWQCB, and any other appropriate regulatory agencies. OR (2) Internal Jetting. This method includes a jet pipe running the length of the pile where the water exits at a small-diameter port at the bottom of the pile and a high-pressure water line is attached near the top tip of the pile. The high-pressure water shall reduce the skin friction between the pile and the marine sediments and avoid the creation of a large hole and a significant amount of turbidity. Turbidity curtains shall completely surround each pile from the top of the pile to the Bay floor and be placed no more than 2 feet from the pile. At the conclusion of the internal jetting, the project proponent shall conduct sediment sampling of representative areas of potential disturbance near the locations of the piles, consistent with the sampling approach set forth in the SAP, above. If the sediment		

Mitigation Measures	Timing and Methods	Responsible Parties
samples show concentrations of sediment contamination above the Sediment Characterization, the project proponent shall delineate the extent of cross-contamination and propose remediation approaches (subject to approval by the District and any other agencies with jurisdiction over site contamination) that may include, but are not limited to, dredging, placement of sand cover, or EMNR sand containing active carbon. The results of the sampling and remediation approaches shall be documented in a report to be reviewed and approved by the District, RWQCB, and any other appropriate regulatory agencies. ○ Spudding. If spuds are used, then when lifted during in-water construction, they shall be lifted slowly at least a quarter of the speed they are lifted during normal operation of spuds. Before the spud reaches the subsurface of the Bay floor during deployment, the operator shall pause the spud lift for 1- to 2-minute intervals to reduce the disturbance of Bay sediment. At the conclusion of the marina construction, the project proponent shall conduct sediment sampling of representative areas of potential disturbance from spudding and other construction activities that may have disturbed the Bay floor within the project footprint, consistent with the sampling approach set forth in the SAP, above. If the sediment samples show concentrations of sediment contamination above the Sediment Characterization, the project proponent shall delineate the extent of cross-contamination and propose remediation approaches (subject to approval by the District and any other agencies with jurisdiction over site contamination) that may include, but are not limited to, dredging, placement of sand cover, or EMNR sand containing active carbon. The results of the sampling and remediation approaches shall be documented in a report to be reviewed and approved by the District, RWQCB, and any other appropriate regulatory agencies.		
MM-HAZ-7: Compliance with Federal and State Permits: No Impedance of Investigative Order No. R9-2017-0081. Prior to in-water construction, the project proponent shall obtain all federal and	**Timing:** Prior to in-water construction and during in-water construction	**Implementation:** Project Proponent

Mitigation Measures	Timing and Methods	Responsible Parties
state permits required for in-water construction activities and demonstrate to the District compliance with all permit conditions during in-water construction. In addition, the project proponent shall not impede the District's compliance with Investigative Order No. R9-2017-0081 as it pertains to the project site.	**Method:** Obtain and comply with all federal and state permits required for in-water construction activities and ensure in-water construction activities do not impede the District's compliance with Investigative Order No. R9-2017-0081	**Monitoring and Reporting:** Project Proponent **Verification:** District
MM-HAZ-8: Obtain FAA Approval and ALUC Formal Review and Determination. Prior to the Board of Port Commissioners taking final action to adopt the PMPA in accordance with 14 California Code of Regulations Section 13632(e), the project proponent shall obtain FAA approval and ALUC review and determination for construction equipment and operational structures.	**Timing:** Prior to Board of Port Commissioners taking final action to adopt the PMPA **Method:** Obtain FAA approval and ALUC formal review and determination	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District
Hydrology and Water Quality		
MM-HWQ-1: Marina Best Management Practice Plan and Copper Reduction Measures. To reduce potential impacts on water quality, the project proponent shall prepare a Marina Best Management Practice Plan that shall be reviewed and approved by the District specifically identifying best management practices that will be used within the Marina to (1) minimize the pollutant load of runoff, including measures to prevent, eliminate, and/or otherwise effectively protect water quality of the Bay and (2) reduce inputs of total and dissolved copper resulting from increased berthing of boats. The Marina Best Management Practice Plan and Copper Reduction Measures shall be reviewed and approved by the District prior to the opening of marina operations. The Marina Operator shall be responsible for implementation and maintenance of the Marina Best Management Practice Plan and Copper Reduction Measures. At a minimum, the Marina Best Management Practice Plan shall include, but not be limited to, the following: • Use of educational materials to be provided to boat owners and their crews that specify types of activities that shall be avoided or types of BMPs that shall be implemented in order to protect water quality, such as emptying of septic tanks and refueling only at approved locations, respectively. Recommendations to reduce	**Timing:** Prior to marina operations **Method:** Prepare a Marina Best Management Practice Plan and implement Copper Reduction Measures	**Implementation:** Project Proponent **Monitoring and Reporting:** District, Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
oil leaks include conducting periodic maintenance of all fuel lines, hoses, and gaskets; putting an oil-absorbent pad in the bilge; and installing a filtration system to remove oil from bilge water. • Docking agreements containing specific use restrictions to prevent degradation of water quality, such as restricting boat repairs and cleaning operations within the marina. These specific use restrictions shall be similar to the recommendations from the *San Diego Bay Boaters Guide* (District 2006) and the California State Parks Division of Boating and Waterways and the California Coastal Commission Boating Clean and Green Program (California DBW 2017), both of which promote environmentally sound boating practices to marine business and boaters in California. • Implementation and monitoring of the District-adopted in-water hull cleaning regulations. Ordinance No. 2681 requires the use of BMPs for businesses doing in-water hull cleaning. The In-Water Hull Cleaning Permit is a Bay-wide permit to reduce or eliminate copper pollution caused by in-water hull cleaning activities. • No fueling on site.		
MM-HWQ-2: Water Quality Sampling for Total and Dissolved Copper. Prior to the commencement of marina development, the project proponent shall conduct water quality sampling to develop an updated baseline for total and dissolved copper as follows: • Develop a sampling and analysis plan that will be reviewed and approved by the District prior to sampling. The plan shall identify a minimum of three points, denoting edges and midpoint of marina footprint. • Sample for total and dissolved copper. The project proponent shall use an Environmental Laboratory Accreditation Program (ELAP)-certified laboratory for all analytical testing. • Compare dissolved copper levels to Basin Plan water quality objectives. • The project proponent shall submit the baseline monitoring report to the District for its review and approval. The project proponent shall conduct ongoing water quality monitoring and testing for total and dissolved copper, following the process outlined above for the updated baseline sampling, over the	**Timing:** Prior to the commencement of marina construction (water quality sampling), during marina construction (ongoing water quality monitoring and testing), within 30 days after the end of each calendar year during marina operations (ongoing water quality monitoring and testing) **Method:** Conduct water quality sampling to develop an updated baseline for total and dissolved copper and conduct ongoing water quality monitoring and testing	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
course of marina development/occupancy at the following frequency for each phase of marina development: • After 50% occupancy, • After 75% occupancy, and • After full occupancy (95% slips under rental agreements). Reports of all monitoring and testing results shall be prepared and paid for by the project proponent (i.e., tenant) and submitted to the District's Development Services Department for review and approval within 30 days after the occupancy milestones identified above. If at any time during monitoring the water quality equals or exceeds or the Basin Plan water quality objectives and comparison with the updated baseline indicated that the exceedance is a result of the proposed project, the project proponent shall immediately notify the District's Development Services Department and shall immediately cease further development and/or occupancy until additional BMPs addressing the issue are employed and reduce the copper levels. Water quality testing shall occur every year following full occupancy of the marina or until the marina is fully occupied by non-copper hulled boats. The project proponent shall prepare written reports of the water quality testing results annually and submit the reports to the District's Development Services Department for review and approval within 30 days after the end of each calendar year. Any exceedance attributed to the proposed project (based on a comparison with the updated baseline assessment) shall require additional BMPs if determined necessary to reduce total and dissolved copper to below the Basin Plan water quality objectives. BMPs that must be considered include, but are not limited to: • Implementation of an incentive structure within the docking agreements' rent rates for occupants with non-copper hull paint boats. • Identification of copper-free zones within the innermost portions of the marina, or limitation of copper hull paint boats to only well-flushed zones of the marina. • Hull bottom scraping and the use of toxic detergents to clean vessels would be prohibited, and no overwater repairs would be allowed.		

Mitigation Measures	Timing and Methods	Responsible Parties
• Limitations on in-slip hull cleaning (restrict or limit number of cleanings per year). If the project proponent (i.e., tenant) finds that one or more are infeasible, the tenant must provide written proof of infeasibility, which shall be subject to District review and concurrence. BMPs that are implemented must reduce total and dissolved copper to levels below the Basin Plan water quality objectives.		
MM-HWQ-3: Marina Design Measures to Promote Tidal Flushing. To reduce potential impacts on water quality, prior to the commencement of any construction of the marina, the project proponent shall design the marina so that structures do not significantly restrict the natural circulation of water caused by tidal action. • The expanded marina shall be designed to promote water circulation within the basin. The degree of flushing necessary to maintain water quality in a marina shall be balanced with safety, vessel protection, and sedimentation. • Flushing rates shall be maximized by proper design of the marina entrance channel and basin. • Prior to marina construction, a qualified engineer shall conduct a marina flushing analysis using an applicable tidal or hydrodynamic model to determine if sufficient flushing is provided by the proposed design or if forced flushing is necessary to enhance the flushing rate of the marina to meet Basin Plan water quality objectives. The engineer shall provide recommendations for forced flushing if determined necessary. The analysis methodologies and results shall be reviewed and approved by the District prior to marina construction.	**Timing:** Prior to marina construction **Method:** Conduct a marina flushing analysis and implement marina design measures to promote tidal flushing	**Implementation:** Project Proponent, a qualified engineer approved by the District **Monitoring and Reporting:** Project Proponent, a qualified engineer approved by the District **Verification:** District
Land Use and Planning		
MM-LU-1: Smart Design Decisions, Future Adaptation Strategies, and Operational Strategies. To reduce potential impacts related to bulkhead overtopping in mid-century during extreme storms, the project proponent shall implement the following into building design and construction, and during operation. Prior to the issuance of building permits for the project, the project applicant shall submit design plans and operational strategies to the District's Development Services Department for its review and approval.	**Timing:** Prior to issuance of building permits, during project operations **Method:** Incorporate smart design decisions, future adaptation strategies, and operational strategies into building design and construction and during operation	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
Smart Design Decisions – to be incorporated into building design and as part of construction: • Place 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. For example, this may include installing backwater valves at building connections or at outfalls, increasing outfall elevations when replacing them, installing forced mains, or increasing pump capacity. • Ensure that all building exterior walls are composed of materials that have an impermeable and waterproof membrane. • Contribute a "fair share" payment in an amount to be determined by the District based on an analysis for the cost of construction of future bulkhead improvements that would offer direct flood mitigation benefits to the project site. *Future Adaptation Strategies – to be incorporated into building design and as part of construction:* • Ensure that building foundations 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. • If replacing or constructing additional bulkheads, design key structural elements to allow future increases in the elevation of the bulkhead crest. • Upon receipt of the operational strategies report (see below), the District's Development Services Department shall determine, if given the most up-to-date sea level rise projections, the current coastal protection features (e.g., the existing bulkheads) would be overtopped if a 100-year storm surge were to occur in the next 10 years. If so, within the next 5 years, the project proponent, in consultation with and approved by the District's Development Services, must either install onsite protections (e.g., flood walls and flood-proof openings) to protect the buildings		

Mitigation Measures	Timing and Methods	Responsible Parties

from a high sea level rise scenario and a 100-year storm surge through the end of the Port lease (2082) or, as mentioned above, contribute a "fair share" to future bulkhead improvements that would offer the same or a greater level of protection.
Operational Strategies – to be implemented during operation and updated every 5 years using the best available science:
• Establish an early warning system to monitor the risk of 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 regularly checking the water levels along the project bulkhead as the storm progresses.
• Establish emergency evacuation procedures for people to relocate to higher ground on short notice.
• Obtain or execute on-call contracts for backup power generators for critical functions, such as the operation of one elevator and emergency lighting systems. Also obtain or execute on-call contracts for portable pumps, and ensure that there is sufficient fuel to operate these. Establish protocols for operating said generators and pumps during storm events or other such events.
• Before a storm that is forecasted to overtop the bulkheads, deploy sandbags or inflatable barriers. Over time, monitor and track the rainfall amounts and storm projections that result in localized flooding and update the deployment protocol to account for this experience.
• Before a storm that is forecasted to result in localized flooding, test emergency power sources and pumps and ensure that there is sufficient fuel to run these, and inspect building exterior to ensure that there are no penetrations that lack flood proofing. If cracks or leaks are identified, seal them or temporarily cover with a flood-proof material, to the extent feasible, prior to the storm. Over time, monitor and track the rainfall amounts and storm projections that result in localized flooding and update the deployment protocol to account for this experience.		

Mitigation Measures	Timing and Methods	Responsible Parties
• Restrict public access during storms or flooding events if water levels are forecasted to rise to unsafe levels.		
Noise and Vibration		
MM-NOI-1: Avoid or Reduce Construction Noise from Impact-Type Pile Driving During Both Landside and Marina Construction. The project proponent and its construction contractor shall prohibit all pile driving activities outside the hours of 7:00 a.m. to 7:00 p.m. on Monday through Saturday. No associated activity shall occur at any time on Sundays or legal holidays. Construction personnel shall not be permitted on the project site (including laydown and storage areas), and material or equipment deliveries and collections shall not be permitted during the prohibited hours. In addition, impact pile driving shall be avoided by using alternative, quieter installation methods such as press-in piles or drilled pile techniques (e.g., cast-in-drilled-hole, poured-in-place). If the project proponent and its construction contractor determine that alternative pile installation methods are infeasible at some or all areas of the project site and that such areas require impact pile driving, then an acoustical shroud shall be utilized, as described below. Alternative pile installation methods shall only be considered infeasible if the project proponent and its construction contractor provide sufficient evidence, to the satisfaction of District Development Services Department, that such methods are infeasible based on technical, structural, geological, safety, and/or cost considerations. Wherever impact pile driving is required for landside or waterside construction, it shall be conducted only with the use of an acoustical shroud to reduce noise levels. The shroud shall enclose the pile and hammer on all sides and shall extend from the water or ground surface to a point at least 5 feet above the top of the pile to be driven. The acoustical shroud, held in place by a crane, shall surround the pile driving assembly during pile driving activities, and shall be constructed as follows. a. A metal framework (cylindrical or square/rectangular) shall be constructed for the shroud to support the weight of the attached acoustical blankets. The framework shall be centered on the pile to be driven.	**Timing:** During landside and marina construction **Method:** (1) Prohibit all pile driving activities, construction personnel on the project site, and material or equipment deliveries and collections outside the hours of 7:00 a.m. to 7:00 p.m. on Monday through Saturday. And (2) Avoid impact pile driving by using alternative, quieter installation methods such as press-in piles or drilled pile techniques. Or (3) Wherever impact pile driving is required for landside or waterside construction, conduct it only with the use of an acoustical shroud to reduce noise levels.	**Implementation:** Project Proponent, Construction Manager, General Contractor **Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
b. Acoustical blankets shall be firmly secured to the outside of the framework with the sound-absorptive side of the blankets oriented toward the interior of the shroud (i.e., toward the pile). The blankets shall be overlapped by at least 6 inches at seams and taped to eliminate gaps. The largest blankets available shall be used to form the shroud in order to minimize the number of seams. The blankets shall be draped to the water or ground surface to eliminate any gaps at the base of the shroud. c. The number and size of gaps needed for the safe operation of the pile driver shall be kept to a minimum. d. The acoustical blankets shall provide a minimum sound transmission class of 28 and a minimum noise reduction coefficient of 1.00. e. The acoustical blankets shall be waterproof, oil- and UV-resistant, anti-fungal, and flame retardant. f. If necessary, a view window may be incorporated into the acoustical blankets in order to facilitate the operation of the pile driver. The window shall be constructed of clear vinyl material that weighs at least 1 pound per square foot. The seams where the window attaches to the acoustical blankets shall be tightly sealed to eliminate gaps. The size of the window shall be kept to the minimum required for safe operation of the pile driver. At all times the window shall be oriented away from the nearby parks (Embarcadero Marina Park North and South, and Fifth Avenue Landing Park).		
MM-NOI-2: Notify Users of Nearby Recreational Areas. If impact-type pile driving construction techniques cannot be avoided, the project proponent or its construction contractor shall post public noticing not less than 48 hours prior to initiating landside or waterside pile driving activities within 700 feet of a public recreational area (e.g., Embarcadero Marina Park South and Fifth Avenue Landing Park). The project proponent shall include this measure in the construction specification documents for the proposed project. Prior to issuance of the construction specification documents for bid, the project proponent shall submit a copy of the construction specification documents and the proposed public notice sign to the District's Development Services Department for approval.	**Timing:** Prior to issuance of the construction specification documents for bid (submittal of construction specification documents and proposed public notice sign) and no less than 48 hours prior to initiating landside or waterside pile driving activities (public noticing) **Method:** Submit copy of construction specification documents and post public noticing not less than 48 hours prior to initiating landside or waterside pile driving	**Implementation:** Project Proponent, Construction Manager, General Contractor **Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
Prior to the commencement of impact-type pile driving activities, the project proponent shall submit documentation (including photographs) to the District's Development Services Department demonstrating compliance with this measure.	activities within 700 feet of a public recreational area	
MM-NOI-3: Reduce Construction Noise from Other (Non-Pile Driving) Activities. During all construction activity, the project proponent and its construction contractor shall implement the following techniques and best practices to reduce noise levels from non-pile driving construction activities. a. Prohibit all construction activities outside the hours of 7:00 a.m. to 7:00 p.m. on Monday through Saturday. No construction activity shall occur at any time on Sundays or legal holidays. Construction personnel shall not be permitted on the project site (including laydown and storage areas), and material or equipment deliveries and collections shall not be permitted during the prohibited hours. b. Ensure that all construction equipment used on the proposed project that is regulated for noise output by a local, state, or federal agency complies with such regulation while in the course of project activity and use on site. c. Properly maintain all construction equipment used during project construction and remove any equipment from service, until it is properly repaired, that generates increased noise levels because of any defect or damage. d. Equip all construction equipment, where applicable, with properly operating and maintained mufflers, air-inlet silencers, and any other shrouds, shields, or other noise-reducing features that meet or exceed original factory specifications. e. Operate construction equipment only when necessary, and switch off powered equipment when not in use. Prohibit the idling of inactive construction equipment for more than 2 minutes. f. Restrict the use of noise-producing signals, including horns, whistles, alarms, and bells, for safety warning purposes only. g. Install temporary noise barriers around the project site during the demolition, site preparation (including dewatering and shoring), excavation, and foundation phases of construction, to	**Timing:** During landside and waterside construction **Method:** Implement specific techniques and best practices to reduce noise levels from non-pile driving construction activities	**Implementation:** Project Proponent, Construction Manager, General Contractor **Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
the extent practicable. For periods (if any) when these construction activities are restricted to a smaller portion of the whole site, barriers may be installed around that smaller portion of the site. Alternatively, if a site perimeter barrier cannot be constructed, a localized barrier shall be installed around any noisy stationary construction equipment such as generators or dewatering pumps. For barriers to be effective, they should break the line of sight between the construction equipment and any noise-sensitive receiver. These barriers may be constructed as follows: • 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 and lined with sound-absorptive material (the sound-absorptive material should face the construction equipment). • From acoustical blankets hung over or from a supporting frame. The blankets should provide a minimum sound transmission class rating of 28 and a minimum noise reduction coefficient of 0.80 and should be firmly secured to the framework with the sound-absorptive side of the blankets oriented toward the construction equipment. The blankets should be overlapped by at least 6 inches at seams and taped so that no gaps exist. The largest blankets available should be used in order to minimize the number of seams. The blankets shall be draped to the ground to eliminate any gaps at the base of the barrier. h. Train all construction employees in the proper operation and use of the equipment they use during the course of their work.		
MM-NOI-4: Design and Construct Project Facilities to Control Noise from All Onsite Mechanical Equipment. The project proponent shall design and construct all building systems and mechanical equipment proposed as part of the project to ensure their compliance with the City of San Diego noise ordinance (Municipal Code section 59.5.0401). To achieve this performance standard, during the architectural and engineering design phase of each element of the proposed project (e.g., market-rate hotel tower, lower-	**Timing:** During the architectural and engineering design phase and prior to the issuance of building permits **Method:** Design and construct all building systems and mechanical equipment in compliance with the City of San Diego noise	**Implementation:** Project Proponent, Acoustical Consultant **Monitoring and Reporting:** Project Proponent

Mitigation Measures	Timing and Methods	Responsible Parties
cost visitor-serving hotel, retail, marina), and prior to the issuance of any building permits for the proposed project, the project proponent shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that all aspects of the proposed project, including without limitation the mechanical equipment and other onsite stationary sources (e.g., trash compactors, loading docks), shall be constructed so as to comply with the City of San Diego noise ordinance (Municipal Code section 59.5.0401). Such recommendations may include, but are not limited to, changes in equipment locations; sound power limits or specifications; rooftop parapet walls; acoustical absorption, louvers, screens, or enclosures; or intake and exhaust silencers.	ordinance (Municipal Code section 59.5.0401)	**Verification:** District
MM-NOI-5: Incorporate Operational/Contract Specifications to Minimize Exterior Special Event Noise. The project proponent and any future owner/operator of the proposed project shall observe the following requirements and/or incorporate them into the contract specifications for outdoor events: 1. Any exterior special event associated with the proposed project shall not exceed 65 dBA L_{eq} at the proposed project's property line between the hours of 7:00 a.m. and 7:00 p.m. as mandated by the City of San Diego Municipal Code 59.5.0401. Any concert associated with the proposed project shall not exceed 60 dBA L_{eq} at the project's property line between the hours of 7:00 p.m. and 7:00 a.m. as mandated by the City of San Diego Municipal Code 59.5.0401. 2. Any event that fails to comply with requirement 1, above, shall only be permitted if an applicable event permit, or variance or exemption from the code, has been sought and granted by the appropriate agency (City or District). 3. The project shall comply with all City and District requirements related to hosting outdoor events.	**Timing:** During project operation **Method:** Incorporate operational requirements into contract specifications to minimize exterior special event noise	**Implementation:** Project Proponent, future owner/operator of the proposed project **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego
Public Services and Recreation		
MM-PS-1: Operation Requirements for the Multifunctional Plaza and Lawn, Public Park Plaza, and Public Park Plaza and Public Observation Terrace Areas. Under no circumstances shall the closure of the public plaza and park areas for private hotel events be more than the following percentages.	**Timing:** During project operation **Method:** Compliance with operation requirements for the Multifunctional Plaza	**Implementation:** Project Proponent

Mitigation Measures	Timing and Methods	Responsible Parties
• Multifunctional Plaza and Lawn (40,414 square feet): 50% private access (50% public access). This area would be available for private events 50% of the year, which is defined as the equivalent of 182.5 days per year, inclusive of event setup and breakdown time. When not in use for private events, this area would be accessible for use by the public at no cost 50% of the year (182.5 days). For clarification purposes, if a private event occupies the Multifunctional Plaza and Lawn for part of a day, it shall count as occupying the Multifunctional Plaza and Lawn for an entire day when calculating the 182.5-day private event limit. • Public Park Plaza (45,062 square feet): 15% private access (85% public access). This area would be available for private events 15% of the year, which is defined as the equivalent of 55 days per year, inclusive of event setup and breakdown time. When not in use for private events, this area would be accessible for use by the public at no cost 85% of the year (310 days). For clarification purposes, if a private event occupies the Public Park Plaza for part of a day, it shall count as occupying the Public Park Plaza for an entire day when calculating the 55-day private event limit. • Public Park Plaza and Public Observation Terrace (9,782 square feet): 0% private access (100% public access). This area would be not be available for private events, and would be open to the public at no cost 100% of the year. • Public Promenade (3,190 square feet): shall be an approximate 10-foot-wide walkway along the southeast portion of the market-rate hotel tower and shall be 0% private access (100% public access). This promenade would not be available for private events, and would be open to the public at no cost 100% of the year. If the private event area is blocked off from the public usable area, such barriers shall not be solid materials but shall be a material like ropes. To ensure the private event area is restored for the public use, all trash and debris shall be immediately picked up and disposed of appropriately during and after the private event. During times when the Multifunctional Plaza and Lawn area or Public Park Plaza area is open to the public (i.e., during non-private event	and Lawn, Public Park Plaza, and Public Park Plaza and Public Observation Terrace Areas	**Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
times), the hours of operation shall be the same as the District's park hours of operation. During all private events, clear signage shall be placed in publicly visible locations (i.e., not posted inside the hotel) at the grand staircase, market-rate hotel tower staircase, public observation terrace, optional pedestrian bridge (if developed), and two locations along the existing Embarcadero Promenade, that indicate the Multifunctional Plaza and Lawn area and/or the Public Park Plaza areas, if applicable, are open to the public. Clear signage shall be placed at the Public Park Plaza and Public Observation Terrace that indicates it is open to the public. After project construction is complete, on January 31 of each year, the project proponent shall submit an annual public access usage report to the District's Development Services Department that demonstrates, for the preceding year, that the Multifunctional Plaza and Lawn, Public Park Plaza, and Public Park Plaza and Public Observation Terrace are being used for public access and private access (for private events) as follows and consistent with this **MM-PS-1**: • Multifunctional Plaza and Lawn (50% public access/50% private access) • Public Park Plaza (85% public access/15% private access) • Public Park Plaza and Public Observation Terrace (100% public access) The report shall be broken down by the Multifunctional Plaza and Lawn and Public Park Plaza areas and shall list the date, private event, start and end times, duration of each event, setup and breakdown time, and total number of days and percentage of private use for that year. Furthermore, the report shall contain confirmation, such as photographs or a signature by the hotel manager, that for each private event, signage indicating public use of the remaining area (if applicable) was placed consistent with this **MM-PS-1**. For the Public Park Plaza and Public Observation Terrace area, the report shall confirm that this area was accessible to the public 100% of the year and contained signage indicating such.		
MM-PS-2: Low-Cost or No-Cost Boat Slip. The project proponent shall provide at least one boat slip for a vessel of a maximum size of	**Timing:** During project operation	**Implementation:** Project Proponent

Mitigation Measures	Timing and Methods	Responsible Parties
30 feet at low cost or no cost for public use. To ensure sufficient availability to the public, berthing at the low-cost or no-cost slip shall be a maximum of 6 hours. Signage shall be provided and availability of the low-cost or no-cost slip shall be posted on the project proponent's website.	**Method:** Provide at least one low-cost or no-cost boat slip, provide signage, and post availability of low-cost or no-cost slip on project proponent's website	**Monitoring and Reporting:** Project Proponent **Verification:** District
Transportation, Circulation, and Parking		
MM-TRA-1: Transportation Demand Management Plan. Prior to commencing any construction or demolition activities, the project proponent shall provide a Transportation Demand Management (TDM) Plan to the San Diego Unified Port District, City of San Diego, and Caltrans for approval that shall limit the number of construction worker trips that travel through the affected intersections during peak periods to 50 trips. The TDM plan shall incorporate TDM strategies to be implemented during construction, including, but not limited to: • Implementation of a ride-sharing program to encourage carpooling among the workers. • Adjustment of work schedules (e.g., arrive before 7 a.m. or after 9 a.m.; leave before 4 p.m. or after 6 p.m.) so that workers do not access the site during peak hours. • Provision of offsite parking locations for workers outside of the area with shuttle services to bring them on site, as identified in **MM-TRA-7**. • Provision of subsidized transit passes for construction workers. In addition, for impacts on the I-5 southbound/Boston Avenue intersection during construction, prior to commencing construction or demolition activities, the project proponent shall provide a Traffic Control Plan in accordance with Caltrans policies to the San Diego Unified Port District and Caltrans for approval.	**Timing:** Prior to commencing construction or demolition activities and during construction **Method:** Prepare and implement a Transportation Demand Management Plan	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego, Caltrans
MM-TRA-2: Signalization of the 15th Street/F Street Intersection. Prior to issuance of occupancy permits, the project proponent shall pay for or directly install a traffic signal at the intersection of 15th Street and F Street. Installation of the traffic signal will require approval from the City of San Diego. After installation is complete, the project proponent shall provide proof of signalization to the District for verification before issuance of the occupancy permits may occur.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay for or directly install a traffic signal at the intersection of 15th Street and F Street	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent

Mitigation Measures	Timing and Methods	Responsible Parties
		Verification: District, City of San Diego (approval of the improvement)
MM-TRA-3: Signalization of the 17th Street/G Street Intersection. Prior to issuance of occupancy permits, the project proponent shall pay for or directly install a traffic signal at the intersection of 17th Street and G Street. Installation of the traffic signal will require approval from the City of San Diego. After the required payment or installation is complete, the project proponent shall provide proof of completion to the District for verification before issuance of the occupancy permits may occur.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay for or directly install a traffic signal at the intersection of 17th Street and G Street	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)
MM-TRA-4: Restriping of Northbound Left-Turn Lane at 19th Street/J Street Intersection. Prior to the issuance of occupancy permits, the project proponent shall pay for or directly implement restriping the northbound left-turn lane into a northbound left-turn and through-share lane at the intersection of 19th Street and J Street. Restriping lanes will require approval from the City of San Diego and coordination with Caltrans. The project proponent shall provide proof of payment or completion to the District for verification before issuance of the occupancy permits may occur	**Timing:** Prior to the issuance of occupancy permits **Method:** Pay for or directly implement restriping the northbound left-turn lane into a northbound left-turn and through-share lane at the intersection of 19th Street and J Street	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)
MM-TRA-5: Compliance with San Diego Forward: The Regional Plan, I-5 Operational Improvements. Prior to the issuance of occupancy permits, the project proponent shall enter into a Traffic Mitigation Agreement with Caltrans for I-5 operational improvements for the segment of northbound I-5 between Grape Street and First Avenue, in compliance with *San Diego Forward: The Regional Plan* prepared by SANDAG (SANDAG 2015) and provide proof of this agreement shall be provided to the District. The installation of the I-5 operational improvements is under Caltrans jurisdiction.	**Timing:** Prior to the issuance of occupancy permits **Method:** Coordinate with Caltrans to install I-5 operational improvements in compliance with *San Diego Forward: The Regional Plan*	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, Caltrans (approval of the agreement and jurisdictional authority over installation of improvements)
MM-TRA-6: Maintain Public Access Along Embarcadero Promenade During Construction. The project proponent, in coordination with the District, shall ensure that public access is	**Timing:** During project construction	**Implementation:** Project Proponent, District

Mitigation Measures	Timing and Methods	Responsible Parties
maintained along the Embarcadero Promenade during construction by providing reduced or replacement points of public access. The project proponent shall install and maintain clear wayfinding and public access signage in publicly visible locations (i.e., not posted inside the hotel) adjacent to and at the public entrances to the reduced or replacement public access areas.	**Method:** Install and maintain clear wayfinding and public access signage to	**Monitoring and Reporting:** Project Proponent **Verification:** District
MM-TRA-7: Provide Offsite Parking and Shuttle Transportation and Require Incentives for Transit Use and Wayfinding Signage for Visitors. Prior to the commencement of any construction activity, the project proponent shall provide an offsite parking location at the R.E. Staite property at 2145 East Belt Street, San Diego, CA for construction workers and shall provide shuttle service from the offsite parking location to the project site and back. 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, the project proponent shall provide conspicuous on-street signage to direct waterfront visitors to available parking facilities throughout the duration of the construction period	**Timing:** Prior to construction (parking, incentives for construction workers) and during construction (signage for visitors) **Method:** Provide offsite parking and shuttle transportation and require incentives for transit use for construction workers and wayfinding signage for visitors	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District
MM-TRA-8: Implement a Parking Management Plan that Provides Parking Management Strategies. Prior to the issuance of the certificate of occupancy for market-rate hotel operations, the project proponent shall submit a Parking Management Plan to the District for approval. Upon approval and during project operations, the project proponent shall provide a quarterly report on the Parking Management Plan to the District's Development Services Department, which shall be subject to verification by District staff. The project proponent shall implement the following parking management strategies and any other strategies identified in the Parking Management Plan to mitigate the projected parking deficiency: • *Valet Parking* – Secure 189 parking spaces (Secured Parking) at one or more offsite parking lots and provide a valet service that allows guests to utilize the secured spots, in order to avoid overflow in the immediate surrounding parking areas. Prior to	**Timing:** Prior to the issuance of the certificate of occupancy for market-rate hotel operations (submittal of Parking Management Plan) and during project operations (submittal of quarterly reports and implementation of parking management strategies) **Method:** Implementation of a Parking Management Plan that provides parking management strategies	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District

Mitigation Measures	Timing and Methods	Responsible Parties
commencement of hotel operations, the project proponent will enter into a contract or agreement with a parking operator or equivalent entity securing the Secured Parking and provide the agreement to the District's Development Services Department. The agreement shall be updated and submitted to the District's Development Services Department on an annual basis to provide proof of maintaining said agreement. Until a long-term parking solution is identified for the area, after project construction is complete, on January 15 of each year the project proponent shall submit an annual parking implementation report to the District's Development Services Department for its review, which shall include the following components: • A specific peak parking implementation program, broken down into morning, afternoon, and evening timeframes, in its annual submittal. • Evidence in the form of parking utilization counts that show that sufficient valet spaces are available to meet the project's overflow parking demand from the parking lot or valet vendor. The parking counts shall be conducted at times throughout the day on both weekdays and weekends, during both the summer and winter, and shall be compared to projected and actual valet use at the project site. • The location of the lots available for valet use and the number of spaces available in each lot based upon recent parking utilization counts. • The dates, times, and duration of any period the valet was closed due to no available parking spaces. In the event that the District establishes a long-term parking program for the area, the project proponent shall contribute a fair share to the analysis, design, and construction and operating costs associated with the program. • *Transportation Network Companies* – The project proponent shall coordinate with transportation companies (such as Lyft and Uber) and shall provide designated pick-up/drop-off locations to encourage hotel patrons to utilize this mode of transportation as an alternative to driving their personal vehicles.		

Mitigation Measures	Timing and Methods	Responsible Parties
• *Water Taxi* – The project proponent shall provide a direct path and wayfinding signage from the Water Taxi Landing to the hotel facilities, and provide brochures and other materials in the hotel lobbies to inform hotel guests of the water taxi service and the destinations that can be reached. • *Bike Racks* – The project proponent shall provide bike racks to accommodate a minimum of 24 bicycle parking spaces on the project site or adjacent thereto on the Embarcadero Promenade to encourage employees/patrons to bike to the proposed project. • *Bike Share Stations* – The project proponent shall coordinate with companies like DECOBIKE to ensure a bike share station is maintained within walking distance (approximately 1,000 feet) to the proposed project. If a third-party bikeshare service cannot be provided, the project proponent shall provide bikes for its guests to rent. • *Public Transit* – On its website, the project proponent shall promote and encourage employees and patrons to utilize alternative modes of transportation as an alternative to driving their personal vehicles. • *Public Transit Subsidies for Employees* – The project proponent shall provide reimbursement or subsidies for public transportation costs for all employees. The level of transit reimbursements and subsidies shall be based on the standards set forth by the California Air Pollution Control Officers Association resource document *Quantifying Greenhouse Gas Mitigation Measures* (August 2010) to achieve a reduction in project vehicle miles traveled by 20%. • *Port of San Diego (formerly Big Bay) Shuttle* – The project proponent shall participate in the Port of San Diego Shuttle system as a condition precedent to issuance of a certificate of occupancy for the market-rate hotel or lower-cost visitor-serving hotel, whichever hotel is completed first. Participation may include: collection of fares, advertising, voluntary tenant participation, mandatory tenant participation at the time of issuance of coastal development permits for District tenant projects within the South Embarcadero, and other forms of participation as identified by the District.		

Mitigation Measures	Timing and Methods	Responsible Parties
• *Airport Shuttle* – The project proponent shall provide a shuttle to and from the airport for hotel guests. • *SANDAG-operated iCommute Program* – The project proponent shall participate in SANDAG's iCommute Program. • *Employee Carpool and Vanpool Parking Spaces* – The project proponent shall provide designated parking spaces for employee carpool and vanpool parking spaces onsite. • *Onsite Employee Alternative Commute Options Coordinator* – The project proponent shall designate an onsite employee coordinator to provide inform employees of alternative commute options.		
MM-C-TRA-1: Signalization of Logan Avenue/I-5 Southbound Off-Ramp. Prior to issuance of occupancy permits, the project proponent shall enter into a Traffic Mitigation Agreement with the California Department of Transportation (Caltrans) for the payment of a fair-share contribution of 22 percent of the improvement costs to install a traffic signal at the intersection of Logan Avenue and the southbound I-5 off-ramp and provide proof of this agreement to the District. Installation of the traffic signal will require approval from Caltrans.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 22 percent of the improvement costs to install a traffic signal at the intersection of Logan Avenue and the southbound I-5 off-ramp	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, Caltrans (approval of the improvement)
MM-C-TRA-2: Signalization of Logan Avenue/I-5 Southbound On-Ramp. Prior to issuance of occupancy permits, the project proponent shall enter into a Traffic Mitigation Agreement with the California Department of Transportation (Caltrans) for the payment of a fair-share contribution of 6 percent of the improvement costs to install a traffic signal at the intersection of Logan Avenue and the southbound I-5 on-ramp and provide proof of this agreement to the District. Installation of the traffic signal will require approval from Caltrans.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 6 percent of the improvement costs to install a traffic signal at the intersection of Logan Avenue and the southbound I-5 on-ramp	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, Caltrans (approval of the improvement)
MM-C-TRA-3: New Travel Lane on G Street (3 Percent Fair-Share). Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 3 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour for impacts occurring at the intersection of 14th and G Streets, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Conversion of on-street parking to a travel lane will require approval	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 3 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent

Mitigation Measures	Timing and Methods	Responsible Parties
from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.		**Verification:** District, City of San Diego (approval of the improvement)
MM-C-TRA-4: Signalization of the Intersection of 15th Street and F Street. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 4 percent of the improvement costs to install a traffic signal at the intersection of 15th Street and F Street, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Installation of the traffic signal will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 4 percent of the improvement costs to install a traffic signal at the intersection of 15th Street and F Street	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)
MM-C-TRA-5: New Travel Lane on G Street (2 Percent Fair Share). Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 2 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour for impacts occurring at the intersection of Park Boulevard and G Street, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Conversion of on-street parking to a travel lane will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 2 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)
MM-C-TRA-6: Signalization of the Intersection of 16th Street and Island Avenue. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 18 percent of the improvement costs to install a traffic signal at the intersection of 16th Street and Island Avenue, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Installation of the traffic signal will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 18 percent of the improvement costs to install a traffic signal at the intersection of 16th Street and Island Avenue	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)

Mitigation Measures	Timing and Methods	Responsible Parties
proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.		
MM-C-TRA-7: Signalization of the Intersection of 16th Street and K Street. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 9 percent of the improvement costs to install a traffic signal at the intersection of 16th Street and K Street. Installation of the traffic signal will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 9 percent of the improvement costs to install a traffic signal at the intersection of 16th Street and K Street	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)
MM-C-TRA-8: Signalization of 17th Street and G Street Intersection. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 2 percent of the improvement costs to install a traffic signal at the intersection of 17th Street and G Street, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Installation of the traffic signal will require approval from the City of San Diego.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 2 percent of the improvement costs to install a traffic signal at the intersection of 17th Street and G Street	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)
MM-C-TRA-9: Restriping Left-Turn Lane on J Street. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 20 percent of the improvement costs to restripe the northbound left-turn lane along J Street at its intersection with 19th Street into a northbound left-turn and through-shared lane, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Restriping of J Street will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 20 percent of the improvement costs to restripe the northbound left-turn lane along J Street at its intersection with 19th Street	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)
MM-C-TRA-10: New Travel Lane on G Street (1 Percent Fair Share). Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-	**Timing:** Prior to issuance of occupancy permits	**Implementation:** Project Proponent

Mitigation Measures	Timing and Methods	Responsible Parties
share contribution of 1 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour for impacts occurring at the intersection of 11th Avenue and G Streets, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Conversion of on-street parking to a travel lane will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.	**Method:** Pay fair-share contribution of 1 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street	**Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)
MM-C-TRA-11: New Travel Lane on G Street (2 Percent Fair Share). Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 2 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour for impacts occurring at the intersection of Park Boulevard and G Street, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Conversion of on-street parking to a travel lane will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 2 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)
MM-C-TRA-12: New Travel Lane on G Street (1 Percent Fair Share). Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 1 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour for impacts occurring at the intersection of Park Boulevard and G Street, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Conversion of on-street parking to a travel lane will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 1 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)

Mitigation Measures	Timing and Methods	Responsible Parties
MM-C-TRA-13: New Travel Lane on G Street (3 Percent Fair Share). Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 3 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour for impacts occurring at the intersection of Park Boulevard and G Street, per the recommendations in the Downtown Mobility Plan Supplemental EIR. Conversion of on-street parking to a travel lane will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 3 percent of the improvement costs to convert the on-street parking to a travel lane on G Street between 11th Avenue and 17th Street	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)
MM-C-TRA-14: Restripe Northbound and Southbound Approaches to Imperial and 16th Street. Prior to issuance of occupancy permits, the project proponent shall provide proof to the District of payment of a fair-share contribution of 18 percent of the improvement costs to restripe the northbound and southbound approaches to the intersection of Imperial Avenue and 16th Street to include an exclusive right-turn lane in each direction. Restriping of the intersection will require approval from the City of San Diego. Should this mitigation measure be determined infeasible after consultation with the City of San Diego, the project proponent must supply evidence to the District's satisfaction to allow the project to proceed to occupancy.	**Timing:** Prior to issuance of occupancy permits **Method:** Pay fair-share contribution of 18 percent of the improvement costs to restripe the northbound and southbound approaches to the intersection of Imperial Avenue and 16th Street to include an exclusive right-turn lane in each direction	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)
Utilities and Energy		
MM-UTIL-1: Upsize the Existing West Harbor Drive Trunk Sewer Main to Accommodate Project-Generated Wastewater. Prior to occupancy and operation of the proposed market-rate hotel tower or the lower-cost visitor-serving hotel, whichever is first, the project proponent shall upsize the existing 15-inch trunk sewer main located at the intersection of West Harbor Drive and Park Boulevard to a 30-inch trunk sewer main. The financing of the upsizing may include a cost-sharing agreement with one or more parties, or any other alternative means of financing to ensure that the upsizing occurs. Alternatively, the project proponent may wait until the upgrades are completed by another entity to operate the market-rate hotel tower	**Timing:** Prior to occupancy and operation of the proposed market-rate hotel tower or the lower-cost visitor-serving hotel, whichever is first **Method:** Upsize, or show proof that, the existing West Harbor Drive trunk sewer main has been upsized	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the improvement)

Mitigation Measures	Timing and Methods	Responsible Parties
or the lower-cost visitor-serving hotel, whichever is ready for operation first. At no point shall the project proponent operate one or both prior to the trunk sewer main being upsized.		
MM-C-UTIL-1: Prepare a Waste Management Plan. Prior to issuance of the construction permits, the project proponent shall prepare a waste management plan and submit the plan to the City's Environmental Services Department for approval. The plan shall address the demolition, construction, and operation phases of the proposed project as applicable, and shall include the following. 1. A timeline for each of the main phases of the proposed plan and near-term improvements (construction and operation). 2. Tons of waste anticipated to be generated (construction and operation). 3. Type of waste to be generated (construction and operation). 4. Description of how the proposed project will reduce the generation of construction and demolition (C&D) debris. 5. Description of how C&D material will be reused on site. 6. The name and location of recycling, reuse, and landfill facilities where recyclables and waste will be taken if not reused on site. 7. Description of how the C&D waste will be separated if a mixed C&D facility is not used for recycling. 8. Description of how the waste reduction and recycling goals will be communicated to subcontractors. 9. Description of how a "buy recycled" program for green construction products will be incorporated into the proposed project. 10. Description of any ISO or other certification, if any.	**Timing:** Prior to issuance of construction permits, during project construction, during project operation **Method:** Prepare and implement a Waste Management Plan	**Implementation:** Project Proponent **Monitoring and Reporting:** Project Proponent **Verification:** District, City of San Diego (approval of the plan)