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CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK

335
11/10

RECOMMENDATIONS

COMMUNITY PLANNING GROUP /STAFF'S /PLANNING COMMISSION

Project Manager **must** complete the following information for the Council docket:

CASE NO. Resolution No.s 2007-01 through 05

STAFF'S

Please indicate recommendation for each action. (ie: Resolution / Ordinance)

Staff recommends that the City Council resolve to:

1. DENY the appeals;
2. UPHOLD the environmental determination; and
3. Make an express finding that the information submitted by the appellants does not constitute substantial evidence of substantial changes in the project or the circumstances under which the project is undertaken, or new information of substantial importance concerning the project, that would suggest the project will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

CENTRE CITY DEVELOPMENT CORPORATION (List names of Board Directors voting yea or nay)

TO: (List recommendation or action)

Adopt a resolution finding that: The Superseding Master Plan for the Navy Broadway Complex ("Project"), as submitted and dated July 2, 2007 ("Superseding Master Plan") by the Manchester Financial Group ("Developer"), is consistent with the *Agreement Between the City of San Diego and the United States of America Adopting a Development Plan and Urban Design Guidelines for the Redevelopment of the Navy Broadway Complex's* (the "Agreement's") Development Plan and Urban Design Guidelines ("Design Guidelines"), with conditions (Attachment B); that based on all the information in the record, the City of San Diego's Development Services Department's October 19, 2006 "CEQA Consistency Analysis for the Navy Broadway Complex" ("CEQA Consistency Analysis") continues to be adequate with respect to the Superseding Master Plan; and that no Subsequent or Supplemental Environmental Impact Report ("EIR") is required for the Navy Broadway Complex ("NBC") Project because no substantial changes have been proposed to the NBC Project which will require major revisions to previous EIRs, no substantial changes have occurred with respect to the circumstances under which the NBC Project is now being undertaken, and no new information, which was not known and could not have been known at the time the environmental documents prepared for the NBC Project and/or assuming implementation of the NBC Project were certified as complete has become available; **Resolution 2007-01**

- () **AS:** Maas, McNeely, LeSar, Brown
NAYS: Cruz
ABSENT: Rafflesberger and Kilkenny

Adopt a resolution finding that: CCDC Resolution 2007-1 regarding the Superseding Master Plan for the NBC Project, the recitals and findings contained therein, and the attachments thereto, are incorporated into Resolution 2007-02; and that the Basic Concept/Schematic Drawings for Building 2A, submitted and dated July 2, 2007 by the Developer, are consistent with the Agreement's Design Guidelines, with conditions; **Resolution 2007-02**

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YEAS: Maas, McNeely, LeSar, Brown
NAYS: Cruz
ABSENT: Rafflesberger and Kilkenny

Adopt a resolution finding that: CCDC Resolution 2007-1 regarding the Superseding Master Plan for the NBC Project, the recitals and findings contained therein, and the attachments thereto, are incorporated into Resolution 2007-03; and that the Basic Concept/Schematic Drawings for Building 2B, submitted and dated July 2, 2007, by the Developer are consistent with the Agreement's Design Guidelines, with conditions; **Resolution 2007-03**

YEAS: Maas, McNeely, LeSar, Brown
NAYS: Cruz
ABSENT: Rafflesberger and Kilkenny

Adopt a resolution finding that: CCDC Resolution 2007-1 regarding the Superseding Master Plan for the NBC Project, the recitals and findings contained therein, and the attachments thereto, are incorporated into Resolution 2007-04; and that the Basic Concept/Schematic Drawings for Building 3A, submitted and dated July 2, 2007, by the Developer are consistent with the Agreement's Design Guidelines, with conditions; **Resolution 2007-04, and**

YEAS: Maas, McNeely, LeSar, Brown
NAYS: Cruz
ABSENT: Rafflesberger and Kilkenny

Adopt a resolution finding that: CCDC Resolution 2007-1 regarding the Superseding Master Plan for the NBC Project, the recitals and findings contained therein, and the attachments thereto, are incorporated into Resolution 2007-05; and that the Basic Concept/Schematic Drawings for Building 3B, submitted and dated July 2, 2007, by the Developer are consistent with the Agreement's Design Guidelines, with conditions. **Resolution 2007-05**

YEAS: Maas, McNeely, LeSar, Brown
NAYS: Cruz
ABSENT: Rafflesberger and Kilkenny

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP: Centre City Advisory Committee (CCAC)

- No officially recognized community planning group for this area.
- Community Planning Group has been notified of this project and has not submitted a recommendation.
- Community Planning Group has been notified of this project and has not taken a position.
- Community Planning Group has recommended approval of this project.
- Community Planning Group has recommended denial of this project.

— This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

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Superseding Master Plan – NAVY BROADWAY COMPLEX

Motion: Moved and seconded to recommend CCDC Approval of the Master Plan for the Navy Broadway Complex as submitted and dated July 2, 2007 by the Manchester Financial Group is consistent with the Agreement's Development Plan and Urban Design Guidelines with conditions as outlined by staff's report dated July 13, 2007.

In favor: 21
Opposed: 1
Recused: 1

2A Building - NAVY BROADWAY COMPLEX (block bounded by Harbor Drive, Broadway and Pacific Highway)
Consistency Determination for the Basic/Schematic Drawings of Phase One Building for Blocks 2 and 3 of the Navy Broadway Complex Site – Proposed by Manchester Financial Group to be Developed and Constructed on the Navy Broadway Complex Site

Motion: Moved and seconded to recommend that CCDC find that the 2A building is consistent and accept the design with the conditions recommended by staff.

In favor: 9
Opposed: 5

2B Building - NAVY BROADWAY COMPLEX (block bounded by Harbor Drive, Broadway and Pacific Highway)
Consistency Determination for the Basic/Schematic Drawings of Phase One Building for Blocks 2 and 3 of the Navy Broadway Complex Site – Proposed by Manchester Financial Group to be Developed and Constructed on the Navy Broadway Complex Site

Motion: Moved and seconded to recommend that CCDC find that the 2B building is consistent and accept the design with the conditions recommended by staff and that the landscape plan reflect public art component as required by the City of San Diego for space 2A and 2B, if the option is selected by the developer.

In favor: 11
Opposed: 3

3A Building - NAVY BROADWAY COMPLEX (block bounded by Harbor Drive, Broadway and Pacific Highway)
Consistency Determination for the Basic/Schematic Drawings of Phase One Building for Blocks 2 and 3 of the Navy Broadway Complex Site – Proposed by Manchester Financial Group to be Developed and Constructed on the Navy Broadway Complex Site

Motion: Moved and seconded to recommend that CCDC find that the 3A building is consistent and accept the design with the conditions recommended by staff along with adding the following condition: further enhance and articulate the lobby entrances to Harbor Drive and the Paseo, including further articulation of the stairs on the Paseo.

In favor: 14
Opposed: 1

Building - NAVY BROADWAY COMPLEX (block bounded by Harbor Drive, Broadway and Pacific Highway)
Consistency Determination for the Basic/Schematic Drawings of Phase One Building for Blocks 2 and 3 of the Navy Broadway Complex Site – Proposed by Manchester Financial Group to be Developed and Constructed on the Navy Broadway Complex Site

Motion: Moved and seconded to recommend that CCDC find that the 3B building is consistent and accept the design with the conditions recommended by staff and add the following conditions:

1. Emphasize the entrance on the Paseo
2. Further articulate roofline
3. Enhance the loading dock structure to improve Pacific Highway frontage

In favor: 15

Opposed: 0

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By _____
Eli Sanchez, Senior Project Manager

CS-6 (03-14-07)



**Centre City
Development
Corporation**

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DATE ISSUED: October 31, 2007 REPORT NO.: CCDC-07-20

ATTENTION: Council President and City Council
Docket of November 6, 2007

ORIGINATING DEPT.: Centre City Development Corporation

SUBJECT: Navy Broadway Complex – Appeal of Environmental
Determination -- Marina and Columbia Sub Areas of the Centre
City Redevelopment Project--**PUBLIC HEARING**

COUNCIL DISTRICT: Two (2)

REFERENCE: Development Services Department (DSD) CEQA Consistency
Analysis for the Navy Broadway Complex, dated October 19,
2006; DSD Report to the City Council dated January 3, 2007;
Centre City Development Corporation (CCDC) Report dated
October 20, 2006; CCDC Report dated July 20, 2007, CCDC
Initial Study for the Superseding Master Plan and Phase I
Buildings for the Navy Broadway Complex; Final Navy Broadway
Complex Project Environmental Impact Report/Environmental
Impact Statement (Joint CEQA/NEPA document) dated October
1990, certified in October 1992; Final Master Environmental
Impact Report for the Centre City Redevelopment Project certified
in April 1992; Final Subsequent Environmental Impact Report to
the 1992 Final Master Environmental Impact Report Addressing
the Centre City Community Plan and Related Documents for the
Proposed Ballpark and Ancillary Development Projects and
Associated Plan Amendments, certified in October 1999; North
Embarcadero Visionary Plan Final Environmental Impact Report,
certified in March 2000; Final Downtown Community Plan
Environmental Impact Report in Conjunction with a new
Downtown Community Plan, New Centre City Planned District
Ordinance and Tenth Amendment to the Redevelopment Plan for
the Centre City Redevelopment Project, certified in February 2006.

STAFF CONTACT: Eli Sanchez, Senior Project Manager–Real Estate
(619) 533-7121

OWNER: United States Navy
APPLICANT: Manchester Financial Group
APPELLANTS: 1) San Diego Navy Broadway Complex Coalition
2) Katheryn Rhodes and Conrad Hartsell, M.D.

REQUESTED ACTION:

San Diego City Council denial of the appeals thereby upholding CCDC's determination that no additional environmental review is necessary for the proposed Navy Broadway Complex project. Pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), the City Council certified an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for this project on October, 20, 1992 ("1992 Final EIR/EIS"). The project is located within the Centre City/Downtown Community Planning Area.

STAFF RECOMMENDTION:

That the San Diego City Council ("City Council"):

1. Deny appeals by the San Diego Navy Broadway Complex Coalition and Katheryn Rhodes and Conrad Hartsell, MD;
2. Uphold the environmental determination that no additional environmental review is necessary for the proposed Navy Broadway Complex ("NBC") project; and
3. Make an express finding that the information submitted by the appellants does not constitute substantial evidence of substantial changes in the project or the circumstances under which the project is undertaken, or new information of substantial importance concerning the project, that would suggest the project will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

SUMMARY:

The only issue before the City Council is the appeal of the environmental findings (collectively the "environmental determination") made by CCDC on July 25, 2007 that:

1. Based on all the information in the record DSD's October 19, 2006 CEQA Consistency Analysis for the Master Plan for the NBC project (Attachment A) continues to be adequate with respect to the most recent Superseding Master Plan for that project;
2. No Subsequent or Supplemental EIR is required for the NBC project because no substantial changes have been proposed to the project that will require major revision to previous EIRs, no substantial changes have occurred with respect to the circumstances under which the NBC project is now being undertaken, and no information, which was not known and could not have been known at the time the 1992 Final EIR/EIS, the 1992 Final Master EIR for the Centre City Redevelopment Project, the 1999 Final Subsequent EIR for the Ballpark and Ancillary Development Projects, the 2000 North Embarcadero Visionary Plan EIR, and the 2006 Downtown Community Plan Final EIR were certified as complete, has become available.

BACKGROUND:

The NBC is a 14.7-acre site located on land owned by the federal government near the downtown San Diego waterfront. The complex currently consists of approximately 361,000

square feet (SF) of U.S. Navy administrative office space and 500,000 SF of warehouse space. The site houses the Commander, Navy Region Southwest, the Navy Fleet Industrial Supply Center and other Navy administrative activities. The four-block site is presently fenced and secured, and restricts access from downtown San Diego to the waterfront.

In 1987, through Public Law (P.L.) 99-661, Congress authorized the U.S. Navy to enter into a long-term lease(s) with one or more private developers who would develop private uses on parts of the site, with Navy administrative space developed on other parts of the site. A key objective of P.L. 99-661 was to encourage private land uses that are compatible with Navy administrative uses and surrounding land uses. The Navy and the City of San Diego ("City") signed a Memorandum of Understanding ("MOU") in June 1987 to help implement P.L. 99-661. The MOU specified that the Navy and the City would enter into an agreement for the future redevelopment of the NBC site and that the development agreement would include a development plan, urban design guidelines, and phasing for the project. Absent an approved development agreement, the City would have no land use planning, regulatory, or other authority/jurisdiction over the redevelopment of the NBC.

Pursuant to the MOU, in 1992 the City and the Navy executed the *Agreement between the City of San Diego and the United States of America Adopting a Development Plan and Urban Design Guidelines for the Redevelopment of the Navy Broadway Complex* ("Development Agreement"). The Development Agreement defines and specifies the future redevelopment of the NBC, and includes a Development Plan and Urban Design Guidelines, which were adopted to ensure the construction of a high-quality development that achieves community objectives for the waterfront site. The Development Agreement also requires adherence to the Mitigation and Monitoring Program that was prepared as part of the 1992 Final EIR/EIS.

The Development Agreement contemplates a maximum total of 3.25 million SF of above-grade development. Within the total maximum of 3.25 million SF, the Development Agreement allows for a maximum of 1.65 million SF of office space, of which 1 million SF are reserved for Navy use, a maximum of 1.22 million SF of hotel uses, including support retail, restaurant, and entertainment uses, a maximum of 25,000 SF of retail space, a maximum of 55,000 SF of public attractions, and a maximum of 300,000 SF of above-ground parking. The Development Agreement also requires a minimum of 1.9 acres of public open space. Precise mix and block-by-block location of allowable land uses were not specified by the Development Agreement. However, the 1992 Final EIR/EIS provided a conceptual illustration of the proposed redevelopment that detailed block-by-block uses.

Due to unfavorable market conditions in downtown San Diego, the NBC project was on hold for several years following the approval of the Development Agreement. In late 2001, at the Navy's request, and to prevent the entitlement from expiring, CCDC staff processed an amendment to the Development Agreement to extend its deadline for one year. The extension was to allow time for consideration of alternative strategies to move the NBC project forward. The City Council approved the amendment to the Development Agreement, which changed the expiration date from January 1, 2002 to January 1, 2003. Again in November 2002, the Navy and the City extended the expiration date from January 1, 2003, to January 1, 2007. During the 2005 Base Realignment and Closure ("BRAC") process, the BRAC Commission elected to allow the Navy

to continue seeking development opportunities under the Development Agreement. The Navy was given until the January 1, 2007 deadline to enter into a long-term lease for redevelopment of the site, or the property would be closed under the BRAC process.

On March 31, 2006, the Navy selected Manchester Financial Group and Manchester Pacific Gateway, LLC ("Developer") as the developer for the NBC project. Manchester was selected through an extensive "Request for Qualifications/Proposals" process conducted by the U.S. Navy. The Navy will continue to own the property with the Developer holding a long-term ground lease.

The Development Agreement requires each design phase of the NBC project, including future phases, to be submitted to CCDC for a consistency review and determination, according to the project's Development Plan and Urban Design Guidelines. Each design stage of the project must be approved by CCDC for conformity to the standards and initial consistency determination, and reviewed to determine how the conditions imposed in connection with the previous submissions have been accommodated. CCDC's determination must not be unreasonably withheld and may not require any change which is inconsistent with the 1992 Final EIR/EIS. CCDC reviews proposals for consistency with the North Embarcadero Visionary Alliance Plan ("Visionary Plan"), which the Navy formally adopted in the 2003 Amendment to the Development Agreement.

The Developer first submitted a master plan ("First Master Plan") and proposals for the Navy Administration Building to CCDC for a consistency determination in May 2006. On October 25, 2006 the CCDC Board of Directors ("Board") considered the Developer's application and voted to approve staff recommendations with respect to such determinations, subject to limited modifications and additions. Specifically, the Board determined that the First Master Plan was consistent with the Design Guidelines, subject to conditions; but the proposals for the Navy Administration Building were not. The Board also voted to adopt DSD's October 19, 2006 *CEQA Consistency Analysis for the Navy Broadway Complex* ("DSD CEQA Consistency Analysis"). The DSD CEQA Consistency Analysis considered whether a Subsequent or Supplement EIR was required for the NBC project pursuant to Public Resources Code section 21166. The analysis concluded that the NBC project was adequately addressed in prior environmental documents that were certified for the NBC project and for other projects in the vicinity and that appropriate mitigation for the project's impacts had been identified. DSD therefore concluded that a Subsequent or Supplemental EIR was not required before CCDC's approval of the First Master Plan for the NBC project. Two separate appeals were filed to the City Council challenging the DSD CEQA Consistency Analysis and challenging CCDC's approval and adoption of the CEQA Consistency Analysis. Following a public hearing, the City Council denied both appeals on January 9, 2007 and upheld the environmental determinations.

Although a master plan for the NBC project had been approved by CCDC, on July 2, 2007, the Developer submitted a new *Master Plan and Phase 1 Buildings Basic Concept/Schematic Drawings [of Blocks 2 and 3] for the Navy Broadway Complex Project* ("Superseding Master Plan and Phase I Buildings"). The Superseding Master Plan and Phase I Buildings replace and supersede the First Master Plan, which had been approved by CCDC, and previous building schematics, which had been submitted to CCDC, but not approved. As required by the

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Development Agreement, CCDC undertook a consistency analysis for the Superseding Master Plan and Phase I Buildings. On July 25, 2007, the CCDC Board adopted findings that the Superseding Master Plan and Basic Concept Schematic Drawings are consistent with the Design Guidelines, subject to recommended conditions. The Board also adopted findings that the DSD CEQA Consistency Analysis continues to be adequate with respect to the Superseding Master Plan and that, pursuant to Public Resources Code section 21166, no Subsequent or Supplemental EIR is required for the project. (Resolutions 2007-1 through 2007-5 (executed July 25, 2007).)

PROJECT DESCRIPTION:

The proposed activity for the purposes of conducting the CEQA analysis is the approval of the Superseding Master Plan and Phase I Buildings for the NBC project. The purpose of the Superseding Master Plan is to provide a long-term outline for implementing the 1992 Development Agreement. The Superseding Master Plan is intended to be consistent with the NBC Development Agreement, conform to the Downtown Community Plan, and advance the policies and goals of the Visionary Plan and the objectives of the Centre City Redevelopment project. The Superseding Master Plan is designed to incorporate the fundamental elements of the Central Bayfront Design Principles (view corridors, waterfront public access and stepping development "down" to the Bay), which were later incorporated into the North Embarcadero Visionary Alliance Plan. The NBC project boundaries remain the same and all the components of the original project have been carried forward that were identified in the Development Agreement and analyzed by the 1992 Final EIR/EIS and other environmental documents for projects in the vicinity. The main components of the Superseding Master Plan include:

- A maximum of 2,893,434 gross square feet of above-grade development. This figure is 356,566 gross square feet less than the maximum building area allowed under the Development Agreement.
- 25,000 SF of independent retail space;
- 1,181,641 SF (1,575 rooms) of hotel space;
- 1.9 acres of open space;
- Museum space in two locations on Block 4 with a combined total square footage of 40,000. This is the minimum gross square feet of public attractions, such as museums, allowed under the Development Agreement.
- 2,988 parking spaces to serve the allocation of uses in the Project. This is 50 spaces less than the Final EIR/EIS estimation of 3,038 on-site parking spaces to be allowed with full build out of the Project; but is consistent with the parking ratios set forth in the Development Agreement and is more than required by the Centre City Planned District Ordinance section 151.0313 for non-residential off-street parking.

The following is a comparison of the uses approved with the Development Agreement in 1992 with the 2007 proposed NBC Project:

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Project component	Minimum or Maximum per 1992 Development Agreement	Proposed 2007 Superseding Master Plan	<i>Difference</i>
Office	1,650,000 sf Max	1,646,793 sf	-3,207 sf
Hotel	1,220,000 sf Max (1,500 rooms Max)	1,181,641 sf (1,575 rooms)	-38,359 sf (+75 rooms)
Retail	25,000 sf Max	25,000 sf	--
Public Attraction	40,000 sf Min 55,000 sf Max	40,000 sf	--
Total sf	3,250,000 sf Max	2,893,434 sf	-356,566 sf
Open Space	1.9 acres Min	1.9 acres	--
Parking	3,038 Max	2,988	-50

The Phase I Buildings Basic Concept/Schematic Drawings consist of independent consistency reviews of four individual buildings within the NBC project proposed for Blocks 2 and 3. These building plans are summarized as follows:

- Building 2A: A 13-story, 200-foot tall building containing 296,535 square feet of office space and supporting retail space.
- Building 2B: A 28-story, 350-foot tall building containing 384,324 square feet of office space and 555,826 square feet of hotel space (approximately 943 rooms), including supporting retail space.
- Building 3A: A 10-story, 150-foot tall building containing 195,070 square feet (approximately 193 rooms) plus 16,000 square feet of independent retail space.
- Building 3B: A 17-story, 250-foot building containing 351,000 square feet of Navy office space.

ENVIRONMENTAL REVIEW:

CEQA requires any government agency that must approve a project to prepare an EIR if the project will have a significant effect on the environment. In 1992, the City certified the 1992 Final EIR/EIS and adopted a Mitigation and Monitoring Program to govern implementation of mitigation adopted for the NBC project. The City was the lead agency on the EIR and retains CEQA responsibilities as outlined in the Development Agreement. The information contained in the 1992 Final EIR/EIS reflects the independent judgment of the City of San Diego as the Lead Agency and has been reviewed and considered by CCDC before approving the Superseding Master Plan and Phase I buildings for the NBC Project.

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The Final EIR/EIS is presumed to comply with the provisions of CEQA “unless the provisions of Section 21166 are applicable.” (See Pub. Resources Code, § 21167.2.) Section 21166 provides that no Subsequent or Supplemental EIR shall be prepared unless one or more of the following events occurs:

- Substantial changes are proposed in the project which will require major revisions of the Environmental Impact Report;
- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the Environmental Impact Report; or
- New information, which was not known and could not have been known at the time the Environmental Impact Report was certified as complete, becomes available. (Pub. Resources Code, § 21166, subs. (a)-(c).)¹

The Development Agreement vests with CCDC approval power, in the form of the consistency review and determination, over some aspects of the overall NBC project for which the City, as lead agency, has conducted CEQA review. Based on its limited approval power over the project, CCDC understands its role in this process to be akin to that of a responsible agency under CEQA. (See Pub. Resources Code, § 21069; CEQA Guidelines, §§ 15096, 15381.) CEQA requires that after approval by a lead agency, a project requires subsequent approval from a responsible agency, the latter cannot act until it has “considered” the environmental effects of the project as described in the certified final EIR. (CEQA Guidelines, § 15096, subd. (f).) CCDC has considered the environmental effects described in the 1992 Final EIR/EIS, as well as those described in later final environmental impact reports that assumed implementation of the NBC project, including the 1992 Final Master EIR for the Centre City Redevelopment Project that assumed implementation of the NBC Project, including the 1999 Final Subsequent EIR for the Ballpark and Ancillary Development Projects, the 2000 North Embarcadero Visionary Plan Final EIR, and the 2006 Downtown Community Plan Final EIR. In addition, CCDC has considered the environmental consequences of implementing the Superseding Master Plan to determine whether the NBC project requires a Subsequent or Supplemental EIR under Public Resources Code section 21166.

At a local level, section 128.0209 subdivision (b) of the City’s Land Development Code (LDC) states that if a previously certified document is to be used, DSD shall provide the decision-making body (here CCDC and the City Council) with an explanatory letter stating that none of the conditions specified in the State CEQA Guidelines, section 15162 (implementing section 21166 of the CEQA statute) exist. The LDC section further provides that an EIR prepared in connection with an earlier project may be used for a later project, if the circumstances of the projects are essentially the same and consistent with the State CEQA Guidelines, Section 15153. Before CCDC made its final consistency determinations on the First Master Plan, DSD conducted a section 21166 analysis for the NBC project and submitted an explanatory letter to CCDC and the City Council detailing its conclusions. (DSD (Oct. 19, 2006) *CEQA Consistency Analysis for the Navy Broadway Complex* (“DSD CEQA Consistency Analysis”).)

¹/ The CEQA statute is implemented through the “CEQA Guidelines” at Title 14, Ca. Code Regs, § 15000 et seq. The Guidelines applicable to Pub. Resources Code § 21166 are sections 15162 – 15164.)

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The DSD CEQA Consistency Analysis concluded that the conditions listed in CEQA section 21166, triggering subsequent or supplemental environmental review, were not present and that no further environmental documentation needed to be prepared. Specifically, the DSD CEQA Consistency Analysis determined that the proposed NBC project, as outlined by the First Master Plan, was substantially the same as the project assumed in the 1992 NBC Project EIR/EIS, and that subsequent environmental documents covering the downtown area assumed the development contemplated for the NBC Project and have updated the impacts analyses for potentially affected resource areas, such as transportation and parking, air quality, land uses, cultural resources, and others.

On October 25, 2006, the CCDC Board adopted Resolution 2006-03, adopting the DSD CEQA Consistency Analysis. Following CCDC's approval and adoption of the DSD CEQA Consistency Analysis, two separate appeals were filed to the City Council challenging the DSD CEQA Consistency Analysis and challenging CCDC's approval and adoption of the CEQA Consistency Analysis. Both appeals challenged the conclusions adopted by DSD and CCDC that none of the three conditions in CEQA Section 21166 were present and therefore no Subsequent or Supplemental EIR was required for the NBC project. Following a public hearing on January 9, 2007, the City Council voted to:

- 1) deny the appeals;
- 2) uphold the environmental determination;
- 3) make an express finding that the information submitted by the appellants does not constitute substantial evidence of substantial changes in the project or the circumstances under which the project is undertaken, or new information of substantial importance concerning the project, that would suggest the project will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- 4) direct the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

As noted, following CCDC's consistency determination on the First Master Plan and its determination that the proposed Navy Administration Building was inconsistent with the Development Agreement's Design Guidelines, the Developer submitted a Superseding Master Plan and Phase 1 Buildings Basic Concept/Schematic Drawings on July 2, 2007. Although certain aspects of the project's layout and aesthetic elements differ slightly from the First Master Plan, CCDC has determined that the project is similar and recent enough to the First Master Plan, in terms of the environmental consequences, that the DSD CEQA Consistency Analysis remains valid and applicable to the Superseding Master Plan. Circumstances of the surrounding environment have not substantially changed since the DSD CEQA Consistency Analysis was upheld by the City Council in January 2007, and only minor differences exist between the two master plans. Nevertheless, CCDC took the conservative approach of considering whether the criteria in Public Resources Code section 21166 were present with respect to the Superseding Master Plan. (See CCDC Staff Report issued July 20, 2007 regarding the Consistency Determination for the NBC Superseding Master Plan and Phase 1 Buildings).

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Prior to approving the Superseding Master Plan, CCDC staff considered and reviewed DSD's CEQA Consistency Determination for the First Master Plan and Navy Administration Building and prepared an "Initial Study" for the Superseding Master Plan and Phase I Buildings to determine whether the criteria of section 21166 were present. CCDC staff concluded that none of the conditions described by section 21166 of CEQA were met with respect to the Superseding Master Plan and Phase I Buildings.

On July 25, 2007, the CCDC Board adopted findings that the Superseding Master Plan and Phase I Buildings Basic Concept/Schematic Drawings are consistent with the Design Guidelines, subject to recommended conditions. (Resolutions 2007-1 through 2007-5 (executed July 25, 2007).) At that same time the Board readopted the DSD CEQA Consistency Analysis prepared for the First Master Plan, finding that the DSD's analysis continues to be adequate with respect to the Superseding Master Plan and Phase I Buildings. (*Ibid.*) Based on the DSD CEQA Consistency Analysis and the supplemental material provided by CCDC Staff, including the Initial Study, the Board adopted findings that under CEQA section 21166, a Subsequent or Supplemental EIR need not be prepared for the NBC project. (*Ibid.*)

ENVIRONMENTAL APPEALS:

Public Resources Code section 21151 subdivision (c), provides "if a nonelected decision making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any."

Two separate appeals have been filed challenging CCDC's July 25, 2007 environmental determination for the NBC project Superseding Master Plan and Phase I Buildings. The first appeal was filed on August 1, 2007 by Katheryn Rhodes and Conrad Hartsell M.D. The second appeal was filed on August 6, 2007 by Briggs Law Corporation on behalf of the San Diego Navy Broadway Complex Coalition.

The following is a summary of the issues raised in the appeals with staff's responses. The following also addresses past objections raised to the First Master Plan adopted for the NBC project. In responding to the issues raised in the instant appeals, CCDC does not concede that appellants, either individually or collectively, presented sufficient information and/or evidence to exhaust their respective administrative remedies with respect to the specific issues raised in the appeals. CCDC, moreover, does not concede that appellants, either individually or collectively, have exhausted their administrative remedies on any issue not specifically raised in their respective appeals of CCDC's environmental determination for the Superseding Master Plan. Nor does CCDC waive the right to any claim or defense that the appellants, either individually or collectively, failed to exhaust their administrative remedies on the issues discussed below. Indeed, the San Diego Municipal Code requires an application for an appeal of an environmental determination to contain "[t]he specific grounds, clearly identified, upon which the appellant claims the lower decision maker's *environmental determination* was made in error. All grounds must be specified in the appeal. Any grounds not stated in the appeal will not be considered." (San Diego Municipal Code, § 112.0510 subd. (c)(3), italics original.) However, in anticipation

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of issues that might be raised by appellants at or before the hearing, CCDC has prepared responses to several objections previously raised to the NBC project.

Katheryn Rhodes and Conrad Hartsell, M.D. Appeal (Attachment B)

CEQA Compliance – The Appeal states CCDC violated CEQA when it approved the Superseding Master Plan and Phase I Buildings for the NBC Project. The Appeal states that there is new information and changed circumstances with respect to the NBC project that require subsequent environmental review under CEQA. Apart from simply listing issues related to parking standards, the location of the museum, geology and seismicity, the Coastal Commission, financial impacts and public safety (addressed below), the Appeal does not provide further specific bases upon which the Appellants believe CCDC violated CEQA.

Staff Response – CEQA states that “[t]he purpose of an [EIR] is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (Pub. Resources Code, § 21061.) Public agencies must refrain from approving projects with significant environmental effects if “there are feasible alternatives or mitigation measures” that can avoid or substantially lessen those effects. (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 134.) Here, prior to approving the Development Agreement, the City prepared an EIR for the NBC project thoroughly analyzing the environmental consequences of the NBC project and providing alternatives and mitigation measures that would avoid or substantially lessen significant environmental effects associated with the project. Subsequent to the preparation of the 1992 Final EIR/EIS, the City adopted a Mitigation and Monitoring Program incorporating the mitigation measures identified in the EIR/EIS. The City and the Developer are required to implement the Mitigation and Monitoring Program.

When an agency prepares an EIR for a project, it is presumed that no further environmental review shall be required to carry out the project for which the document has been prepared. (Pub. Resources Code, § 21166; CEQA Guidelines, § 15162.) In some instances, however, a change to a proposed project or its surrounding circumstances necessitates the preparation of a Subsequent or Supplemental EIR. (Pub. Resources Code, § 21166; CEQA Guidelines, §§ 15162, 15163.) The circumstances requiring preparation of a Subsequent or Supplemental EIR are set forth in Public Resources Code, section 21166 (discussed above).

Roughly 16 years have passed since the City certified the 1992 Final EIR/EIS, and downtown San Diego has experienced considerable growth in the intervening years. In addition, minor changes have been made to the project in terms of layout and intensity of allowed uses. Therefore, prior to taking discretionary action on the First Master Plan, CCDC requested DSD to perform a section 21166 analysis and CCDC staff considered whether the circumstances of section 21166 had occurred. Again, prior to taking discretionary action on the Superseding Master Plan, CCDC considered the DSD CEQA Consistency Analysis and whether the circumstances of section 21166 had occurred. Based on DSD’s CEQA Consistency Analysis, and information provided by CCDC staff, including the Initial Study, the CCDC Board

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determined that none of the circumstances listed in CEQA section 21166 apply with respect to the Superseding Master Plan.

Notably, CEQA section 21166 does not require preparation of a Subsequent or Supplemental EIR unless project changes or new circumstances are so “[s]ubstantial” as to require “major revisions” in the EIR. (Pub. Resources Code, § 21166, subd. (b), emphasis added; *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 166, 170, 175, 180.) That is not the case with the NBC project. The elements of the Development Agreement and the elements proposed in the Superseding Master Plan are virtually the same in terms of use and intensity. The gross square footage proposed in the Superseding Maser Plan is slightly less than approved in the Development Agreement and all required elements included in the Development Agreement have been incorporated into the current design. Although minor changes in terms of placement of buildings have been made to the project analyzed as “Alternative A” in the EIR/EIS, these changes do not result in any new impact. Any changes which have been made in terms of project components and requirements are not so substantial as to require major revisions to the previously certified EIR/EIS.

CCDC does not disagree that changes have occurred in the downtown area over the past fifteen years. However, the currently proposed NBC project was assumed as fully built-out and therefore anticipated in the environmental impact reports prepared for several subsequent development projects within the Centre City area. While it is true that there has been an increase in traffic since 1992, the mitigation measures contained in 1992 Final EIR/EIS and for any other project related environmental document in Centre City would still be necessary to alleviate the current congestion situation. There is no new information available that was not part of the 1992 Final EIR/EIS and/or considered with subsequent environmental reviews of other projects. It was and continues to be assumed that the downtown area, including the NBC, would be built out according to adopted land use plans. Because in-depth environmental review has occurred for the NBC project and mitigation measures identified to lessen or reduce to a level of significance any significant environmental impacts associated with the project, a Subsequent or Supplemental EIR is not required. Circumstances have not changed enough to justify repeating the environmental review process for the NBC project. (See Pub. Resources Code, § 21166, CEQA Guidelines §§ 15162, 15163; *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065, 1073 [“Section 21166 comes into play precisely because in-depth review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired [citation], and the question is whether circumstances have *changed* enough to justify *repeating* a substantial portion of the process.” (italics original).].)

Parking Standards – With respect to parking, the Appeal states only that “CCDC lowered the parking standards.” The Appeal does not provide further information or clarification as to what specific concerns the Appellant has with respect to parking, making it difficult to formulate a response.

Staff Response – The Development Plan and Design Guidelines govern the development of the site, including the amount of parking to be provided. These requirements are vested in the Development Agreement and are not superseded by subsequent City-wide adopted ratios or

zoning regulations adopted within the Centre City Planned District Ordinance. Specifically, the Development Plan and Design Guidelines set forth the following parking ratio requirements:

- Navy Office: 1.23 spaces/1000 sf
- Commercial Office: 1.00 space/1,000 sf
- Hotel: 0.75 spaces/room
- Retail: 1.00 spaces/ 1,000 sf;

The Superseding Master Plan proposes 2,988 parking spaces and is consistent with the Development Agreement's parking requirements (listed above).

The 1992 Final EIR/EIS acknowledged that no minimum or maximum parking requirements had been established for the downtown area at the time the City approved the Development Agreement. However, the 1992 Final EIR/EIS thoroughly evaluated parking demand for the project and concluded that with the availability of transit in the downtown area and the adoption of a Transportation Demand Management Plan (required for each phase of the project), the development would provide an adequate amount of on-site parking and there would be no reliance on off-site parking facilities to meet parking demand. This conclusion is further bolstered by the North Embarcadero Visionary Plan Master EIR, which determined that with implementation of the parking management plan outlined in the mitigation measures for the Visionary Plan, significant impacts associated with parking will be reduced to a less-than-significant level, with no residual impact that could contribute to a cumulative effect. With respect to the NBC project, the Visionary Plan Master EIR concluded that the NBC will provide adequate on-site parking and therefore, is not expected to compete with other projects in the vicinity for public parking.

Since the time the 1992 Final EIR/EIS was certified, the City has adopted parking space requirements for development within the Centre City Planned District through the Centre City Planned District Ordinance (PDO). As the PDO expressly provides:

Where lands are subject to the jurisdiction of other agencies and organizations, including the *United States Government*, State of California, San Diego Unified Port District, or County of San Diego, any superseding authority of those agencies shall apply." (PDO, § 151.0301 subd. (b), emphasis added.)

The NBC is under the jurisdiction of the United States government. Although the Development Agreement provides the City and CCDC with limited jurisdiction over the property, that jurisdiction is limited to the terms of the Development Agreement. As such, the PDO does not apply to the redevelopment of the NBC. Because the parking proposed in the Superseding Master Plan is consistent with the parking requirements of the Development Agreement, CCDC did not lower applicable parking standards in approving the Superseding Master Plan for the NBC project.

The PDO's establishment of parking requirements does not constitute a substantial change in the circumstances under which the NBC project is being undertaken which would require major revisions in the EIR/EIS. The Superseding Master Plan actually proposes more parking spaces

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than would be required under the PDO. Specifically, the PDO imposes the following parking requirements:

- Commercial Office: 1.5 spaces/1,000 sf
- Hotel: 0.3 space/guest room
- Retail: 1.00 spaces/1,000 sf

Based on the ratios set forth in the PDO, the land uses identified in the Superseding Master Plan would require a total of 2,968 spaces. The Superseding Master Plan calls for 2,988 parking spaces. Therefore, the minimum parking requirement for the Centre City Planned District is 20 spaces fewer than the required number of spaces required under the Development Agreement. For this reason, and although the PDO does not apply to the Navy Broadway Complex site, the adoption of the PDO does not constitute new information of substantial importance necessitating the need for a new EIR for the Navy Broadway Complex project. (See Pub. Resources Code, § 21166; see also *Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 799 [finding parking impacts of legislation giving residential users preferential parking did not require an EIR because “it cannot be inferred . . . that the legislation may have any environmental impact . . . [because] evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.”].)

Location of the Museum – The Appeal states CCDC “moved the location of the museum.” The Appeal does not provide reasons why appellants believe any change in the museum’s location would constitute new information or a change in the NBC project requiring a Subsequent or Supplemental EIR, making it difficult to formulate a response.

Staff Response – For the purposes of the 1992 Final EIR/EIS, the preferred alternative (Alternative A) assumed the museum would be located on Block 2, rather than Block 4, as proposed by the Superseding Master Plan. As explained in the 1992 Final EIR/EIS, however, the “precise mix and location (by block) of land uses would be determined by market conditions.” (EIR/EIS, p. 3-8.) Moreover, the adopted Development Agreement does not identify block-by-block locations of the allowable uses. Locating the museum on Block 4, rather than Block 2 as shown in the illustrations included in the EIR/EIS, does not rise to a level of significance warranting further review under CEQA. The project currently proposed for the NBC site is located within the same footprint as originally analyzed in the 1992 Final EIR/EIS. The project boundaries are the same and all components of the original project have been carried forward that were identified in the EIR/EIS and the Development Agreement. The Superseding Master Plan still provides 40,000 SF of museum and public attractions, as well as 1.9 acres of open space, 25,000 SF of retail space, 1.2 million SF of hotel space, and extensions of Streets E, F and G through the project site.

Geology and Seismicity – The Appeal lists, but does not explain, several areas of concern relative to geology and seismicity of the Navy Broadway Complex. Each of the topic areas are identified separately with responses provided.

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a. Compliance with the Alquist-Priolo Fault Zoning Act of 1972, the Seismic Hazards Mapping Act of 1990 and City of San Diego policies and guidelines

The Appeal states “CCDC violated the Alquist-Priolo Earthquake Fault Zoning Map and the Seismic Hazards Mapping Act in taking action on the matters that were the subject of Item 10 on CCDC’s meeting agenda for July 25, 2007.” The Appeal states that, “under the Alquist-Priolo Earthquake Fault Zoning Act and Seismic Hazards Mapping Act, subsequent geological reports may be required when new geological data is obtained.” The Appeal also asserts that “CCDC did not follow the City of San Diego’s own Guidelines and Information Bulletins on requiring an adequate fault investigation on liquefiable soils before being allowed to look at the plans, let alone approve the Superseding Master Plan.”

Staff Response – The Alquist-Priolo Fault Zoning Act of 1972 (Alquist-Priolo Act) (Pub. Resources Code, §§ 2621-2630) addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The main purpose of the Alquist-Priolo Act is to prevent construction of buildings for human occupancy on the surface trace of active faults. The law requires the State Geologist to establish regulatory zones (Earthquake Fault Zones) around the surface traces of the active faults and to issue appropriate maps. These maps (Alquist-Priolo Maps) are distributed to affected cities, counties and state agencies for their use in planning and controlling new or renewed construction. Local cities and counties must regulate certain development projects, within the zones, which includes withholding permits until geologic investigations demonstrate that development sites are not threatened by future surface displacement. Projects include all land divisions and most structures for human occupancy.

The Seismic Hazards Mapping Act of 1990 (Pub. Resources Code, §§ 2690-2699.5) addresses non-surface fault rupture earthquake hazards, including liquefaction and seismically induced landslides. The purpose of the Act is to protect public safety from the effects of strong ground shaking, liquefaction, landslides, or other ground failure, and other hazards caused by earthquakes. The Act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. The Seismic Hazard Zone Maps identify where a site investigation is required and determines whether structural design or modification of the project site is necessary to ensure safer development. Notably, a Seismic Hazard Map has not yet been prepared for the City of San Diego, and therefore this Act is inapplicable to the NBC project.

Despite the fact that the NBC is located in a seismically active region of California, the NBC site itself is not located within a State designated Alquist-Priolo Earthquake Fault Zone and no active faults are known to underlie the site.² According to the California Geological Survey *Alquist-*

^{2/} Source: Geocon, Geotechnical and Geologic Fault Investigation prepared for Manchester Pacific Gateway, LLC for the Navy Administration Building Phase 1, July 12, 2006. Although the Navy Administration building Phase 1 was not approved by CCDC, at that time, the Geotechnical and Geologic Fault Investigation prepared for the building indicates that no active fault underlies the project site. The Geotechnical Report has not been formally reviewed and approved by the City. In compliance with state law and local regulation, additional Geotechnical and Geologic Fault Investigations will be prepared prior to any issuance of a building permit or grading permit for the NBC Project.

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Priolo Earthquake Fault Zone Map, Point Loma Quadrangle effective May 1, 2003, the closest active fault (a portion of the Rose Canyon Fault zone) is mapped approximately 2,500 feet east of the site. As with all of downtown, however, the Project site is located within the Downtown Special Fault Zone (DSFZ), Geologic Hazard Category Zone (HCZ) 13. (San Diego Seismic Safety Study (1995 edition) Sheet 3.) Sites located in HCZ 13 are identified as being within the limits of suspected faults. (San Diego Municipal Code, Footnote 3 to Table 145-02A), which is consistent with the description of the site in both the 1992 EIR/EIS. (1992 EIR/EIS, p. 4-145.) The site is also located in HCZ 31 under the San Diego Municipal Code, indicating that, as discussed in the 1992 Final EIR/EIS, the site is at risk for liquefaction.

CCDC's consistency determination does not trigger the City's requirements for submission of a geotechnical report. As relevant to the NBC project, the City requires submission of geotechnical reports for projects located in HCZ 13 and HCZ 31 (such as the NBC site) before approval of a grading permit and/or building Permit. (City of San Diego, Information Bulletin 515, (Oct. 2006); City San Diego Land Development Code, § 145.0203, Table 145-02A.) The Development Agreement grants the City, and not CCDC, the authority to issue building and related permits for structures not to be occupied by the Navy. Although construction, grading and excavating phasing of the NBC Project has yet to be determined,³ at a minimum, site-specific geotechnical studies will be performed prior to the City's issuance of building and/or grading permits. (See *Ibid.*) Thus, and consistent with the conclusions of the 1992 Final EIR/EIS and the 2006 Community Plan EIR, design and construction conducted in conformance with the federal building codes, the San Diego Municipal Code, the Uniform Building Code, and the recommendations contained in the site-specific geotechnical studies will reduce any potential impacts related to liquefaction, lateral spreading, subsidence, and/or collapse to less than significant. (1992 Final EIR/EIS, p. 4-147; 2006 Downtown Community Plan Final EIR, p. 5.5-9.) Accordingly, no Subsequent or Supplemental EIR is required. (See CEQA Guidelines, § 15162 subd. (a)(2).)

b. Fault Buffer Setbacks – The Appeal states that CCDC did not “know” the required fault buffer setback and that CCDC is “charged with establishing legal and adequate setbacks.” As with the other issues raised in the Appeal, the Appeal does not provide any specific information clarifying the Appellants' concerns regarding fault buffer setbacks, making it difficult to formulate a response.

Staff Response – Under the Alquist-Priolo Act, if a proposed development is within an Earthquake Fault Zone, a developer must perform a geologic investigation to determine whether the construction project area is underlain by active earthquake faults. If an active fault is found, new buildings are required to be set back from the fault. Generally, setback widths are 50 feet from either side of the fault, though setback widths may be smaller or larger, depending on the nature of the fault. The NBC site is not within an Alquist-Priolo Earthquake Fault Zone.

³/ The Development Agreement sets forth a process by which the Developer is to provide the City with a preliminary schedule under which the developer will seek to obtain building and related permits. (Development Agreement, § 5.6.)

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Additionally, though not formally reviewed and approved by the City, the geotechnical and geologic fault investigation performed for the formerly proposed Navy Administration Building Phase 1 in July 2006 indicated that no active or potentially active fault transects the NBC site. However, because the project site is within HCZ 13 and HCZ 31, prior to the issuance of a building and/or grading permit for the NBC Project, a site-specific geotechnical study will be required. (San Diego Municipal Code, § 145.0203.) If the geotechnical study identifies an active fault beneath the NBC site, set backs requirements will be imposed and the development plans for the NBC project will be modified accordingly.⁴

c. CEQA Analysis of New Information or Changed Circumstances

The Appeal states that CCDC violated CEQA when it made its Consistency Determination for the Superseding Master Plan and Phase I Buildings. The Appeal states that “there is new information and changed circumstances with respect to the Navy Broadway Complex that requires subsequent environmental review.” Although the Appeal does not state the “new information and changed circumstances” relates to geology or seismicity, in the interest of providing a thorough response, that potential concern is addressed as follows:

Staff Response – The 1992 Final EIR/EIS thoroughly evaluated potential impacts from the proposed project related to geology and seismicity. Specifically, the EIR/EIS includes a discussion addressing the faulting and seismicity impacts associated with the Rose Canyon Fault Zone, which at the time was considered to present a significant seismic hazard to the coastal San Diego area. In addition, the EIR/EIS addressed the potential for liquefaction resulting from loose, sandy, water-saturated soils subjected to strong seismic ground motion of significance and explains that the site would not be at greater risk of liquefaction than other adjacent areas along the bay. The document fully disclosed the potential for strong seismic ground shaking resulting in substantial damage to structures within the project site, which was considered a significant impact. As described in the Final EIR/EIS, compliance with building codes would mitigate this impact to a less-than-significant level. (1992 Final EIR/EIS, p. 4-147.)

While several changes have occurred with respect to information known about geologic conditions since 1990, these changes were most recently addressed in the 2006 Downtown Community Plan EIR. The 2006 Community Plan EIR analyzed the impacts to development in downtown, including the Navy Broadway Complex, associated with seismic activity. As explained in section 5.5.3 of the Community Plan EIR, “[a]ll of downtown San Diego is located essentially within one mile of the Rose Canyon Fault Zone, which is considered a significant seismic hazard to the San Diego metropolitan area.” (Downtown Community Plan Draft EIR p. 5.5-8.)

⁴ / The development lease between the Developer and the City requires the Developer to implement all seismic safety development requirements as recommended in the relevant federal, state, and local building codes. (Real Estate Ground Lease for Broadway Complex, Lease No. N6247307RP07P24, between the United States of America, Acting By and through the Department of the Navy as Lessor, and Manchester Pacific Gateway LLC, as Lessee, entered into as of Nov. 22, 2006, § 13.1 “Compliance with Applicable Laws.”)

In conversations with CCDC Staff, Appellant Katheryn Rhodes raised the concern that the illustrative maps contained in the 2006 Downtown Community Plan EIR do not clearly illustrate that the zone 31 area adjacent to the shoreline is also within the confines of the greater Downtown Special Fault Zone, these maps do accurately identify the major faults. (Downtown Community Plan Figure 13-31; 2006 Downtown Community Plan EIR Figures 5.5-1 and 5.5-2.) In addition, the green color depicting Alquist-Priolo zones should also include the Coronado and Spanish Blight fault areas; though it would not encompass the NBC site. The fact that the maps contained in the 2006 Downtown Community Plan include inaccuracies does not trigger the need for a Supplemental or Subsequent EIR because the extent of the Downtown Special Fault Zone and the location of the Coronado and Spanish Blight fault area is not “[n]ew information, which was not known and could not have been known at the time the [EIR] was certified as complete.” (See Pub. Resources Code, § 21166, subd. (c).) Moreover, the errors in the maps did not have a substantial effect on, nor was it not material to the findings and conclusions of the 2006 Community Plan EIR. (See San Diego Municipal Code, § 128.0314 subd. (a).)

Moreover, although the illustrative maps included in the 2006 Downtown Community Plan EIR do not clearly show that the NBC site is within the Downtown Special Fault Zone, as with the rest of downtown, application of the City’s requirements for the Downtown Special Fault Zone, the seismic design requirement of the Uniform Building Code (UBC), the City of San Diego *Notification of Geologic Hazard procedures, and all other applicable requirements, including federal laws applicable to the buildings to be occupied by the Navy, would ensure that the potential impacts associated with seismic and geologic hazards in the Downtown Community Plan are not significant.* (See 1992 Final EIR/EIS, p. 4-147; 2006 Downtown Community Plan EIR, pp. 5.5-8 – 5.5-9; 2006 Environmental Assessment for the Navy Broadway Complex, pp.3.6-5 – 3.6-3.) In applying these standards, City staff relies on the City’s Municipal Code, the official Alquist-Priolo Maps and the San Diego Seismic Safety Study Maps. (See City of San Diego, Information Bulletin 515, (Oct. 2006); City San Diego Land Development Code, § 145.0203, Table 145-02A.)

For these reasons, the fact that the illustrative maps contained in the 2006 Downtown Community Plan EIR are somewhat inaccurate bears no relevance to determining the types of studies and measures that will be required prior to the construction of the NBC project. As such, the mitigation measures included in the 1992 Final EIR/EIS and the 2006 Downtown Community Plan EIR will apply to the NBC project and reduce Project-related impacts to less than significant levels. (See *e.g.* Pub. Resources Code, § 21083.3, subd. (d).) Accordingly, no further environmental review is required under Public Resources Code section 21166. (See *Friends of Davis v. City of Davis* (2000) Cal.App.4th 1004, 1019 [“Public Resources Code section 21166 provides a balance against the burdens created by the environmental review process and accords reasonable measure of finality and certainty to the results achieved. [citation] At this point, the interests of finality are favored over the policy of favoring public comment, and the rule applies even if the initial review is discovered to have been inaccurate and misleading in the description of a significant effect or the severity of its consequences.”].)

Coastal Commission Issues – The Appeal states that “CCDC is not requiring the Navy and Manchester (the Developer) to get a discretionary Coastal Development Permit (CDP) as per the original development agreement and plans.” The Appeal provides no further information or

evidence as to why any issue related to the Coastal Commission would require preparation of a Subsequent or Supplemental EIR, and it is, therefore, difficult to formulate a response.

Staff Response – Issues regarding the California Coastal Commission’s consistency review of the NBC project with the California Coastal Management Program are not relevant to the CEQA 21166 analysis. The project site is under the jurisdiction of the Federal government and therefore, subject to NEPA. The need for a coastal development permit for the current proposal will be determined by the Coastal Commission as part of any Federal consistency analysis required by federal law. This issue is, therefore, directed toward the Navy and its site developer, not CCDC or the City.

Financial Impacts – Regarding financial impacts, the Appeal states only that “CCDC is not protecting the financial and safety interests of the Citizens of San Diego or the State of California.” The Appeal does not provide any specific reason or evidence as to why any financial impact may require preparation of a Subsequent or Supplemental EIR.

Staff Response – Fiscal impacts of the Navy Broadway Complex Project are not a subject of the CEQA Section 21166 analysis. CEQA Guidelines section 15131 states that economic or social effects of a project shall not be treated as significant effects on the environment. Such effects of a project are only relevant under CEQA to the extent that they may result in indirect physical changes to the environment, such as urban blight, Public Resources Code section 21082.2 subdivision (c) states that evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment are not “substantial evidence” that would show those impacts to be significant.

Funding associated with the implementation of the project components identified in the 1992 Final EIR/EIS Mitigation Monitoring Program that are the responsibility of the City (such as, but not limited to, roadway improvements, park development and park services) will be addressed at the time construction documents for the NBC project are submitted for the ministerial permitting process.

Safety Impacts – The Appeal states “CCDC is not protecting the ... safety interests of the Citizens of San Diego or the State of California.” The Appeal does not further explain any specific safety concerns, other than those associated with seismic hazards (discussed above).

Staff Response – To the extent that the concern raised in the Appeal relates to seismic hazards, please refer to the discussion under the heading “geology and soils” above. The Appeal does not specifically state any other concern potentially related to public safety. Regarding “police protection, law enforcement, fire protection and emergency response,” please see the responses to concerns raised in previous environmental appeals (below).

San Diego Navy Broadway Complex Coalition Appeal (Attachment C)

CEQA Compliance – The Appeal states CCDC “violated CEQA in taking action on the matters that were the subject of item 10 on CCDC’s meeting agenda for July 2, 2007.” The Appeal alleges that “[t]here is new information and changed circumstances with respect to the Navy

Broadway Complex that require Subsequent environmental review under CEQA, accordingly, CCDC staff erred in concluding, after considering the Superseding Master Plan's potential environmental impacts, that 'none of the criteria of Section 21166 of CEQA are present here.'" With the possible exception of geology and soils issues, the Appeal does not further provide any explanation as to why the Appellant believes CCDC violated CEQA in approving the Superseding Master Plan.

Staff Response – Please refer to staff's response to "CEQA Compliance" concerns raised by the Kathryn Rhodes and Conrad Hartsell Appeal (above).

Geology and Soils – Regarding geology and soils, the Appeal merely states CCDC "violated the Alquist-Priolo Earthquake Fault Zoning Act and the Seismic Hazards Mapping Act in taking action on the matters that were the subject of Item 10 on CCDC's meeting agenda for July 25, 2007"; that "there is new information that requires further examination of the project under the Alquist-Priolo Earthquake Faulting Act and the Seismic Hazards Mapping Act"; and that under those acts, "subsequent geologic reports may be required when new geologic data is obtained." The Appeal does not provide further explanation as to why issues related to geology and soils may require additional environmental review under CEQA.

Staff Response – Please refer to staff's response to "Geology and Soils" concerns raised by the Kathryn Rhodes and Conrad Hartsell Appeal (above).

Other Potential Areas of Controversy Not Specifically Raised by the Appeals

The following issues were not raised by the instant appeals, and therefore, the City Council need not consider them. (San Diego Municipal Code, § 112.0510 subd. (c)(3), italics original.) However, in anticipation that additional concerns may be raised by the Appellants at or before the City Council's hearing on the instant appeals, CCDC has opted to take the conservative approach of responding to concerns raised by the previous appeals to the City Council regarding the environmental determination for the First Master Plan. (January 9, 2007 hearing by the City Council (Item-336).) Where appropriate, the following responses incorporate information provided by DSD's staff report to the City Council regarding the previous appeal of the environmental determination for the NBC project. (DSD Report to the City Council, January 9, 2007.)

Consideration of Previously Certified EIRs – A previous appeal raised the concern that the use of the 1992 Final EIR/EIS along with other EIRs certified in the downtown area is not sufficient to address the proposed NBC project.

Staff Response – A previously certified EIR is generally presumed valid. (See Pub. Resources Code, § 21167.2.) However, the Legislature has anticipated that, in some instances, changes to a proposed project or its surrounding circumstances subsequent to the certification of an EIR may necessitate further environmental review if changes implicate new or more significant environmental impacts. Thus, Public Resources Code section 21166 requires agencies to prepare a Subsequent or Supplemental EIR to allow a project to be modified in response to substantial changes in circumstances or information. In order to determine if additional environmental

review is warranted, an agency with approval power over a project must ask whether: “substantial changes are proposed in the project which will require major revisions of the [EIR]”; “substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the [EIR]”; or “new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.” (Pub. Resources Code, § 21166.)

Here, since the NBC project was originally approved in 1992, the City has approved several large scale planning and development proposals for the Downtown area that relate to and assume the buildout of the NBC project in their analyses. Specifically, the NBC project has been considered or was assumed in the 1992 Final EIR/EIS, the 1992 Final Master EIR for the Centre City Redevelopment Project, the 1999 Final Subsequent EIR for the Ballpark and Ancillary Development Projects, the 2000 North Embarcadero Alliance Visionary Plan EIR, and the 2006 Downtown Community Plan Final EIR. These environmental documents represent the best information available regarding the baseline environmental condition of downtown San Diego, particularly with regard to the area that includes the NBC project, and the potential environmental consequences of this area’s anticipated development. Because the NBC project was considered or assumed in each of these environmental documents, it stands to reason that those documents are relevant to the determination of whether changed circumstances, including *changed circumstances and conditions of downtown San Diego, are substantial enough to warrant additional environmental review under CEQA.* In addition, the environmental documents set forth mitigation with which the City, CCDC, and/or the Developer must comply in order to lessen or avoid the significant environmental effects associated with planned development in downtown San Diego.

As further explained in DSD’s January 7, 2007 Staff Report to the City Council regarding the previous environmental appeals of the NBC project:

According to Section 15150 of the State CEQA Guidelines, incorporation by reference of the NBC project analysis within environmental documents prepared after the 1990 EIR/EIS was certified is adequate and consistent with CEQA. Incorporation by reference is a necessary device to reduce inconsistencies between EIRs. This section of CEQA authorizes use of incorporation by reference and provides guidance for using it in a manner consistent with the public involvement and full disclosure functions of CEQA. A public review and comment period was provided at the time of draft distribution in accordance with CEQA for all environmental documents used in the 21166 analysis. Although not analyzed in detail within each Subsequent document, the fact that the NBC project is mentioned and included in the cumulative impact analysis for several of the documents is consistent with CEQA. Furthermore, CEQA requires discussion of past, present, and reasonably foreseeable future projects in the vicinity in order to adequately address cumulative impacts.

The fact that the NBC project is referenced in these other documents and not further analyzed, does not render the current process invalid. The Subsequent environmental documents considered the potential impacts resulting from

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development of the Navy-owned project site and incorporated consistent mitigation measures or development conditions to reduce community-wide impacts associated with transportation/circulation/parking, air quality, noise, public services/utilities, public health/safety, drainage (i.e. water quality, erosion), and historical resources.

For these reasons, it is reasonable to rely on the 1992 Final EIR/EIS as well as the subsequent environmental documents for projects in the vicinity in determining whether a Subsequent or Supplemental EIR is required for the NBC project.

Cumulative Impacts Analysis – A previous appeal questioned the use and/or incorporation by reference of previously certified EIRs when considering cumulative impacts in the CEQA Section 21166 analysis, specifically with respect to traffic-related impacts.

Staff Response – Section 15130 of the State CEQA Guidelines provides guidance to Lead Agencies on how to address cumulative impacts in an EIR. A proposed project is to be considered with other past, present, and reasonably foreseeable projects in the vicinity, and with which implementation could result in significant environmental changes which are individually limited but cumulatively considerable. Environmental documents prepared after the 1992 Final EIR/EIS was certified incorporated by reference any and all relevant, previously certified documents for projects anticipated in the Centre City community, including the NBC project. The use of previously certified documents through incorporation by reference is standard practice amongst agencies implementing CEQA, and is consistent with CEQA Guidelines section 15150. The Downtown Community Plan EIR anticipated mitigation for direct impacts associated with Air Quality Transportation/Circulation/Parking, Cultural Resources and other measures necessary to reduce potential impacts to below a significant level, as well as cumulative impacts to Air Quality and Transportation; however, the impact of buildout of the proposed Community Plan and Ordinance on parking, grid streets and surrounding streets is considered significant and unmitigable. These issue areas, which were addressed on a community-wide basis, take into consideration past, present, and reasonably foreseeable future projects, consistent with CEQA's requirements.

Traffic Impacts – A previous appeal questioned the use and/or incorporation by reference of previously certified EIRs and their adopted Mitigation Monitoring and Reporting Programs prepared for development projects within the CCDC project area specific to Transportation/Circulation/Parking.

Staff Response – As explained in DSD's January 3, 2007 staff report to the City Council regarding the environmental determination appeals for the NBC project:

While it is true that the NBC project would result in traffic related impacts first identified in the [1992 Final] EIR/EIS, and would contribute to existing and future traffic congestion conditions in the future, the mitigation measures adopted by the City Council and the Redevelopment Agency in 1992 and those adopted in 2006 as part of the recent Centre City Community Plan Update would help to reduce significant impacts [in the downtown area], but not to below a level of

significance in all cases, which is why a statement of overriding consideration was adopted [for the Community Plan Update]. These measures include, but are not limited to the implementation of Congestion Management Plans; Downtown-wide evaluation of the grid street system at five-year intervals; submittal review and approval of traffic studies for large projects; parking management plans; initiation of a multi-jurisdictional effort to develop enforceable plans to identify transportation improvements including freeway off ramps and interchanges. Implementing measures adopted for the project would help alleviate the traffic and parking issues community wide.

(DSD Staff Report to the Council President and City Council, January 7, 2007, p. 9.)

In addition, in 2006, the U.S. Navy prepared an Environmental Assessment (EA) that considered the environmental effects of implementing the Development Agreement, pursuant to the Navy's obligations under federal environmental law (National Environmental Policy Act). Although the EA is a NEPA document, and not a CEQA document, the EA provides additional recent, relevant information regarding the environmental effects associated with implementation of the Development Agreement. The information presented in the EA was therefore considered by CCDC staff in the preparation of the Initial Study prepared for the Superseding Master Plan. The EA examined existing conditions and compared those conditions to buildout of the NBC Project as set forth in the Development Agreement. Because the Superseding Master Plan implements the Development Agreement, the EA's analysis is relevant to the question of whether the conditions set forth in Public Resources Code section 21166 are present. The following summarizes the traffic analysis performed by the 2006 EA:

The 1992 Final EIR/EIS used trip generation rates based on the 1990 City of San Diego Trip Generation Manual. Based on those rates, the land uses assumed in the Development Agreement would generate 39,731 average daily trips (ADTs) on the downtown circulation network. The Downtown Community Plan EIR also addressed traffic impacts that would result from implementation of the NBC project and other cumulative projects in the downtown area. The Community Plan EIR used current City of San Diego trip generation rates for the downtown San Diego; these rates for individual land uses are lower than for the rest of the city because of the high use of public transit and because the density and proximity of land uses downtown reduced the need for multiple automobile trips.

Using the trip generation rates used by the Community Plan EIR, the EA concluded that implementation of the Development Agreement would generate approximately 27,130 ADT. This represents a 32 percent reduction (12,601 ADT) from the number of trips assumed in the Development Agreement. This large reduction in ADT is due mainly to the reduced trip generation rates identified by the City that best reflect greater use of public transportation in the downtown area. According to the EA, the 32 percent reduction in number of trips would lessen the potential traffic impacts that were assumed when the Navy and the City entered into the Development Agreement.

In addition, all of the following transportation improvements in the Development Agreement will be implemented by the City and the developer, as indicated in the Mitigation and Monitoring Program during construction of the project as proposed by the Project:

- E, F, and G streets shall be extended to allow for continuous vehicular and pedestrian access between Pacific Highway and North Harbor Drive;
- G Street shall provide enhanced access between the Marina neighborhood and the G Street Mole by extending G Street as a major pedestrian promenade;
- Pacific Highway shall be widened and improved along the frontage adjacent to the NBC; and
- A Long-Term Travel Demand Management (TDM) Program shall be implemented.

The substantial reduction in ADTs calculated in the traffic analysis contained in the EA supports the conclusions of the Development Agreement and the Final EIR/EIS that the agreed-upon traffic improvements would mitigate potential traffic impacts in today's conditions.

For the foregoing reasons, it is reasonable to conclude that changes in traffic conditions since the 1992 Final EIR/EIS was certified are not so substantial as to require preparation of a Subsequent or Supplemental EIR for the NBC project.

Changes in Water Quality Laws – A previous appeal referenced specific changes in State law and local regulations during the past sixteen years related to water quality. The appeal questioned why the City did not require new qualitative analysis for the NBC project relative to its location within proximity to a State identified impaired water body.

Staff Response – The 1992 Final EIR/EIS addressed the effects of the project associated with soil erosion and hydraulic conveyance of sediments downstream of the project site into San Diego Bay and included a discussion addressing surface hydrology and drainage across the site during construction. At the time of the Final EIR/EIS's preparation, both the EPA and the Regional Water Quality Control Board (RWQCB) expressed concerns about potential non-point source water contamination resulting from accidental construction-related fuel spills and/or from construction-related runoff across the site. The RWQCB was consulted on these issues and indicated it had not yet adopted standards on programs for accidental spill response or for control of runoff water quality, but that once developed, the programs would be implemented by municipalities and not directed toward individual developments. Mitigation in the form of an erosion control plan was incorporated into the 1992 Final EIR/EIS to reduce potential water quality impacts within and adjacent to the San Diego Bay. In addition, authorization to temporarily discharge dewatering waste during project implementation would be obtained from the executive office of the RWQCB. This activity was originally approved under the previous NPDES Permit (CA0109707).

CCDC does not dispute that there have been changes in State law relative to water quality and acknowledges that the San Diego Bay is an impaired water body as stated by the RWQCB. As such, the City of San Diego has adopted Stormwater Regulations that require all project applicants to submit Water Quality documentation to the City of San Diego with application for ministerial (construction grading and/or building permits) and discretionary actions regardless of

when the original project was approved and/or whether there is an environmental document with specific mitigation. This information assists in the determination of whether a Water Quality Technical Report (WQTR) is required.

Relative to the NBC project, and in addition to the required mitigation identified in the 1992 Final EIR/EIS, the developer would be required to complete the Stormwater Applicability Checklist to determine whether a WQTR must be submitted for review during the grading and/or building permit process. If the WQTR concludes that additional measures are necessary to reduce sedimentation and protect the waters of San Diego Bay, these measures would be incorporated into the construction documents and compliance with the City's Municipal Permit and would be assured through implementation of recommendations of the WQTR in accordance with the City's Stormwater Regulations and DSD's field inspection.

Police Protection/Law Enforcement & Fire Protection/Emergency Response) –

A previous appeal referenced specific changes in City-wide staffing levels associated with Police and Fire personnel during the past sixteen years as a result of commercial and residential growth in Downtown San Diego. The appeal raised the concern that changes in traffic patterns associated with those new developments and the City's ability to maintain sufficient level of protection in the area might be impacted by the NBC project.

Staff Response – Environmental review under CEQA is required to address potential adverse *environmental* effects associated with a project. For example, with respect to police and fire protection services, environmental review may be required to address environmental effects resulting from construction of new emergency response facilities. The availability of public service staff is not, in and of itself, a CEQA issue, as it does not implicate a physical environmental impact. Instead “[t]here must be a physical change resulting from the project directly or indirectly before CEQA will apply.” (Discussion following CEQA Guidelines, § 15131.)

The 1992 Final EIR/EIS concluded that existing fire protection/emergency facilities, manpower and equipment at the city and Federal fire departments are adequate to maintain a sufficient level of fire protection service for the NBC project. The EIR/EIS concluded, therefore, that the impacts to fire protection associated with implementation of the Development Agreement would be less-than-significant.

Regarding effects associated with buildout of the Downtown Community Plan, the 2006 Downtown Community Plan EIR explains that increased traffic congestion as a result of growth downtown would hinder timely responses to emergency calls. The run volume for the downtown response units has already increased with the current level of growth of the downtown area. In addition, the increase in the number of high rises (particularly residential) would result in an increase in medical aids and a decreased ability to respond to other emergencies. However, the 2006 Community Plan EIR further explains that while the two new fire stations which may be built downtown would result in physical impacts, insufficient information exists to accurately determine the physical impacts that may occur from either of the proposed stations.

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Similarly, the 2006 Community Plan EIR explains that population growth and increased residential, commercial, industrial and institutional uses in downtown would correspond to an increased demand in law enforcement services. To keep up with anticipated demand, the San Diego Police Department (SDPD) would need additional resources, such as personnel, equipment, and training. However, the need for a new SDPD substation has not been identified. If such a need is identified in the future, the substation will be subject to an independent environmental analysis under CEQA. Pursuant to CEQA Guidelines section 15145, analysis at this time of physical changes which may occur from future police facility construction would be speculative and no further analysis is required.

Finally, the proposed uses and intensities for the NBC project set forth in the Superseding Master Plan are virtually the same as those outlined by the Development Agreement. For that reason, the proposed Project would not require additional fire or emergency protection beyond that analyzed in the 1992 Final EIR/EIS, the 2006 Downtown Community Plan EIR, or any other relevant environmental review document analyzing development of the Centre City area which assumed buildout of the NBC project. A Subsequent or Supplemental EIR is, therefore, not required in order to address the provision of emergency services to the NBC site.

Terrorism – A previous appeal raised concerns about the increased risks of attack on domestic military installations since the terrorist attack of September 11, 2001. The appeal asserted that these changed circumstances require preparation of a project-specific Supplemental EIR to analyze the impacts of these changed circumstances on public safety.

Staff Response – The lease between the Developer and the Navy requires the Navy's buildings to be constructed in conformance to the Department of Defense's Antiterrorism Standards, requiring minimum construction standards to mitigate antiterrorism vulnerabilities and terrorist threats. Furthermore, as explained by DSD's January 7, 2007 Staff Report to the City Council regarding the Environmental Appeals of the NBC Project:

Matters of national security are typically the purview of the federal government, not local agencies, except where security duties are expressly delegated, and here, the City has every reason to expect that the Navy will implement adequate security precautions.

. . . [P]ursuant to CEQA, an impact analysis must only consider those indirect impacts of a project that are reasonably foreseeable. A change that is speculative or unlikely to occur is not reasonably foreseeable. There is no factual evidence in the record currently that suggests the NBC project carries any particularly greater risk of terrorist attack than any other large building downtown; therefore it is not considered a reasonably foreseeable impact, and there is no compelling basis for requiring further environmental review. In the absence of any substantial evidence of unique facts or circumstances supporting a heightened risk of terrorist attack for this particular project, CEQA does not compel the City to undertake such a study.

Public Participation – A previous appeal asserted that DSD ignored the requirement for public participation during the section 21166 consistency analysis, thereby rendering the determination of consistency with the 1992 Final EIR/EIS invalid.

Staff Response – Public Resources Code section 21166 does not require that a public review and comment process be provided during an agency’s determination of whether or not a Subsequent or Supplement EIR is required. If DSD or CCDC had determined that a Subsequent or Supplemental EIR was required, that additional analysis would have been subject to the same public review and comment requirements as for an EIR for a new original project. However, because DSD and CCDC determined that existing environmental documentation was adequate and that no further review was required, there is no requirement under CEQA to afford a public review and comment process for this determination.

Parks and Open Space – Previous appeals raised concerns that there is a deficiency in park area downtown and that the NBC project would contribute to this deficiency.

Staff Response – Consistent with the Development Agreement and the 1992 Final EIR/EIS, the Superseding Master Plan includes 1.9 acres of open space within the project site. The issue of open space was thoroughly addressed in the Downtown Community Plan Update and further debated through the public hearing process, which is the appropriate venue for such discussion. Based on adopted City policies, there is no requirement for development of the NBC site to provide parkland because City park “standards” are based on acres for residential population, of which the project proposes none. Indeed, the Development Agreement for the NBC project proposes an excess of parkland as compared to what would be required to satisfy the City’s General Plan. To the extent that the commercial uses of the NBC project would create psychological or aesthetic demand for park space, the 1.9 acres of open space proposed by the Superseding Master Plan are expected to adequately serve the park and open space demand that office, hotel and retail uses will create. In addition, resolving the deficiency of parkland within the community plan area is not the responsibility of the NBC project, nor can this project be expected to solve this community-wide issue.

CONCLUSION

The 1992 Final EIR/EIS and subsequent environmental documents prepared for other projects in the vicinity, which were identified in the DSD CEQA Consistency Analysis and CCDC’s Initial Study and related staff report, adequately address the potential environmental issues associated with current plan for the NBC project. None of the conditions outlined in Public Resources section 21166 that would require additional environmental review for the NBC project are met. Therefore, no additional environmental review is required. In addition, the information provided by appellants does not rise to the level of substantial evidence supporting a conclusion that the project may result in new or substantially more severe significant impacts beyond those previously disclosed.

ALTERNATIVES:

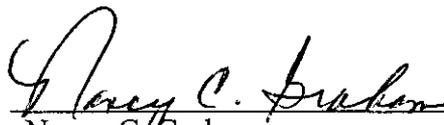
1. GRANT the appeal, set aside the environmental determination, and direct CCDC and/or DSD to conduct additional environmental review with direction or instruction to the City Council as deemed appropriate.
2. GRANT the appeal and direct CCDC and/or DSD to prepare a new environmental document pursuant to Public Resources section 21166. If council chooses this alternative, CCDC respectfully requests that Council identify which subsection(s) of section 21166 applies and what evidence exists that would lead to the preparation of a new environmental document.

Respectfully submitted,

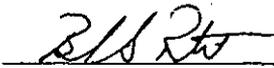
Concurred by:



Eli Sanchez
Senior Project Manager



Nancy C. Graham
President



Brad S. Richter
Current Planning Manager

- Attachments:
- A – Memorandum from DSD dated October 19, 2006
 - B – Katheryn Rhodes and Conrad Hartsell, M.D. Appeal
 - C – San Diego Navy Broadway Complex Coalition Appeal
 - D – Ownership Disclosure Statement

000993

CITY OF SAN DIEGO
MEMORANDUM

DATE: October 19, 2006

TO: James T. Waring, Deputy Chief of Land Use and Economic Development

FROM: Robert Manis, Assistant Deputy Director, Development Services

SUBJECT: CEQA Consistency Analysis for Navy Broadway Complex

The Development Services Department (DSD) was asked to conduct a CEQA consistency analysis on the proposed Navy Broadway Complex (NBC) for CCDC. The review is limited to consideration of CEQA issues associated with the project and previously certified applicable environmental documents. This review was done pursuant to Section 21166 of CEQA. The NBC project is subject to a Development Agreement between the City of San Diego and the Navy and an EIR/EIS prepared in 1990 (The City prepared and certified the EIR pursuant to CEQA and the Navy prepared the EIS pursuant to NEPA). The City was the lead agency on the EIR and retains CEQA responsibilities as outlined in the Development Agreement. CCDC is responsible for reviewing the project for consistency with the Development Plan and the Design Guidelines.

For purposes of conducting the CEQA consistency analysis, DSD considered the proposed NBC project components. It was found that the proposed Navy Broadway Complex (NBC) project is consistent with the project described in the 1990 EIR/EIS in terms of uses and intensity. The 1990 NBC project included a total of 2,950,000 square feet of office, retail and hotel uses plus 300,000 square feet of above grade parking and 3,105 total parking spaces (including Navy fleet parking). The proposed NBC project is slightly smaller at 2,936,050 square feet of office, retail, and hotel uses and includes a total of 2,961 parking spaces. The layouts of the two projects are similar and CCDC will be reviewing the project for consistency with the adopted Design Guidelines.

DSD's CEQA consistency analysis for the proposed NBC project considered several environmental documents, described below, that have been certified since 1990 in the downtown area.

- **Navy Broadway Complex Project Environmental Impact Report/Environmental Impact Statement (Joint CEQA/NEPA document, October 1990).** Certified by the City of San Diego on October 20, 1992. This document fully analyzed the NBC project at the project level and assumed that build out of the downtown area would occur consistent with the adopted land use plans. The NBC project EIR/EIS also indicates that the precise mix and location (by block) of land uses would be determined by market conditions. As such, it was anticipated that possible changes to the site plan from what was approved in 1992

ATTACHMENT A

would incorporate all relevant mitigation measures identified for transportation/circulation/parking, air quality, cultural resources, noise, etc.

- **Final Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project.** Certified by the Redevelopment Agency (Resolution #2081) and City Council (Resolution #279875) on April 28, 1992. The 1992 MEIR specifically identified the NBC project within the Land Use section on Page 4.A-17 as follows: "...redevelopment of 1 million square feet of Navy offices; up to 2.5 million mixed commercial, office, and hotel uses, and a plaza at Broadway and Harbor Drive." The MEIR assumed development of the NBC project in the Land Use Impact analysis and anticipated mitigation associated with Transportation/Circulation/Parking, Air Quality, Cultural Resources and other project specific measures necessary to reduce potential impacts to below a level of *significance*.
- **Final Subsequent Environmental Impact Report (SEIR) to the 1992 Final Master Environmental Impact Report Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects and Associated Plan Amendments.** Certified by the Redevelopment Agency (Resolution #03058) and the City Council (Resolution #292363) on October 26, 1999. The NBC project is not specifically called out as a project under the Land Use or Cumulative discussion sections of the SEIR. However, in order to determine the short-term and longer-term cumulative impacts with or without the Ballpark and Ancillary development projects, the SEIR assumed build out of the Redevelopment Project Area as defined in the 1992 MEIR which includes the NBC project. In addition, projected land use data in the 2002 SANDAG traffic model was modified to include additional CCDC build out developments consistent with the 1992 MEIR. Since the 1992 MEIR included the NBC project, the same and/or similar intersection, ramp and roadway segment impacts were assumed in the SEIR traffic analysis. Mitigation included an Event Transportation Management Plan, Freeway Deficiency Plan, Parking Management Plan and Transit improvements (all significant/mitigated, unless necessary freeway improvements are not made, resulting in a cumulatively significant and unmitigated impact).

Air Quality was analyzed using the Regional Air Quality Standards (RAQS) for the San Diego Air Basin. Regional impacts from increased traffic would remain significant and unmitigated; however, with proximity to public transit, air emissions would be reduced with implementation of RAQS controls. Potential significant unmitigated, long-term impacts were identified associated with freeway onramp congestion. Recommendation's to implement the Freeway Deficiency Plan were required, but could not be guaranteed.

- **North Embarcadero Visionary Plan Environmental Impact Report.** Certified by the Board of Port Commissioners of the San Diego Unified Port District in March 2000. This EIR assumed development of the NBC project in the Executive Summary and the Land Use discussions. The Visionary Plan Area incorporates the NBC project site, but

did not include it in the calculation of square footage for the existing and proposed Visionary Plan uses (Table 3.3-1, Page 3-5). The Visionary Plan EIR references the NBC project as an existing entitled project for comprehensive planning purposes and cumulative analysis. The Visionary Plan EIR assumes near-term as 2005 and long-term build out as 2020 for the traffic analysis. A significant unmitigated and cumulative impact was identified for Freeway I-5 and I-5 ramps from 1st to 6th Avenues; impacts to ramp capacity and ramp meters were also identified and mitigable with implementation of SANDAG I-5 Freeway Corridor Study, which addresses deficiencies on the freeway and associated ramps. The Visionary Plan EIR also anticipated mitigation associated with Parking, Air Quality, Cultural Resources and other project specific measures necessary to reduce potential impacts to below a level of significance. The Visionary Plan EIR incorporated development and improvements included in the NBC project, but did not consider the project in the cumulative analysis for Urban Design/Visual Quality. Overall, the Visionary Plan adequately addressed the NBC project and is therefore consistent with the certified EIR/EIS.

- **Downtown Community Plan Environmental Impact Report in Conjunction with a new Downtown Community Plan, new Centre City Planned District Ordinance and Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project.** Certified by the Redevelopment Agency and City Council on February 28, 2006. The Downtown Community Plan EIR assumed development of the NBC project in the Project Description and incorporated anticipated land uses and building square footages into the figures and impact analysis. The Community Plan EIR also anticipated mitigation for direct impacts associated with Transportation/Circulation/Parking, Air Quality, Cultural Resources and other project specific measures necessary to reduce potential impacts to below a level of significance, as well as cumulative impacts to Air Quality and Transportation; however, the impacts from implementation of the proposed Community Plan and Planned District Ordinance on parking, grid streets and surrounding streets is considered significant and unmitigable.

One issue identified and evaluated with the CEQA consistency review was on-site parking relative to the minor modifications to square footage in the proposed NBC project compared to the 1990 NBC project. While the total square footage of the proposed NBC project represents a small reduction from the 1990 NBC project, the total number of proposed parking spaces has been reduced from 3,105 to 2,961. The analysis determined that the 3,105 spaces included 230 Navy fleet car spaces, leaving 2,875 spaces for general use. The Navy has indicated that there is currently a need for only 54 fleet spaces. With a total of 2,961 spaces proposed, that leaves 2,907 spaces for general use, more than with the 1990 NBC project.

In conclusion, DSD noted that the proposed NBC project is substantially the same as the 1990 NBC project. The EIR/EIS done for the 1990 NBC project analyzed the project in detail, assuming build out of the surrounding area consistent with the land use plans and identified mitigation for impacts resulting from the project. Subsequent environmental documents in the downtown area, while not analyzing the NBC project at the project level, did reference the NBC project and assumed it would build out in accordance with the 1990 NBC project. Most recently,

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James T. Waring
October 19, 2006

in 2006, the EIR for the Downtown Community Plan Update addressed community-wide policy/land use issues and again, assumed build out of the NBC.

Section 21166 of CEQA states that when an EIR has been prepared for a project, no subsequent or supplemental EIR shall be required unless one or more of three events occur. These events are:

1. Substantial changes are proposed in the project
2. Substantial changes occur with respect to circumstances under which the project is being undertaken
3. New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available

As stated earlier, there are no substantial changes to the NBC project from the 1990 NBC project. Project uses and intensity are virtually the same. It is acknowledged that the Ballpark and Ancillary Development projects, located in the East Village were not identified in the 1992 CCDC MEIR or the 1990 NBC EIR/EIS and therefore not considered in the cumulative impact analysis for the NBC project. However, because these projects were not anticipated, CCDC required the preparation of a Subsequent EIR which incorporated by reference the NBC EIR/EIS and assumed the same build out land uses adopted for the community plan at that time, which were ultimately used to analyze transportation/circulation impacts, and address regional and local air quality issues. Since these projects were ultimately analyzed with consideration of the NBC project, DSD does not consider this to be a substantial change in circumstances. There is no new information available that was not part of the original EIR/EIS and/or considered with subsequent environmental reviews of other projects. It was and continues to be assumed that the downtown area, including the NBC site, would build out according to adopted land use plans. When the Downtown Community Plan was changed earlier this year, new land use policies were put into place but the assumptions for the NBC site remained.

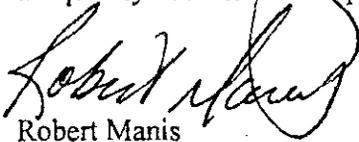
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James T. Waring

October 19, 2006

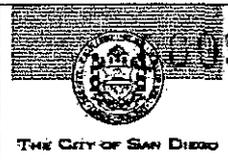
Because none of the three events have occurred, DSD does not find a need to conduct additional environmental review for the proposed NBC project. The proposed NBC project is adequately addressed in the prior environmental documents that were certified for the 1990 NBC project and for other projects in the vicinity. Project impacts are adequately addressed and appropriate mitigation has been identified.



Robert Manis

RM/pdh

cc: Marcela Escobar-Eck, Development Services Director
Kelly Broughton, Deputy Director, Development Services
Nancy Graham, President, CCDC
Eli Sanchez, Project Manager, CCDC
Myra Herrmann, Senior Environmental Planner



City of San Diego
 Development Services
 1222 First Ave. 3rd Floor
 San Diego, CA 92101
 (619) 446-5210

**Development Permit/
 Environmental Determination
 Appeal Application**

**FORM
 DS-3031**
 March 2007

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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal: **07 AUG -6 PM 4:10**
- Process Two Decision - Appeal to Planning Commission **SAN DIEGO, CALIF. XX XX** Environmental Determination - Appeal to City Council
- Process Three Decision - Appeal to Planning Commission **KAC** Appeal of a Hearing Officer Decision to revoke a permit
- XX XX** Process Four Decision - Appeal to City Council

2. Appellant Please check one Applicant Officially recognized Planning Committee **XX XX** "Interested Person"
 (Per M.C. Sec. 113.0103)

Name **Katheryn Rhodes and Conrad Hartsell, M.D.**
 Address **371 San Fernando Street city San Diego State California** Zip Code **92106** Telephone **(619) 523-4350**

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.
Manchester Financial Group

4. Project Information
 Permit/Environmental Determination & Permit/Document No.: **Navy Broadway Complex Consistency Determination** Date of Decision/Determination: **July 25, 2007** City Project Manager: **Eli Sanchez/Suzanne Drolet**
Environmental Impacts of Superseding Master Plan and Phase 1 Buildings for Blocks 2 and 3. CCDC Initial Study for the NBC Project Development Agreement, Superseding Master Plan and Phase I Buildings, July 2007.

Decision (describe the permit/approval decision):
 CCDC took action on item 10 of the meeting agenda for July 25, 2007, included but not limited to making a Consistency Determination for the Amended Master Plan for the Navy Broadway Complex, Mitigation Monitoring and Reporting Plan, CCDC Initial Study for the NBC Project Development Agreement, Superseding Master Plan and Phase I Buildings, July 2007. Not requiring an adequate fault investigation. Not knowing the required fault buffer setback. CCDC is charged with establishing legal and adequate setbacks. CCDC failed to do their job and is putting the City of San Diego in geological and financial risk by not following the City of San Diego own Guidelines and Information Bulletins. CCDC lowered the parking standards and moved the location of the museum. CCDC is not requiring the Navy and Manchester to get a discretionary Coastal Development Permit (CDP) as per the original development agreement and plans. CCDC specifically said that the Navy and Manchester do not need a CDP from the California Coastal Commission. CCDC is not protecting the financial and safety interests of the Citizens of San Diego or the State of California.

5. Grounds for Appeal (Please check all that apply)
- xx XX** Factual Error (Process Three and Four decisions only) **xx XX** New Information (Process Three and Four decisions only)
- xx XX** Conflict with other matters (Process Three and Four decisions only) **xx XX** City-wide Significance (Process Four decisions only)
- xx XX** Findings Not Supported (Process Three and Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.) CCDC violated the CEQA, the Alquist-Priolo Earthquake Fault Zoning Map, and the Seismic Hazards Mapping Act in taking action on the matters that were the subject of Item 10 on CCDC's meeting agenda for July 25, 2007. CCDC did not follow the City of San Diego's own Guidelines and Information Bulletins on requiring an adequate fault investigation on liquefiable soils before being allowed to look at the plans, let alone approve a new Superseding Master Plan. There is new information and changed circumstances with respect to the Navy Broadway Complex that require subsequent environmental review under the CEQA; accordingly, CCDC staff erred in concluding, after considering the Superseding Master Plan's potential environmental impact, that "none of the criteria of Section 21166 of CEQA are present here." Note that, under the Alquist-Priolo Earthquake Fault Zoning Act and the Seismic Hazards Mapping Act, subsequent geological reports may be required when new geologic data is obtained. Environmental Impacts of Superseding Master Plan and Phase 1 Buildings for Blocks 2 and 3 is not complete. CCDC Initial Study for the NBC Project Development Agreement, Superseding Master Plan and Phase I Buildings, July 2007 is not complete.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Conrad Hartsell M.D.
 Signature: **Katheryn Rhodes** Date: **August 6, 2007**

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

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City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101
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Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
MARCH 2007

SAN DIEGO, CALIF
See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:
- Process Two Decision - Appeal to Planning Commission
 - Process Three Decision - Appeal to Planning Commission
 - Process Four Decision - Appeal to City Council
 - Environmental Determination - Appeal to City Council
 - Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name: San Diego Navy Broadway Complex Coalition c/o Briggs Law Corporation

Address: 99 East "C" Street, Suite 111 City: Upland State: CA Zip Code: 91786 Telephone: 909-949-7115

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.
Manchester Financial Group

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Navy Broadway Complex Consistency Determination Decision (describe the permit/approval decision):	July 25, 2007	Eli Sanchez/Suzanne Drolet

Centre City Development Corporation, Inc., took action on Item 10 of its meeting agenda for July 25, 2007, including but not limited to making a consistency determination for the amended master plan for the Navy Broadway Complex

5. Grounds for Appeal (Please check all that apply)
- Factual Error (Process Three and Four decisions only)
 - Conflict with other matters (Process Three and Four decisions only)
 - Findings Not Supported (Process Three and Four decisions only)
 - New Information (Process Three and Four decisions only)
 - City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

Centre City Development Corporation violated the California Environmental Quality Act, the Alquist-Priolo Earthquake Fault Zoning Act, and the Seismic Hazards Mapping Act in taking action on the matters that were the subject of Item 10 on CCDC's meeting agenda for July 25, 2007. There is new information and changed circumstances with respect to the Navy Broadway Complex that require subsequent environmental review under the California Environmental Quality Act; accordingly, CCDC staff erred in concluding, after considering the Superseding Master Plan's potential environmental impacts, that "none of the criteria of Section 21166 of CEQA are present here." In addition, there is new information that requires further examination of the project under the the Alquist-Priolo Earthquake Fault Zoning Act and the Seismic Hazards Mapping Act.

Note that, under the Alquist-Priolo Earthquake Fault Zoning Act and the Seismic Hazards Mapping Act, subsequent geological reports may be required when new geologic data is obtained.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: [Handwritten Signature] Date: August 1, 2007

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

001003



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment Other CEQA Determination

Project Title: Manchester Pacific Gateway / Navy Broadway Complex Project No. For City Use Only
Project Address:

W. Broadway, Pacific Gateway, N. Harbor Drive
San Diego, California 92101

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

001004

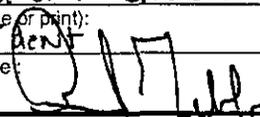
Project Title: Manchester Pacific Gateway / Navy Broadway Complex Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? DE Corporate Identification No. 20-4912085
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached Yes No

Corporate/Partnership Name (type or print):
Manchester Pacific Gateway LLC
 Owner Tenant/Lessee
Street Address:
One Market Place, 33rd Floor
City/State/Zip:
San Diego, California, 92101
Phone No: 619.231.3800 Fax No: 619.696.7100
Name of Corporate Officer/Partner (type or print):
Richard V. Gibbons
Title (type or print):
President
Signature:  Date:

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

RESOLUTION 2007-01

A RESOLUTION OF THE
CENTRE CITY DEVELOPMENT CORPORATION
REGARDING A CONSISTENCY DETERMINATION ON THE
SUPERSEDING MASTER PLAN
FOR THE NAVY BROADWAY COMPLEX PROJECT

WHEREAS, in 1992, the City of San Diego ("City") entered into an Agreement with the United States of America by and through the Southwest Division, Naval Facilities Engineering Command ("Navy") adopting a Development Plan and Urban Design Guidelines for redevelopment of the Navy Broadway Complex Project ("NBC Project") site, which document was recorded in the San Diego County Recorder's Office as Document #1992-0802775 ("NBC Agreement"), and was amended in December 2001 and in January 2003.

WHEREAS, in 1992 the City certified a project-level Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") for the NBC Project and adopted a Mitigation Monitoring Plan to govern the implementation of mitigation measures adopted for the project to be developed pursuant to the NBC Agreement.

WHEREAS, pursuant to Section 5.2 of the NBC Agreement, Centre City Development Corporation ("CCDC") is required to undertake a determination of the proposed NBC Project's consistency with the Development Plan and Urban Design Guidelines set forth in the Agreement.

WHEREAS, by or about June 30, 2006, Manchester Financial Group ("Manchester"), the developer selected by the Navy to develop the NBC Project, filed a complete application for a consistency determination as to its proposed Navy Broadway Complex Master Plan and Navy Administration Building.

WHEREAS, at a duly noticed public meeting held on October 25, 2006, the CCDC Board adopted Resolution 2006-03, pursuant to which it adopted the October 19, 2006 "CEQA Consistency Analysis for Navy Broadway Complex" issued by the City's Development Services Department ("DSD") pursuant to the California Environmental Quality Act ("CEQA"), California Public Resources Code section 21166, and the determination by DSD based on such analysis that no further

environmental review is warranted for the NBC Project pursuant to Public Resources Code section 21166.

WHEREAS, at a duly noticed public meeting held on October 25, 2006, the CCDC Board of Directors considered the Manchester application for a consistency determination as to its proposed Navy Broadway Complex Master Plan and the Navy Administration Building and adopted Resolution 2006-04, pursuant to which it adopted the October 19, 2006 "CEQA Consistency Analysis for Navy Broadway Complex" (CEQA Consistency Analysis") prepared by the City's Development Services Department ("DSD") in accordance with California Environmental Quality Act ("CEQA"), California Public Resources Code section 21166, which delineated the determination by DSD that no further environmental review was warranted for the First Master Plan adopted for NBC Project, and by which it also approved a determination that said First Master Plan was consistent with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement, subject to limited modifications and additions to the staff recommendation as set forth in CCDC Resolution 2006-04.

WHEREAS, in its CEQA Consistency Analysis, DSD concluded that the First Master Plan for NBC project was substantially the same as the project analyzed in the 1992 NBC Project EIS/EIR, and assumed for full build-out in the 1992 Final Master EIR for the Centre City Redevelopment Project, the 1999 Final Subsequent EIR for the Ballpark and Ancillary Development Projects, the 2000 North Embarcadero Visionary Plan Final EIR, and the 2006 Downtown Community Plan Final EIR (collectively, the "Environmental Documents), all of which updated the impacts analyses for potentially affected resource areas, such as transportation and parking, air quality, land uses, cultural resources, and others, such that the none of the conditions listed in Public Resources Code section 21166 which require subsequent or supplemental environmental review were present or were triggered by the First Master Plan for the NBC Project and that therefore no further environmental documentation was required.

WHEREAS, Manchester submitted a Superseding Master Plan and Basic Concept/Schematic Drawings for Buildings 2A, 2B, 3A and 3B on July 2, 2007.

WHEREAS, CCDC staff has evaluated the Superseding Master Plan and has concluded that it is substantially similar to the First Master Plan proposed for the NBC Project and that, with conditions, it is consistent with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto, and based thereon has concluded that DSD's CEQA Consistency Analysis for Navy Broadway Complex continues to be adequate for the proposed Superseding Master Plan.

WHEREAS, CCDC staff has concluded that no Subsequent or Supplemental EIR is required because no substantial changes have been proposed to the NBC Project which will require major revision to previous EIRs, no substantial changes have occurred with respect to the circumstances under which the NBC Project is now being undertaken, and that no new information, which was not known and could not have been known at the time the Environmental Documents were certified as complete, has become available.

WHEREAS, CCDC staff has recommended that the Board find that, with conditions, no further environmental review is needed, that the Superseding Master Plan is consistent with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto, and that the Superseding Master Plan replace the initial approved Master Plan in its entirety.

WHEREAS, at a duly noticed public meeting held on July 25, 2007, the CCDC Board of Directors considered the Manchester application for a consistency determination as to its proposed Navy Broadway Complex Superseding Master Plan.

NOW, THEREFORE, the CCDC Board does hereby resolve as follows:

1. That the foregoing recitals are true and correct;
2. That based on all of the information in the record, the DSD CEQA Consistency Analysis for the NBC Project continues to be adequate with respect to the Superseding Master Plan;

3. That no Subsequent or Supplemental EIR is required for the NBC Project because no substantial changes have been proposed to the NBC Project which will require major revision to previous EIRs, no substantial changes have occurred with respect to the circumstances under which the NBC Project is now being undertaken, and no new information, which was not known and could not have been known at the time the Environmental Documents were certified as complete, has become available;
4. That the CCDC staff recommendation on the consistency determination for the Superseded Master Plan is incorporated herein as though set forth in full, and that, with conditions, no further environmental review is needed, that the Superseded Master Plan is found to be consistent with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto, and hereby supersedes and replaces the initial approved Master Plan in its entirety;
5. The following requirement is included as a condition of this consistency determination:

Indemnification:

That Manchester Pacific Gateway ("DEVELOPER") shall protect, defend, indemnify, and hold the Centre City Development Corporation ("CCDC"), its appointed officials, officers, representatives, agents and employees, harmless from and against any and all claims asserted or liability established which arise out of or are in any manner directly or indirectly connected with the consistency determination issued by CCDC for development of the Navy Broadway Complex Master Plan and Navy Administration Building, located within the Marina and Columbia Sub Areas of the Centre City Redevelopment Project, in the City of San Diego. Such indemnification shall include all costs and expenses of investigating and defending against same, including without limitation, attorney fees and costs, provided, however, that DEVELOPER'S duty to indemnify and hold harmless shall not include any claims or liability arising from the established active negligence, sole negligence, or sole willful misconduct of CCDC, its appointed officials, officers, representatives, agents and employees.

CCDC may, at its election, conduct the defense or participate in the defense of any claim related in any way to this indemnification. If CCDC chooses at its own election to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification, developer shall pay all of the costs related thereto, including without limitation, reasonable attorney fees and costs. This indemnification shall survive all applicable statutes of limitation.

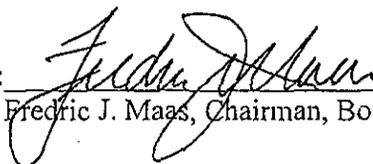
We hereby certify that the foregoing Resolution was passed and adopted by the Board of Directors for the Centre City Development Corporation, at its meeting of July 25, 2007, by the following vote:

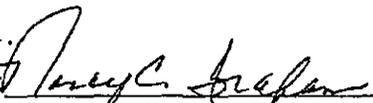
AYES: Directors Maas, McNeely, LeSar and Brown

NOES: Directors Cruz

ABSENT: Directors Raffesberger and Kilkenny

CENTRE CITY DEVELOPMENT CORPORATION

By: 
Fredric J. Maas, Chairman, Board of Directors

By: 
Nancy C. Graham, President and Chief Operating Officer

Approved:

Lounsbery Ferguson Altona & Peak

By: 
Helen Holmes Peak, Corporation Counsel

RESOLUTION 2007-02

A RESOLUTION OF THE
CENTRE CITY DEVELOPMENT CORPORATION
REGARDING A CONSISTENCY DETERMINATION
ON BASIC CONCEPT/SCHEMATIC DRAWINGS FOR
BUILDING 2A OF THE NAVY BROADWAY COMPLEX PROJECT

WHEREAS, in 1992, the City of San Diego ("City") entered into an Agreement with the United States of America by and through the Southwest Division, Naval Facilities Engineering Command ("Navy") adopting a Development Plan and Urban Design Guidelines for redevelopment of the Navy Broadway Complex Project ("NBC Project") site, which document was recorded in the San Diego County Recorder's Office as Document #1992-0802775 ("NBC Agreement"), and was amended in December 2001 and in January 2003.

WHEREAS, in 1992 the City certified a project-level Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") for the NBC Project and adopted a Mitigation Monitoring Plan to govern the implementation of mitigation measures adopted for the project to be developed pursuant to the NBC Agreement.

WHEREAS, pursuant to Section 5.2 of the NBC Agreement, Centre City Development Corporation ("CCDC") is required to undertake a determination of the proposed NBC Project's consistency with the Development Plan and Urban Design Guidelines set forth in the Agreement.

WHEREAS, by or about June 30, 2006, Manchester Financial Group ("Manchester"), the Developer selected by the Navy to develop the NBC Project, filed a complete application for a consistency determination as to its proposed Navy Broadway Complex Master Plan and Navy Administration Building.

WHEREAS, at a duly noticed public meeting held on October 25, 2006, the CCDC Board adopted Resolution 2006-03, pursuant to which it adopted the October 19, 2006 "CEQA Consistency Analysis for Navy Broadway Complex" issued by the City's Development Services Department ("DSD") pursuant to the California Environmental Quality Act ("CEQA"), California Public Resources Code section 21166, and the determination by DSD based on such analysis that no further environmental review is warranted for the NBC Project pursuant to Public Resources Code section 21166.

WHEREAS, at a duly noticed public meeting held on October 25, 2006, the CCDC Board of Directors considered the Manchester application for a consistency determination as to its proposed Navy Broadway Complex Master Plan and the Navy Administration Building and adopted Resolution 2006-04, by which it approved a determination that said First Master Plan was consistent with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement, subject to limited modifications and additions to the staff recommendation as set forth in CCDC Resolution 2006-04.

WHEREAS, Manchester submitted a Superseding Master Plan and Basic Concept/Schematic Drawings for Buildings 2A, 2B, 3A and 3B on July 2, 2007.

WHEREAS, CCDC staff has evaluated the Basic Concept/Schematic Drawings submitted by Manchester, and has recommended that the Board find that the Building 2A Basic Concept/Schematic Drawings are consistent, with conditions, with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto.

WHEREAS, CCDC staff has recommended that the Board find the Building 2A Basic Concept/Schematic Drawings submission consistent, with conditions, with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto.

WHEREAS, at a duly noticed public meeting held on July 25, 2007, the CCDC Board of Directors considered the Manchester application for a consistency determination as to its Building 2A Basic Concept/Schematic Drawings submission.

NOW, THEREFORE, the CCDC Board does hereby resolve as follows:

1. That the foregoing recitals are true and correct;
2. That CCDC Resolution 2007-1 regarding the Superseding Master Plan for the Navy Broadway Complex Project, the recitals and findings contained therein, and the attachments thereto, are incorporated herein by reference as though set forth in full;
3. That the CCDC staff recommendation on the consistency determination for Basic Concept/Schematic Drawings for Building 2A of the Navy Broadway Complex Project is approved and incorporated herein as though set forth in full, and that based thereon,

the Board hereby finds that the Building 2A Basic Concept/Schematic Drawings submission is consistent, with conditions, with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto;

4. The following requirement is included as a condition of this consistency determination:
Indemnification:

That Manchester Pacific Gateway ("DEVELOPER") shall protect, defend, indemnify, and hold the Centre City Development Corporation ("CCDC"), its appointed officials, officers, representatives, agents and employees, harmless from and against any and all claims asserted or liability established which arise out of or are in any manner directly or indirectly connected with the consistency determination issued by CCDC for development of the Navy Broadway Complex Master Plan and Navy Administration Building, located within the Marina and Columbia Sub Areas of the Centre City Redevelopment Project, in the City of San Diego. Such indemnification shall include all costs and expenses of investigating and defending against same, including without limitation, attorney fees and costs, provided, however, that DEVELOPER'S duty to indemnify and hold harmless shall not include any claims or liability arising from the established active negligence, sole negligence, or sole willful misconduct of CCDC; its appointed officials, officers, representatives, agents and employees.

CCDC may, at its election, conduct the defense or participate in the defense of any claim related in any way to this indemnification. If CCDC chooses at its own election to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification, developer shall pay all of the costs related thereto, including without limitation, reasonable attorney fees and costs. This indemnification shall survive all applicable statutes of limitation.

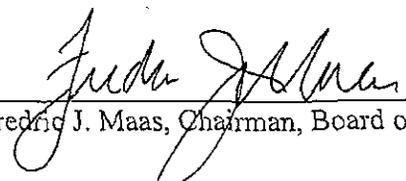
We hereby certify that the foregoing Resolution was passed and adopted by the Board of Directors for the Centre City Development Corporation, at its meeting of July 25, 2007, by the following vote:

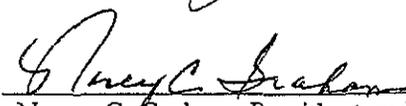
AYES: Directors Maas, McNeely, LeSar and Brown

NOES: Directors Cruz

ABSENT: Directors Raffesberger and Kilkenny

CENTRE CITY DEVELOPMENT CORPORATION

By: 
Fredric J. Maas, Chairman, Board of Directors

By: 
Nancy C. Graham, President and Chief Operating Officer

Approved:

Lounsbery Ferguson Altona & Peak

By: 
Helen Holmes Peak, Corporation Counsel

RESOLUTION 2007-03

A RESOLUTION OF THE
CENTRE CITY DEVELOPMENT CORPORATION
REGARDING A CONSISTENCY DETERMINATION
ON BASIC CONCEPT/SCHEMATIC DRAWINGS FOR
BUILDING 2B OF THE NAVY BROADWAY COMPLEX PROJECT

WHEREAS, in 1992, the City of San Diego ("City") entered into an Agreement with the United States of America by and through the Southwest Division, Naval Facilities Engineering Command ("Navy") adopting a Development Plan and Urban Design Guidelines for redevelopment of the Navy Broadway Complex Project ("NBC Project") site, which document was recorded in the San Diego County Recorder's Office as Document #1992-0802775 ("NBC Agreement"), and was amended in December 2001 and in January 2003.

WHEREAS, in 1992 the City certified a project-level Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") for the NBC Project and adopted a Mitigation Monitoring Plan to govern the implementation of mitigation measures adopted for the project to be developed pursuant to the NBC Agreement.

WHEREAS, pursuant to Section 5.2 of the NBC Agreement, Centre City Development Corporation ("CCDC") is required to undertake a determination of the proposed NBC Project's consistency with the Development Plan and Urban Design Guidelines set forth in the Agreement.

WHEREAS, by or about June 30, 2006, Manchester Financial Group ("Manchester"), the Developer selected by the Navy to develop the NBC Project, filed a complete application for a consistency determination as to its proposed Navy Broadway Complex Master Plan and Navy Administration Building.

WHEREAS, at a duly noticed public meeting held on October 25, 2006, the CCDC Board adopted Resolution 2006-03, pursuant to which it adopted the October 19, 2006 "CEQA Consistency Analysis for Navy Broadway Complex" issued by the City's Development Services Department ("DSD") pursuant to the California Environmental Quality Act ("CEQA"); California Public Resources Code section 21166, and the determination by DSD based on such analysis that no further environmental review is warranted for the NBC Project pursuant to Public Resources Code section 21166.

WHEREAS, at a duly noticed public meeting held on October 25, 2006, the CCDC Board of Directors considered the Manchester application for a consistency determination as to its proposed Navy Broadway Complex Master Plan and the Navy Administration Building and adopted Resolution 2006-04, by which it approved a determination that said First Master Plan was consistent with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement, subject to limited modifications and additions to the staff recommendation as set forth in CCDC Resolution 2006-04.

WHEREAS, Manchester submitted a Superseding Master Plan and Basic Concept/Schematic Drawings for Buildings 2A, 2B, 3A and 3B on July 2, 2007.

WHEREAS, CCDC staff has evaluated the Basic Concept/Schematic Drawings submitted by Manchester, and has recommended that the Board find that the Building 2B Basic Concept/Schematic Drawings are consistent, with conditions, with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto.

WHEREAS, CCDC staff has recommended that the Board find the Building 2B Basic Concept/Schematic Drawings submission consistent, with conditions, with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto.

WHEREAS, at a duly noticed public meeting held on July 25, 2007, the CCDC Board of Directors considered the Manchester application for a consistency determination as to its Building 2B Basic Concept/Schematic Drawings submission.

NOW, THEREFORE, the CCDC Board does hereby resolve as follows:

1. That the foregoing recitals are true and correct;
2. That CCDC Resolution 2007-01 regarding the Superseding Master Plan for the Navy Broadway Complex Project, the recitals and findings contained therein, and the attachments thereto, are incorporated herein by reference as though set forth in full;

3. That the CCDC staff recommendation on the consistency determination for Basic Concept/Schematic Drawings for Building 2B of the Navy Broadway Complex Project is approved and incorporated herein as though set forth in full, and that based thereon, the Board hereby finds that the Building 2B Basic Concept/Schematic Drawings submission is consistent, with conditions, with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto;
4. *The following requirement is included as a condition of this consistency determination:*
Indemnification:

That Manchester Pacific Gateway ("DEVELOPER") shall protect, defend, indemnify, and hold the Centre City Development Corporation ("CCDC"), its appointed officials, officers, representatives, agents and employees, harmless from and against any and all claims asserted or liability established which arise out of or are in any manner directly or indirectly connected with the consistency determination issued by CCDC for development of the Navy Broadway Complex Master Plan and Navy Administration Building, located within the Marina and Columbia Sub Areas of the Centre City Redevelopment Project, in the City of San Diego. Such indemnification shall include all costs and expenses of investigating and defending against same, including without limitation, attorney fees and costs, provided, however, that DEVELOPER'S duty to indemnify and hold harmless shall not include any claims or liability arising from the established active negligence, sole negligence, or sole willful misconduct of CCDC, its appointed officials, officers, representatives, agents and employees.

CCDC may, at its election, conduct the defense or participate in the defense of any claim related in any way to this indemnification. If CCDC chooses at its own election to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification, developer shall pay all of the costs related thereto, including without limitation, reasonable attorney fees and costs. This indemnification shall survive all applicable statutes of limitation.

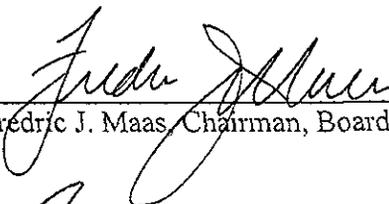
We hereby certify that the foregoing Resolution was passed and adopted by the Board of Directors for the Centre City Development Corporation, at its meeting of July 25, 2007, by the following vote:

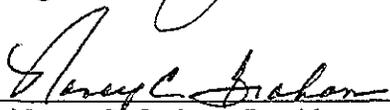
AYES: Directors Maas, McNeely, LeSar and Brown

NOES: Directors Cruz

ABSENT: Directors Raffesberger and Kilkenny

CENTRE CITY DEVELOPMENT CORPORATION

By: 
Fredric J. Maas, Chairman, Board of Directors

By: 
Nancy C. Graham, President and Chief Operating Officer

Approved:

Lounsbery Ferguson Altona & Peak

By: 
Helen Holmes Peak, Corporation Counsel

RESOLUTION 2007-04

A RESOLUTION OF THE
CENTRE CITY DEVELOPMENT CORPORATION
REGARDING A CONSISTENCY DETERMINATION
ON BASIC CONCEPT/SCHEMATIC DRAWINGS FOR
BUILDING 3A OF THE NAVY BROADWAY COMPLEX PROJECT

WHEREAS, in 1992, the City of San Diego ("City") entered into an Agreement with the United States of America by and through the Southwest Division, Naval Facilities Engineering Command ("Navy") adopting a Development Plan and Urban Design Guidelines for redevelopment of the Navy Broadway Complex Project ("NBC Project") site, which document was recorded in the San Diego County Recorder's Office as Document #1992-0802775 ("NBC Agreement"), and was amended in December 2001 and in January 2003.

WHEREAS, in 1992 the City certified a project-level Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") for the NBC Project and adopted a Mitigation Monitoring Plan to govern the implementation of mitigation measures adopted for the project to be developed pursuant to the NBC Agreement.

WHEREAS, pursuant to Section 5.2 of the NBC Agreement, Centre City Development Corporation ("CCDC") is required to undertake a determination of the proposed NBC Project's consistency with the Development Plan and Urban Design Guidelines set forth in the Agreement.

WHEREAS, by or about June 30, 2006, Manchester Financial Group ("Manchester"), the Developer selected by the Navy to develop the NBC Project, filed a complete application for a consistency determination as to its proposed Navy Broadway Complex Master Plan and Navy Administration Building.

WHEREAS, at a duly noticed public meeting held on October 25, 2006, the CCDC Board adopted Resolution 2006-03, pursuant to which it adopted the October 19, 2006 "CEQA Consistency Analysis for Navy Broadway Complex" issued by the City's Development Services Department ("DSD") pursuant to the California Environmental Quality Act ("CEQA"), California Public Resources Code section 21166, and the determination by DSD based on such analysis that no further

environmental review is warranted for the NBC Project pursuant to Public Resources Code section 21166.

WHEREAS, at a duly noticed public meeting held on October 25, 2006, the CCDC Board of Directors considered the Manchester application for a consistency determination as to its proposed Navy Broadway Complex Master Plan and the Navy Administration Building and adopted Resolution 2006-04, by which it approved a determination that said First Master Plan was consistent with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement, subject to limited modifications and additions to the staff recommendation as set forth in CCDC Resolution 2006-04.

WHEREAS, Manchester submitted a Superseding Master Plan and Basic Concept/Schematic Drawings for Buildings 2A, 2B, 3A and 3B on July 2, 2007.

WHEREAS, CCDC staff has evaluated the Basic Concept/Schematic Drawings submitted by Manchester, and has recommended that the Board find that the Building 3A Basic Concept/Schematic Drawings are consistent, with conditions, with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto.

WHEREAS, CCDC staff has recommended that the Board find the Building 3A Basic Concept/Schematic Drawings submission consistent, with conditions, with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto.

WHEREAS, at a duly noticed public meeting held on July 25, 2007, the CCDC Board of Directors considered the Manchester application for a consistency determination as to its Building 3A Basic Concept/Schematic Drawings submission.

NOW, THEREFORE, the CCDC Board does hereby resolve as follows:

1. That the foregoing recitals are true and correct;

2. That CCDC Resolution 2007-1 regarding the Superseding Master Plan for the Navy Broadway Complex Project, the recitals and findings contained therein, and the attachments thereto, are incorporated herein by reference as though set forth in full.
3. That the CCDC staff recommendation on the consistency determination for Basic Concept/Schematic Drawings for Building 3A of the Navy Broadway Complex Project is approved and incorporated herein as though set forth in full, and that based thereon, the Board hereby finds that the Building 3A Basic Concept/Schematic Drawings submission is consistent, with conditions, with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto.
4. The following requirement is included as a condition of this consistency determination:
Indemnification:

That Manchester Pacific Gateway ("DEVELOPER") shall protect, defend, indemnify, and hold the Centre City Development Corporation ("CCDC"), its appointed officials, officers, representatives, agents and employees, harmless from and against any and all claims asserted or liability established which arise out of or are in any manner directly or indirectly connected with the consistency determination issued by CCDC for development of the Navy Broadway Complex Master Plan and Navy Administration Building, located within the Marina and Columbia Sub Areas of the Centre City Redevelopment Project, in the City of San Diego. Such indemnification shall include all costs and expenses of investigating and defending against same, including without limitation, attorney fees and costs, provided, however, that DEVELOPER'S duty to indemnify and hold harmless shall not include any claims or liability arising from the established active negligence, sole negligence, or sole willful misconduct of CCDC, its appointed officials, officers, representatives, agents and employees.

CCDC may, at its election, conduct the defense or participate in the defense of any claim related in any way to this indemnification. If CCDC chooses at its own election to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification, developer shall pay all of the costs related thereto, including without limitation, reasonable attorney fees and costs. This indemnification shall survive all applicable statutes of limitation.

We hereby certify that the foregoing Resolution was passed and adopted by the Board of Directors for the Centre City Development Corporation, at its meeting of July 25, 2007, by the following vote:

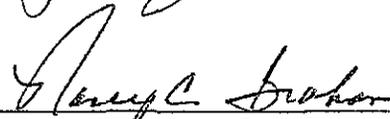
AYES: Directors Maas, McNeely, LeSar and Brown

NOES: Directors Cruz

ABSENT: Directors Raffesberger and Kilkenny

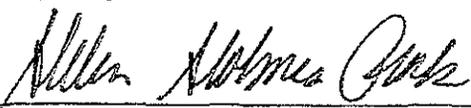
CENTRE CITY DEVELOPMENT CORPORATION

By: 
Fredric J. Maas, Chairman, Board of Directors

By: 
Nancy C. Graham, President and Chief Operating Officer

Approved:

Lounsbery Ferguson Altona & Peak

By: 
Helen Holmes Peak, Corporation Counsel

RESOLUTION 2007-05

A RESOLUTION OF THE
CENTRE CITY DEVELOPMENT CORPORATION
REGARDING A CONSISTENCY DETERMINATION
ON BASIC CONCEPT/SCHEMATIC DRAWINGS FOR
BUILDING 3B OF THE NAVY BROADWAY COMPLEX PROJECT

WHEREAS, in 1992, the City of San Diego ("City") entered into an Agreement with the United States of America by and through the Southwest Division, Naval Facilities Engineering Command ("Navy") adopting a Development Plan and Urban Design Guidelines for redevelopment of the Navy Broadway Complex Project ("NBC Project") site, which document was recorded in the San Diego County Recorder's Office as Document #1992-0802775 ("NBC Agreement"), and was amended in December 2001 and in January 2003.

WHEREAS, in 1992 the City certified a project-level Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") for the NBC Project and adopted a Mitigation Monitoring Plan to govern the implementation of mitigation measures adopted for the project to be developed pursuant to the NBC Agreement.

WHEREAS, pursuant to Section 5.2 of the NBC Agreement, Centre City Development Corporation ("CCDC") is required to undertake a determination of the proposed NBC Project's consistency with the Development Plan and Urban Design Guidelines set forth in the Agreement.

WHEREAS, by or about June 30, 2006, Manchester Financial Group ("Manchester"), the Developer selected by the Navy to develop the NBC Project, filed a complete application for a consistency determination as to its proposed Navy Broadway Complex Master Plan and Navy Administration Building.

WHEREAS, at a duly noticed public meeting held on October 25, 2006, the CCDC Board adopted Resolution 2006-03, pursuant to which it adopted the October 19, 2006 "CEQA Consistency Analysis for Navy Broadway Complex" issued by the City's Development Services Department ("DSD") pursuant to the California Environmental Quality Act ("CEQA"), California Public Resources Code section 21166, and the determination by DSD based on such analysis that no further environmental review is warranted for the NBC Project pursuant to Public Resources Code section 21166.

WHEREAS, at a duly noticed public meeting held on October 25, 2006, the CCDC Board of Directors considered the Manchester application for a consistency determination as to its proposed Navy Broadway Complex Master Plan and the Navy Administration Building and adopted Resolution 2006-04, by which it approved a determination that said First Master Plan was consistent with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement, subject to limited modifications and additions to the staff recommendation as set forth in CCDC Resolution 2006-04.

WHEREAS, Manchester submitted a Superseding Master Plan and Basic Concept/Schematic Drawings for Buildings 2A, 2B, 3A and 3B on July 2, 2007.

WHEREAS, CCDC staff has evaluated the Basic Concept/Schematic Drawings submitted by Manchester, and has recommended that the Board find that the Building 3B Basic Concept/Schematic Drawings are consistent, with conditions, with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto.

WHEREAS, CCDC staff has recommended that the Board find the Building 3B Basic Concept/Schematic Drawings submission consistent, with conditions, with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto.

WHEREAS, at a duly noticed public meeting held on July 25, 2007, the CCDC Board of Directors considered the Manchester application for a consistency determination as to its Building 3B Basic Concept/Schematic Drawings submission.

NOW, THEREFORE, the CCDC Board does hereby resolve as follows:

1. That the foregoing recitals are true and correct;
2. That CCDC Resolution 2007-01 regarding the Superseding Master Plan for the Navy Broadway Complex Project, the recitals and findings contained therein, and the attachments thereto, are incorporated herein by reference as though set forth in full;
3. That the CCDC staff recommendation on the consistency determination for Basic

Concept/Schematic Drawings for Building 3B of the Navy Broadway Complex Project is approved and incorporated herein as though set forth in full, and that based thereon, the Board hereby finds that the Building 3B Basic Concept/Schematic Drawings submission is consistent, with conditions, with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto;

4. The following requirement is included as a condition of this consistency determination:
Indemnification:

That Manchester Pacific Gateway ("DEVELOPER") shall protect, defend, indemnify, and hold the Centre City Development Corporation ("CCDC"), its appointed officials, officers, representatives, agents and employees, harmless from and against any and all claims asserted or liability established which arise out of or are in any manner directly or indirectly connected with the consistency determination issued by CCDC for development of the Navy Broadway Complex Master Plan and Navy Administration Building, located within the Marina and Columbia Sub Areas of the Centre City Redevelopment Project, in the City of San Diego. Such indemnification shall include all costs and expenses of investigating and defending against same, including without limitation, attorney fees and costs, provided, however, that DEVELOPER'S duty to indemnify and hold harmless shall not include any claims or liability arising from the established active negligence, sole negligence, or sole willful misconduct of CCDC, its appointed officials, officers, representatives, agents and employees.

CCDC may, at its election, conduct the defense or participate in the defense of any claim related in any way to this indemnification. If CCDC chooses at its own election to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification, developer shall pay all of the costs related thereto, including without limitation, reasonable attorney fees and costs. This indemnification shall survive all applicable statutes of limitation.

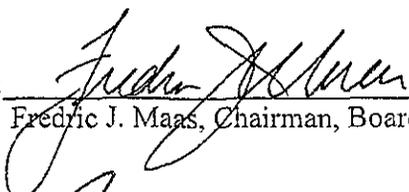
We hereby certify that the foregoing Resolution was passed and adopted by the Board of Directors for the Centre City Development Corporation, at its meeting of July 25, 2007, by the following vote:

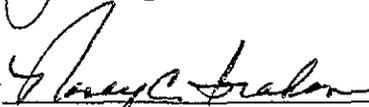
AYES: Directors Maas, McNeely, LeSar and Brown

NOES: Directors Cruz

ABSENT: Directors Raffesberger and Kilkenny

CENTRE CITY DEVELOPMENT CORPORATION

By: 
Fredric J. Maas, Chairman, Board of Directors

By: 
Nancy C. Graham, President and Chief Operating Officer

Approved:

Lounsbury Ferguson Altona & Peak

By: 
Helen Holmes Peak, Corporation Counsel

CITY OF SAN DIEGO
M E M O R A N D U M

DATE: October 19, 2006

TO: James T. Waring, Deputy Chief of Land Use and Economic Development

FROM: Robert Manis, Assistant Deputy Director, Development Services

SUBJECT: CEQA Consistency Analysis for Navy Broadway Complex

The Development Services Department (DSD) was asked to conduct a CEQA consistency analysis on the proposed Navy Broadway Complex (NBC) for CCDC. The review is limited to consideration of CEQA issues associated with the project and previously certified applicable environmental documents. This review was done pursuant to Section 21166 of CEQA. The NBC project is subject to a Development Agreement between the City of San Diego and the Navy and an EIR/EIS prepared in 1990 (The City prepared and certified the EIR pursuant to CEQA and the Navy prepared the EIS pursuant to NEPA). The City was the lead agency on the EIR and retains CEQA responsibilities as outlined in the Development Agreement. CCDC is responsible for reviewing the project for consistency with the Development Plan and the Design Guidelines.

For purposes of conducting the CEQA consistency analysis, DSD considered the proposed NBC project components. It was found that the proposed Navy Broadway Complex (NBC) project is consistent with the project described in the 1990 EIR/EIS in terms of uses and intensity. The 1990 NBC project included a total of 2,950,000 square feet of office, retail and hotel uses plus 300,000 square feet of above grade parking and 3,105 total parking spaces (including Navy fleet parking). The proposed NBC project is slightly smaller at 2,936,050 square feet of office, retail, and hotel uses and includes a total of 2,961 parking spaces. The layouts of the two projects are similar and CCDC will be reviewing the project for consistency with the adopted Design Guidelines.

DSD's CEQA consistency analysis for the proposed NBC project considered several environmental documents, described below, that have been certified since 1990 in the downtown area.

- **Navy Broadway Complex Project Environmental Impact Report/Environmental Impact Statement (Joint CEQA/NEPA document, October 1990).** Certified by the City of San Diego on October 20, 1992. This document fully analyzed the NBC project at the project level and assumed that build out of the downtown area would occur consistent with the adopted land use plans. The NBC project EIR/EIS also indicates that the precise mix and location (by block) of land uses would be determined by market conditions. As such, it was anticipated that possible changes to the site plan from what was approved in 1992

would incorporate all relevant mitigation measures identified for *transportation/circulation/parking, air quality, cultural resources, noise, etc.*

- **Final Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project.** Certified by the Redevelopment Agency (Resolution #2081) and City Council (Resolution #279875) on April 28, 1992. The 1992 MEIR specifically identified the NBC project within the Land Use section on Page 4.A-17 as follows: "...redevelopment of 1 million square feet of Navy offices; up to 2.5 million mixed commercial, office, and hotel uses, and a plaza at Broadway and Harbor Drive." The MEIR assumed development of the NBC project in the Land Use Impact analysis and anticipated mitigation associated with Transportation/Circulation/Parking, Air Quality, Cultural Resources and other project specific measures necessary to reduce potential impacts to below a level of significance.
- **Final Subsequent Environmental Impact Report (SEIR) to the 1992 Final Master Environmental Impact Report Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects and Associated Plan Amendments.** Certified by the Redevelopment Agency (Resolution #03058) and the City Council (Resolution #292363) on October 26, 1999. The NBC project is not specifically called out as a project under the Land Use or Cumulative discussion sections of the SEIR. However, in order to determine the short-term and longer-term cumulative impacts with or without the Ballpark and Ancillary development projects, the SEIR assumed build out of the Redevelopment Project Area as defined in the 1992 MEIR which includes the NBC project. In addition, projected land use data in the 2002 SANDAG traffic model was modified to include additional CCDC build out developments consistent with the 1992 MEIR. Since the 1992 MEIR included the NBC project, the same and/or similar intersection, ramp and roadway segment impacts were assumed in the SEIR traffic analysis. Mitigation included an Event Transportation Management Plan, Freeway Deficiency Plan, Parking Management Plan and Transit improvements (all significant/mitigated, unless necessary freeway improvements are not made, resulting in a cumulatively significant and unmitigated impact).

Air Quality was analyzed using the Regional Air Quality Standards (RAQS) for the San Diego Air Basin. Regional impacts from increased traffic would remain significant and unmitigated; however, with proximity to public transit, air emissions would be reduced with implementation of RAQS controls. Potential significant unmitigated, long-term impacts were identified associated with freeway onramp congestion. Recommendation's to implement the Freeway Deficiency Plan were required, but could not be guaranteed.

- **North Embarcadero Visionary Plan Environmental Impact Report.** Certified by the Board of Port Commissioners of the San Diego Unified Port District in March 2000. This EIR assumed development of the NBC project in the Executive Summary and the Land Use discussions. The Visionary Plan Area incorporates the NBC project site, but

did not include it in the calculation of square footage for the existing and proposed Visionary Plan uses (Table 3.3-1, Page 3-5). The Visionary Plan EIR references the NBC project as an existing entitled project for comprehensive planning purposes and cumulative analysis. The Visionary Plan EIR assumes near-term as 2005 and long-term build out as 2020 for the traffic analysis. A significant unmitigated and cumulative impact was identified for Freeway I-5 and I-5 ramps from 1st to 6th Avenues; impacts to ramp capacity and ramp meters were also identified and mitigable with implementation of SANDAG I-5 Freeway Corridor Study, which addresses deficiencies on the freeway and associated ramps. The Visionary Plan EIR also anticipated mitigation associated with Parking, Air Quality, Cultural Resources and other project specific measures necessary to reduce potential impacts to below a level of significance. The Visionary Plan EIR incorporated development and improvements included in the NBC project, but did not consider the project in the cumulative analysis for Urban Design/Visual Quality. Overall, the Visionary Plan adequately addressed the NBC project and is therefore consistent with the certified EIR/EIS.

- **Downtown Community Plan Environmental Impact Report in Conjunction with a new Downtown Community Plan, new Centre City Planned District Ordinance and Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project.** Certified by the Redevelopment Agency and City Council on February 28, 2006. The Downtown Community Plan EIR assumed development of the NBC project in the Project Description and incorporated anticipated land uses and building square footages into the figures and impact analysis. The Community Plan EIR also anticipated mitigation for direct impacts associated with Transportation/Circulation/Parking, Air Quality, Cultural Resources and other project specific measures necessary to reduce potential impacts to below a level of significance, as well as cumulative impacts to Air Quality and Transportation; however, the impacts from implementation of the proposed Community Plan and Planned District Ordinance on parking, grid streets and surrounding streets is considered significant and unmitigable.

One issue identified and evaluated with the CEQA consistency review was on-site parking relative to the *minor modifications to square footage in the proposed NBC project compared to the 1990 NBC project*. While the total square footage of the proposed NBC project represents a small reduction from the 1990 NBC project, the total number of proposed parking spaces has been reduced from 3,105 to 2,961. The analysis determined that the 3,105 spaces included 230 Navy fleet car spaces, leaving 2,875 spaces for general use. The Navy has indicated that there is currently a need for only 54 fleet spaces. With a total of 2,961 spaces proposed, that leaves 2,907 spaces for general use, more than with the 1990 NBC project.

In conclusion, DSD noted that the proposed NBC project is substantially the same as the 1990 NBC project. The EIR/EIS done for the 1990 NBC project analyzed the project in detail, assuming build out of the surrounding area consistent with the land use plans and identified mitigation for impacts resulting from the project. Subsequent environmental documents in the downtown area, while not analyzing the NBC project at the project level, did reference the NBC project and assumed it would build out in accordance with the 1990 NBC project. Most recently,

in 2006, the EIR for the Downtown Community Plan Update addressed community-wide policy/land use issues and again, assumed build out of the NBC.

Section 21166 of CEQA states that when an EIR has been prepared for a project, no subsequent or supplemental EIR shall be required unless one or more of three events occur. These events are:

1. Substantial changes are proposed in the project
2. Substantial changes occur with respect to circumstances under which the project is being undertaken
3. New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available

As stated earlier, there are no substantial changes to the NBC project from the 1990 NBC project. Project uses and intensity are virtually the same. It is acknowledged that the Ballpark and Ancillary Development projects, located in the East Village were not identified in the 1992 CCDC MEIR or the 1990 NBC EIR/EIS and therefore not considered in the cumulative impact analysis for the NBC project. However, because these projects were not anticipated, CCDC required the preparation of a Subsequent EIR which incorporated by reference the NBC EIR/EIS and assumed the same build out land uses adopted for the community plan at that time, which were ultimately used to analyze transportation/circulation impacts, and address regional and local air quality issues. Since these projects were ultimately analyzed with consideration of the NBC project, DSD does not consider this to be a substantial change in circumstances. There is no new information available that was not part of the original EIR/EIS and/or considered with subsequent environmental reviews of other projects. It was and continues to be assumed that the downtown area, including the NBC site, would build out according to adopted land use plans. When the Downtown Community Plan was changed earlier this year, new land use policies were put into place but the assumptions for the NBC site remained.

Page 5
James T. Waring
October 19, 2006

Because none of the three events have occurred, DSD does not find a need to conduct additional environmental review for the proposed NBC project. The proposed NBC project is adequately addressed in the prior environmental documents that were certified for the 1990 NBC project and for other projects in the vicinity. Project impacts are adequately addressed and appropriate mitigation has been identified.



Robert Manis

RM/pdh

cc: Marcela Escobar-Eck, Development Services Director
Kelly Broughton, Deputy Director, Development Services
Nancy Graham, President, CCDC
Eli Sanchez, Project Manager, CCDC
Myra Herrmann, Senior Environmental Planner

INITIAL STUDY

PROJECT TITLE: Superseding Master Plan and Phase I Buildings for the Navy Broadway Complex (NBC) Project, herein known as the "Project".

APPLICANT: Manchester Financial Group and Manchester Pacific Gateway, LLC

PREPARER OF THE INITIAL STUDY

Centre City Development Corporation
225 Broadway, Suite 1100
San Diego, CA 92101
Attn: Eli Sanchez

PROJECT LOCATION: The Project is located in the City of San Diego, California within the downtown area, in the western area of the City near the San Diego Bay waterfront and is bounded by Broadway on the north, Pacific Highway on the east, and Harbor Drive on the south and west.

PROJECT DESCRIPTION: See Project Description on page 4 of this Initial Study.

PROJECT SETTING: The 1992 Final EIR/EIS for the Navy Broadway Complex (NBC) describes the existing setting of the NBC. This description is hereby incorporated by reference.

The 14.7-acre NBC site houses the Commander, Navy Region Southwest (CNRSW), the Navy Fleet Industrial Supply Center (FISC), and several other Navy administrative uses, and is central to other military installations, including Naval Base Point Loma, Naval Base Coronado, and Naval Station San Diego. Constructed between 1921 and 1944, the Complex currently has 860,678 sf of administrative and warehouse space that is located in two large and six smaller buildings. The southern and eastern parts of the property were previously developed with many structures that have since been demolished, and nearly half of the site is presently used for parking.

Downtown San Diego has a diverse mix of land uses, including working port activities, industrial complexes, cultural facilities, retail stores, offices, residences

and civic buildings. The NBC is adjacent to the San Diego Bay waterfront and is surrounded by a mix of urban uses, including the USS Midway, several piers, a cruise ship terminal, and a landscaped embarcadero promenade to the west; a large public parking lot to the north, known as Lane Field and planned for redevelopment with hotel and retail uses; hotel, residential, commercial, and retail uses to the east; and Seaport Village, a retail destination, to the south. The San Diego Convention Center is located to the southeast of Seaport Village. NAVFEC Southwest is located on the Pacific Highway, approximately 1,300 feet north of the NBC, and the surrounding neighborhoods have experienced residential development recently, including both mid-rise buildings and high-rise towers.

RELEVANT ENVIRONMENTAL REVIEW DOCUMENTS:

Since the Project was originally approved in 1992, the City has approved several large scale planning and development proposals for the Downtown area that relate to and incorporate buildout of the Project. Specifically, the Project has been considered or was assumed in the 1992 NBC Project EIR/EIS, the 1992 Final Master EIR for the Centre City Redevelopment Project, the 1999 Final Subsequent EIR for the Ballpark and Ancillary Development Projects, the 2000 North Embarcadero Visionary Plan EIR, and the 2006 Downtown Community Plan Final EIR (collectively, the "Environmental Documents") In addition, in 2006, the U.S. Navy prepared an Environmental Assessment that considered the environmental effects of implementing the Development Agreement, pursuant to the Navy's obligations under federal environmental law (National Environmental Policy Act). Each of the documents identified below is hereby incorporated by reference into this Initial Study.

Navy Broadway Complex Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) (Joint CEQA/NEPA Document)

In 1990, a Draft Environmental Impact Statement/Environmental Impact Report (EIR/EIS) for the Navy Broadway Complex Project by the U.S. Navy and the City of San Diego. The documents were circulated simultaneously and incorporated each other by reference. The Final EIR/EIS was certified in 1992 and included an evaluation of potential impacts of development of the NBC Project as proposed by the Development Agreement between the City of San Diego and the U.S. Navy. The Final EIR/EIS included an evaluation of potential impacts of the NBC Development Agreement, including evaluations of Land Use, Transportation/Circulation, Aesthetics and Viewshed, Public Services and Utilities, Socioeconomic (i.e., population, housing, and employment), Geology

Navy Broadway Complex Project Development Agreement and Superseding Master Plan and Phase I Buildings

and Seismicity, Hydrology, Biological Resources, Air Quality, Noise, Cultural Resources, Public Health and Safety and Cumulative Impacts and Growth Inducing Impacts.

Final Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project

The Centre City Redevelopment Project involved an update of the then-existing Centre City Community Plan and adoption of related ordinances, including the Centre City Parking Ordinance, the Centre City Transit Ordinance, the Centre City Streetscape Manual, and the approval of a corresponding amendment to the City's Local Coastal Program. The Project area encompasses approximately 1,540 acres and covers four sub areas: Columbia Sub Area, Marina Sub Area, Gaslamp Quarter Sub Area, and the Expansion Sub Area. The Community Plan encompasses approximately 1,538 acres. The Community Plan provided overall standards, criteria, and objectives for development in the Centre City Area.

On April 8, 1992, the Redevelopment Agency and the City Council certified the Final Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project and adopted a Mitigation, Monitoring and Reporting Plan for the Project. The 1992 MEIR specifically identified the NBC Project within the Land Use section on Page 4.A-17 as follows: "...redevelopment of 1 million square feet of Navy offices; up to 2.5 million mixed commercial, office, and hotel uses, and a plaza at Broadway and Harbor Drive." The MEIR assumed development of the NBC Project in the Land Use Impact analysis and anticipated mitigation associated with Transportation/Circulation/Parking, Air Quality, Cultural Resources and other Project specific measures necessary to reduce potential impacts to a less than significant level.

Final Subsequent Environmental Impact Report (SEIR) to the 1992 Final Master Environmental Impact Report Addressing the Centre City Community Plan and Related Developments for the Proposed Ballpark and Ancillary Development Projects

The Ballpark and ancillary development projects proposed to redevelop approximately 75 acres within the East Village south of Market Street adjacent to the Gaslamp Quarter and across from the Convention Center. The project includes redevelopment surrounding the ballpark, such as residential lofts, restaurants, shops, entertainment, cultural activities, and conference facilities. The ballpark represents the central element of the Ballpark Project and covers approximately 15

acres. The ballpark provides fixed seating for approximately 42,500 fans, plus an additional capacity of 3,500 in the "Park at the Park." The ballpark includes two "garden buildings." These buildings are connected to the ballpark through bridges and walkways and include concessions, retail uses, ticket offices, business offices, and parking, amounting to a total of 259,000 sf. Other facilities include a 3,000-sf auditorium and 3,000-sf Hall of Fame/Interactive Learning Center. A series of parking facilities, one parking structure and four surface lots, will provide approximately 2,383 parking spaces.

The Redevelopment Agency and the City Council certified a Final Subsequent Environmental Impact Report (SEIR) on October 26, 1999, as a supplement to the MEIR, addressing the Centre City Community Plan and Related Documents for the proposed Ballpark and ancillary development projects. The SEIR incorporated by reference the NBC EIR/EIS. The SEIR did not specifically identify the NBC Project as a project under its Land Use or Cumulative discussion sections. However, to determine the short-term and longer-term cumulative impacts with or without the Ballpark and ancillary development projects, the SEIR assumed buildout of the Redevelopment Project Area as defined in the 1992 Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project, which included the NBC project.

Because the 1992 MEIR included the NBC project, the same and/or similar intersection, ramp and roadway segment impacts were assumed in the SEIR's traffic analysis. Additionally, the SEIR analyzed air quality using the Regional Air Quality Standards (RAQS) for the San Diego Air Basin. Mitigation included an Event Transportation Management Plan, Freeway Deficiency Plan, Parking Management Plan and Transit improvements.

North Embarcadero Visionary Plan Environmental Impact Report

In 1997, CCDC, along with the City, the County of San Diego, the San Diego Unified Port District and the Navy, formed the Embarcadero Alliance to draft, endorse and adopt a new plan for the waterfront area west of the railroad right-of-way and Laurel Street to the north, and Harbor Drive to the south. The plan area covers approximately 295 acres and includes both land and water areas. The resultant North Embarcadero Visionary Plan ("Visionary Plan") has two main objectives: to install a variety of public improvements to beautify the area to encourage new development and to prescribe regulatory standards that contribute a unified development pattern to the waterfront. The Visionary Plan and the NBC Development Agreement are similar in substance and intent, in part because the Visionary Plan is also based on the Central Bayfront Design Principles.

In March 2000, the Board of Port Commissioners of the San Diego Unified Port District certified the Environmental Impact Report for the Visionary Plan. The Visionary Plan EIR evaluated, on a programmatic level, impacts associated with implementation of the Visionary Plan, and project-specific analysis for subsequent projects proposed under the Visionary Plan. The Visionary Plan EIR was intended as a type of first-tier EIR to be used to streamline the CEQA process for subsequent projects that are proposed under a larger programmatic action. The Visionary Plan EIR identifies the NBC Project as an exiting entitled project for comprehensive planning purposes and cumulative analysis.

Downtown Community Plan Environmental Impact Report in Conjunction with the new Downtown Community Plan, new Centre City Planned District Ordinance and Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project.

In February 2006, the San Diego City Council adopted an update to the Downtown Community Plan. The Downtown Community Plan replaces the Centre City Community Plan, adopted in 1992. The Community Plan is part of the City's Progress Guide and General Plan and provides an overall framework for development by defining land use types and building intensities, the transportation system, recreational opportunities and urban design. In order to reflect the changes contained in the Downtown Community Plan, the Centre City Redevelopment Plan was also amended for consistency. The primary revisions resulted from replacing descriptions of land use districts to be consistent with the Downtown Community Plan, and to revise estimates of residential population and number of residential units in the Redevelopment Area.

The Redevelopment Agency and the City Council certified the Downtown Community Plan EIR on February 28, 2006. The Community Plan EIR assumed development of the NBC Project in the Project Description and incorporated anticipated land uses and building square footage into the figures and impact analysis. The EIR also anticipated mitigation for direct impacts associated with Transportation/Circulation/Parking, Air Quality, Cultural Resources and other project specific measures necessary to reduce potential impacts to below a level of significance, as well as cumulative impacts to Air Quality and Transportation.

2006 Environmental Assessment for Navy Broadway Complex

In 2006, the United States Navy prepared an Environmental Assessment (EA) for the Navy Broadway Complex in accordance with the Council on

Navy Broadway Complex Project Development Agreement and Superseding Master Plan and Phase I Buildings

Environmental Quality (CEQ) regulations, 40 C.F.R. Part 1500; the National Environmental Policy Act (NEPA), 42 USC § 4321; and other environmental regulations pertinent to the Navy. (See 2006 EA, p. ES-1.) The purpose of the EA was to consider the environmental effects of the implementation of the Development Agreement because, unlike in the early 1990s, market conditions in 2006 were favorable to the types of development contemplated by the Development Agreement. (2006 EA, p. ES-3.) Although the EA is a NEPA document, and not a CEQA document, the EA provides recent, relevant information regarding the environmental effects associated with implementation of the Development Agreement. The information presented in the EA was therefore considered in the preparation of this Initial Study and is incorporated herein by reference.

SEE ATTACHED CHECKLIST FOR MORE INFORMATION ABOUT CONTENTS OF ENVIRONMENTAL DOCUMENTS.

DETERMINATION: The primary purpose of this Initial Study is to evaluate the potential environmental effects of the proposed Project.

This Initial Study is intended to determine if the proposed Project and additional detail provided, beyond that analyzed in the Environmental Documents described above, meet any of the requirements for preparation of a Subsequent or Supplemental Environmental Documents per Public Resources Code Section 21166 and Sections 15162-15164 of the State California Environmental Quality Act (CEQA) Guidelines. These sections of the CEQA Guidelines would require a Subsequent or Supplemental EIR if any of the following conditions apply:

- Substantial changes are proposed in the project which will require major revisions of the previous EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at

the time the previous EIRs were certified as complete, shows any of the following:

- The project will have one or more significant effects not discussed in the previous EIRs;
- Significant effects previously examined will be substantially more severe than shown in the previous EIRs;
- Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIRs would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Initial Study determines that the conditions described in CEQA Guidelines Section 15162 have not occurred. The Project consists of a Superseding Master Plan, which replaces the previous Master Plan found to be consistent with the Development Agreement, and the Phase I Buildings. The Project has been reviewed by CCDC Staff, who have recommended that the Project be found consistent with the Development Agreement on which all previous environmental determinations have been made. There are no new significant environmental impacts and there is not an increase in severity of a previously identified significant effect. Moreover, the circumstances under which the Project is undertaken have not changed such that major revisions to the *Environmental Documents* are needed. Specifically, there are no new significant impacts or a substantial increase in the severity of previously identified significant effects. Lastly, there is no new information of substantial importance that indicates:

- that the Project will have new significant effects;
- that significant effects previously examined will be substantially more severe than shown in the previous EIRs;
- that mitigation measures previously found infeasible would be feasible, and would reduce one or more significant effects of the Project, but the Project proponents decline to adopt it, or
- mitigation measures or alternatives which are considerably different from those analyzed in the previous EIRs would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative.

The discussion of potential impacts in the Initial Study Checklist specifically addresses the potential for new or more severe impacts with regard to each resource area. Based on the criteria established under CEQA Guidelines Section 15164, this Initial Study determines that no Subsequent or Supplemental EIR is required.

MITIGATION: Certain policies or programs (mitigation measures) were required in, or incorporated into the Navy Broadway Complex Project in connection with certification of the Environmental Documents. Mitigation measures included in the Environmental Documents require future permit-specific implementation. As part of the City of San Diego's mitigation and monitoring and reporting obligation under State law, and pursuant to the Mitigation, Monitoring, and Reporting Program of the Environmental Documents, certain mitigation measures that were included in the Environmental Documents will be required if and when the proposed Project is approved.

INITIAL STUDY ANALYSIS

I. PROPOSED PROJECT DESCRIPTION

Location

The site of the Project is located in the City of San Diego, California within the downtown area. The Project is located in the western area of the City near the San Diego Bay waterfront. It is bounded by Broadway on the north, Pacific Highway on the east, and Harbor Drive on the south and west. The NBC, which consists of approximately 14.7 acres, is located on eight city blocks. The eight city blocks are consolidated into four larger blocks, with each bounded by Pacific Highway on the east and Harbor Drive on the west, and separated by the extension of E, F, and G streets. (See attached project location map.)

Project Description

The proposed activity for the purposes of this Initial Study is approval of the Superseding Master Plan and Phase I Buildings for the Navy Broadway Complex project. The Superseding Master Plan is intended to serve as a guide and long-term outline for implementing the 1992 Development Agreement entered into between the U.S. Navy and the City of San Diego. The proposed Superseding Master Plan is intended to be consistent with the NBC Development Agreement, conform to the Downtown Community Plan, and advance the policies and goals of

the Visionary Plan and the objectives of the Centre City Redevelopment project. The proposed Superseding Master Plan is also designed to incorporate the fundamental elements of the Central Bayfront Design Principles (view corridors, waterfront public access and stepping development “down” to the Bay). The Project boundaries remain the same and all the components of the original project have been carried forward that were identified in the Development Agreement and analyzed by the Environmental Documents. The main components of the proposed Superseding Master Plan include:

- A maximum of 2,893,434 gross square feet of above-grade development. This figure is 356,566 gross square feet less than the maximum building area allowed.
- 25,000 sf of independent retail space;
- 1.9 acres of formal open space;
- Primary uses include office, hotel, retail, public attraction, and parking uses (and retail associated with each of these uses).
- Museum space in two locations on Block 4 with a combined total square footage of 40,000. This is the minimum gross square feet of public attractions, such as museums, allowed.
- 2,988 parking spaces to serve the allocation of uses in the Project. This is 117 spaces less than the Final EIR/EIS estimation of 3,105 on-site parking spaces to be allowed with full build out of the Project.

Project component	Minimum or Maximum per Development Agreement	Proposed Superseding Master Plan	<i>Difference</i>
Office	1,650,000 sf Max	1,646,793 sf	-3,207 sf
Hotel	1,220,000 sf Max (1,500 rooms Max)	1,181,641 sf (1,575 rooms)	-38,359sf (+75 rooms)
Retail	25,000 sf Max	25,000 sf	--
Public Attraction	40,000 sf Min 55,000 sf Max	40,000 sf	--

Total sf	3,250,000 sf Max	2,893,434 sf	-356,566 sf
Open Space	1.8 acres Min	1.9 acres	+ .9 acres
Parking	3,105 Max	2,988	-117

The Phase I Buildings consist of independent consistency reviews of four individual buildings within the NBC project. These buildings may be summarized as follows:

Building 2A: A 13-story, 200-foot tall building containing 296,535 square feet of office space and supporting retail space.

Building 2B: A 28-story, 350-foot tall building containing 384,324 square feet of office space and 555,826 square feet of hotel space (approximately 943 rooms), including supporting retail space.

Building 3A: A 10-story, 150-foot tall building containing 195,070 square feet (approximately 193 rooms) plus 16,000 square feet of independent retail space.

Building 3B: A 17-story, 250-foot building containing 351,000 square feet of Navy office space.

II. ENVIRONMENTAL ANALYSIS: See attached Environmental Checklist/Initial Study.

III. SUMMARY OF FINDINGS: The following findings are derived from the environmental assessment documented by this Initial Study and the previous Environmental Documents:

1. No substantial changes are proposed in the Navy Broadway Complex (NBC) Development Agreement and the Environmental Document's Mitigation Monitoring and Reporting Program (MMRP), or with respect to the circumstances under which the Project is to be undertaken as a result of the proposed Superseding Master Plan and Phase I Buildings, which will require important or major revisions in the Final EIR/EIS for the NBC Project;
2. No new information of substantial importance to the NBC Development Agreement has become available that was not known or could not have been known at the time the Environmental Documents were certified as complete, and that shows that the

Project will have any significant effects not discussed previously in the Environmental Documents, or that any significant effects previously examined will be substantially more severe than shown in the Environmental Documents, or that any mitigation measures or alternatives previously found not to be feasible or not previously considered would substantially reduce or lessen any significant effects of the NBC Project on the environment;

3. No Negative Declaration, Subsequent EIR, or Supplement to the Environmental Documents is necessary or required;
4. The proposed *Superseding Master Plan and Phase I Buildings* will have no significant effect on the environment, except as identified and considered in the Environmental Documents. No new specific mitigation measures are required.

IV. EVALUATION OF ENVIRONMENTAL IMPACTS

This section evaluates the potential environmental effects of the proposed *Superseding Master Plan and Phase I Buildings* using the environmental checklist from the CEQA Guidelines as amended in September 2004. The conclusions drawn regarding the degree of the impact are based on a comparison of the effects of the proposed activity with the results and conclusion of the Environmental Documents, as well the 1992 Development Agreement executed for the NBC project.

A “Not Significant” response indicates that, although impacts or changes in the environment may occur, the impact would be below a level of significance or the impact would not apply to the proposed Project. A response of “Significant but Mitigated” indicates that incorporation of mitigation measures identified in the Mitigation Monitoring and Reporting Plan for the Environmental Documents would reduce the impact of the proposed Project to below a level of significance. A response of “Significant and Not Mitigated” indicates that the findings conclude that the impacts of the Project would remain significant even with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Plan for the Environmental Documents. A response of “Significant and Not Mitigated” does not indicate that the impact of the proposed activity would be greater than assumed in the Environmental Documents nor does it imply that the impact was not considered in the Environmental Documents.

For each response category, assessments are determined on a Direct (“D”) and Cumulative (“C”) basis. A direct impact is the result of the Project impact solely within the Project area. A cumulative impact is the result of the Project impact on a regional scale, in combination with impacts assumed from other Projects in the region and vicinity.

The following table lists each potential environmental effect and provides information supporting the conclusion drawn as to the degree of impact associated with the proposed activity.

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
1. AESTHETICS/VISUAL QUALITY:						
<p>(a) Substantially disturb a scenic resource, vista or view from a public viewing area, including a State scenic highway or view corridor designated by the Downtown Community Plan?</p> <p><i>Views of scenic resources, such as San Diego Bay, San Diego-Coronado Bay Bridge, Point Loma, Coronado and the downtown skyline are considered an important downtown asset. According to the Navy Broadway Complex Final EIS/EIR (Final EIR/EIS), the Project site is in a visually important area because of its proximity to the waterfront and its visibility from several key viewpoints. The NBC site can be viewed from areas across the bay to the northwest, west, and south including long-range views from Point Loma. According to the Final EIS/EIR, the types of views associated with the NBC project include:</i></p> <ul style="list-style-type: none"> • <i>Panoramic views from Coronado and Harbor Islands across the bay.</i> • <i>Gateway views from Harbor Drive at Laurel Street and I-5 at Olive Street looking south, and from Harbor Drive looking north;</i> • <i>Street-end views from the downtown along Broadway, E, F, G, and Market streets.</i> <p><i>No designated scenic resources actually exist within the Downtown planning area except for a small portion of State Designated Scenic Highway 163. Nevertheless, views</i></p>					X	X

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>of the San Diego Bay from downtown are considered a significant downtown asset. Distant views and a sense of expansiveness are especially critical to balance the planned high development intensities. Several streets surrounding the NBC have been designated as public view corridors in the Downtown Community Plan, including Pacific Highway; Broadway; and E, F, and G streets.</i></p> <p><i>The Urban Design Guidelines of the Development Agreement are intended to ensure high-quality design of the NBC. The quality of the design has a direct correlation with the quality of the visual environment. As the North Embarcadero Alliance Vision Plan (NEAVP) and Downtown Community Plan planning efforts were completed subsequent to the Development Agreement, many design elements of the Development Agreement were incorporated into those plans. As required by the Development Agreement, the Project incorporates and is consistent with the Urban Design Guidelines.</i></p> <p><i>The Development Agreement provides that towers must be designed as slender structures to minimize view obstruction from inland areas, and to create a well-composed skyline compatible with existing development.</i></p> <p><i>The Project includes seven proposed buildings with forms that qualify as "towers," five along Pacific Highway and two along Harbor Drive. The three tallest towers are located on block 1 and 2 and each is 75-feet wide respectively, considerably less than</i></p>						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>the maximum allowed; the narrow sides of their rectangular plans are oriented to the east, minimizing views from the inland. Individual buildings respond to the detail of their location and not a formula of massing, to provide generally better views, sunlight access and design variety. Regarding "compatible with existing development," see (b) below.</i></p> <p><i>Implementation of the Project would enhance and/or be visually compatible with the surrounding area. Views of the site from Harbor Island would be in character with the high rise development of downtown. Modern buildings and installation of landscaping along Pacific Highway would improve the quality of views along Pacific Highway, the major public view corridor in the Downtown Community Plan. From the G Street Mole, views of the redevelopment would be compatible with the surrounding buildings of downtown. The USS Midway would continue to be a dominant feature from this view. The proposed Project would be visually compatible with the existing high-rise development viewable from Centennial Park in Coronado. Views from the E Street corridor would be improved as the street would be opened to pedestrian and vehicular traffic from downtown to the waterfront.</i></p> <p><i>In addition, to ensure that visual resources are protected, the Downtown Community Plan outlines design criteria to preserve and reinforce the existing views and to capture new views as redevelopment on large waterfront parcels, such as the NBC, occurs. Such view policies include:</i></p>						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<ul style="list-style-type: none"> • Extending the downtown street grid system from E, F, and G streets, to the waterfront and other large sites as they are redeveloped. • Prohibit full or partial street closures by new buildings; the only enable use of a street closure would be a park or public open space; • Protecting public views of the water, and reestablish water views; and • Prohibiting the construction of "sky-walks" or any visible structure in view of corridors. <p>The Project conforms with view policies of the Downtown Community Plan. Therefore, the direct and cumulative impacts of the Project to views of scenic resources from public viewing areas would not be significantly different from the conclusions of the Final Environmental Impact Report (EIR)/Final Environmental Impact Statement (EIS)(Joint CEQA/NEPA document) (the "Final EIR/EIS"); the 2000 North Embarcadero Visionary Plan Final Master EIR (the Visionary Plan Final MEIR"); the 1992 Final Master EIR for the Centre City Redevelopment Project (the " Final MEIR"); the 1999 Final Subsequent Environmental Impact Report to the MEIR for the Centre City Redevelopment Project (the " Final SEIR"); and the 2006 Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Redevelopment Plan For The Centre City Project Area Final EIR (the" Community Plan Final EIR") (collectively, the "Environmental Documents").</p>						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>The proposed Project does not include any component that would substantially disturb the existing visual character of the Downtown/Marina area, including the small portion of the State Designated Scenic Highway 163. Thus the impact of the proposed Project on visual character of the area would not be significant.</i>						
<p>(b) Substantially incompatible with the bulk, scale, color and/or design of surrounding development?</p> <p><i>The Project includes seven towers. Three of the seven towers are 235 feet long east-west, creating tower wall planes that are large in comparison with existing downtown towers, which typically do not exceed 200 feet. Nevertheless, these towers are narrow in the critical north-south direction, which is comparable to existing and currently under construction towers near the site, and to the majority of existing and planned towers in downtown.</i></p> <p><i>The Master Plan includes the site plan/ground level usage; circulation; and basic massing, volumes, and forms of buildings in order to verify required building constraints are observed. The architectural vocabulary of forms and materials are established as individual buildings are brought forward for a Consistency Determination at the first stage of review (Basic Concept/Schematic Drawings). Because the Project is proposed to be developed in phases, buildings in Phase I will be</i></p>					X	X

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>reviewed against each other and Phase 2 buildings will be reviewed both against each other and also with Phase 1 to ensure the design creates a visually harmonious grouping of buildings, both within the NBC and surrounding development.</i></p> <p><i>Therefore, the direct and cumulative visual impacts of the proposed Project on the surrounding development would be less than significant.</i></p>						
<p>(c) Substantially affect daytime or nighttime views in the area due to lighting?</p> <p><i>As described in the Final EIR/EIS, climate in Downtown San Diego is characterized as moderate year-round. The influence of shade from buildings is not as critical an issue as it is in areas with temperature extremes, where shade can moderate extremely high temperatures and reduce already cool or cold weather.</i></p> <p><i>The primary area of shading from existing project structures is towards the north and northeast, where shadows are cast during the warmest part of the day on the winter solstice. The winter solstice is considered important because it is the day when shadows are at their longest, and it occurs during the cooler part of the year. The Final EIR/EIS concluded that due to the current low height of project structures, with no building higher than 150 feet, no substantial shadows are created during the winter solstice. Although three of the towers proposed in the Project exceed 200 feet, as further</i></p>					X	X

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>explained in the Final EIR/EIS, the casting of shadows in moderate climate areas, such as the project area, is not necessarily adverse. In fact, shading can provide a moderate effect on hotter summer temperatures, and would be considered beneficial to public uses in the warmer times of the year. During the cooler times, temperatures are moderate enough that shading would not be considered substantially adverse. (Final EIR/EIS, p. 4-114.)</i></p> <p><i>The City of San Diego's Light Pollution Law (Municipal Code Section 101.1300 et seq.) protects nighttime views (e.g. astronomical activities) and light-sensitive land uses from excessive light generated by development in the downtown area. Since any development proposed under the Project would be subject to the City's Light Pollution Law, the direct and cumulative impacts to daytime and nighttime views due to lighting would not be significant, consistent with the findings of the Environmental Documents.</i></p> <p><i>Therefore, no direct or cumulative effects on nighttime views or lighting would occur as a result of the Project not previously analyzed in the Environmental Documents.</i></p>						
2. AGRICULTURAL RESOURCES						
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?					X	X

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>Downtown San Diego is an urban environment that does not contain land designated as prime agricultural soils by the Soils Conservation Service, nor does it contain any farmlands designated by the California Department of Conservation. Therefore, no impact to agricultural resources would occur.</i>						
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? <i>The Navy Broadway Complex does not contain, nor is it near, land zoned for agricultural use or land subject to a Williamson Act Contract pursuant to Section 51201 of the California Government Code. Therefore, impacts resulting from conflicts with existing zoning for agricultural use or a Williamson Act contract would not occur.</i>					X	X
3. AIR QUALITY						
(a) Conflict with or obstruct implementation of an applicable air quality plan, including the County's Regional Air Quality Strategies or the State Implementation Plan? <i>The Final EIR/EIS found that the NBC Project would be consistent with the then-current (1982) and proposed SIP, and that the Project would therefore not have a significant impact. (Final EIR/EIS, p. 4-172.)</i>					X	X

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>Further, the Downtown Community Plan EIR, approved in 2006, analyzed air quality impacts associated with development in the Downtown area, including the NBC project, and found that although implementation of the proposed Plan would substantially increase the air emissions generated from downtown with respect to current levels, the proposed land use plan would not conflict with regional air quality planning because it would implement many of the strategies and policies established by regional plans to reduce air pollution. Most notably, the mixed-use emphasis would implement an important technique to reduce mobile source emission by co-locating housing and employment opportunities. In addition, the downtown area is well-served by a variety of transit opportunities including light rail (the Trolley), commuter trains (the Coaster) and bus service. BRT service planned for downtown would also reduce mobile source emissions in the SDAB.</i></p> <p><i>More specifically, the proposed Community Plan represents “smart growth” that would achieve the following strategies identified by the San Diego Air Pollution Control District:</i></p> <ul style="list-style-type: none"> • <i>Designate future transit corridors and rail station sites as “Transit Focus Areas,” and zone such areas for compact, pedestrian-oriented development;</i> • <i>Incorporate residential uses in existing employment areas;</i> 						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<ul style="list-style-type: none"> • Designate a central business core and direct commercial uses there, enabling ridesharing and daytime worker errands on foot; and • Promote revitalization and infill development in mixed use core areas. <p>Therefore, the proposed Community Plan would be consistent with air quality/land use planning strategies and regional air quality planning. (Downtown Community Plan Final EIR, p. 5.8-5.)</p> <p>The proposed Project is consistent with the NBC Development Agreement and conforms to the Downtown Community Plan. The project boundaries are the same and all the components of the original project have been carried forward that were identified in the 1992 Final EIR/EIS and Development Agreement. The main components of the proposed Project include a reduction in the maximum gross square feet of above-grade development, inclusion of a museum and a change in the number of parking spaces. The Project remains consistent with the strategies identified by the Downtown Community Plan EIR and will be consistent with air quality/land use planning strategies and regional air quality planning. Therefore, the direct and cumulative visual impacts of the proposed Project on the surrounding development would not be significantly different from the conclusions of the Final EIR/EIS and the impact remains less-than-significant.</p>						
(b) Generate or expose sensitive receptors to substantial air contaminants including,		X			X	

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p>but not limited to, criteria pollutants, smoke, soot, grime, toxic fumes and substances, particulate matter, or any other emissions that may endanger human health?</p> <p><i>The Final EIR/EIS for the NBC Project and the Final EIR for the Downtown Community Plan indicate that the Project would result in potential air quality impacts related to air emission generators and receptors. Specifically, both identify potential impacts associated with construction related activities. However, with incorporation of mitigation measures, any construction related impacts will be less than significant. (Final EIR/EIS, p. 4-209; Downtown Community Plan Final EIR, pp. 5.8-11-5.8-13.)</i></p> <p><i>In addition, mobile source emissions are identified as potentially significant. The Downtown Community Plan includes a number of goals and policies to reduce reliance on automobiles which would reduce mobile source emissions and these will apply to the Project. (Downtown Community Plan Final EIR, pp. 5.8-9 to 5.9-10.)</i></p> <p><i>The San Diego Air Basin is currently classified by the US EPA as a non-attainment area for ozone and PM10. All new development in the San Diego Air Basin compounds these problems by creating more emissions. New development within the downtown planning area would be no exception, creating long-term air emissions related primarily to increased vehicular use and short-term dust during construction. Because the San Diego Air Basin already is impacted, any new development would have a significant</i></p>						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>cumulative impact on regional air quality. Thus, implementation of the proposed Downtown Community Plan would result in a significant cumulative air quality impact. Although the proposed Plan would concentrate development in an area which is well served by transit and offers a variety of opportunities to work and live in the same area, the cumulative impact would remain significant.</i></p> <p><i>The proposed Project is intended to be consistent with the NBC Development Agreement and conform to the Downtown Community Plan. The project boundaries are the same and all the components of the original project have been carried forward that were identified in the 1992 Final EIR/EIS and Development Agreement. The mitigation measure included in the Final EIR/EIS and Downtown Community Plan EIR will apply to the Project and reduce Project-related impacts to less than significant levels. Consistent with the findings of the Final EIR/EIS, cumulative impacts will, however, remain significant and unavoidable.</i></p>						
4. BIOLOGICAL RESOURCES						
(a) Substantially effect, either directly or through habitat modifications, any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by local, state or federal agencies?					X	X

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>Due to the highly urbanized nature of the downtown area, there are no sensitive plant or animal species, habitats, or wildlife migration corridors within the area. In addition, the ornamental trees and landscaping located in the downtown area are considered of insignificant value to native wildlife in their proposed location. In February 2007, the Department of Fish and Game confirmed that development of the NBC Project has no potential effect on fish, wildlife and habitat. (Department of Fish and Game (Feb. 5, 2007) CEQA Filing Fee No Effect Determination Form.)</i></p> <p><i>Therefore, no impact to any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by local, state or federal agencies is anticipated to occur as a result of implementation of the Project.</i></p>						
<p>(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations by local, state or federal agencies?</p> <p><i>The Downtown Planning area is not within a subregion of the San Diego County Multiple Species Conservation Program (MSCP), and does not contain any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations by local, state, or federal agencies. Therefore, impacts to riparian habitat or other sensitive natural communities would not occur as a result of</i></p>					X	X

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>the proposed amendments.</i>						
5. CULTURAL RESOURCES						
<p>(a) Substantially impact a significant historical resource, as defined in CEQA Guidelines section 15064.5?</p> <p><i>The Final EIR/EIS analyzed impacts to Buildings 1, 11, and 12 which appear to qualify as historic buildings on the NBC Project site. Impacts to Buildings 1 and 12 would result from their removal or substantial renovation; however, Building 11 is beyond the Project limits and would not be affected by the Project.</i></p> <p><i>The Final EIR/EIS identifies removal or substantial alteration of Buildings 1 and 12 as a significant adverse effect of the Project. The Final EIR/EIS includes mitigation measures which require consultation with the California SHPO and Advisory Council on Historic Preservation. Proposed mitigation includes a program for recording Buildings 1 and 12 pursuant to Section 110(b) of the National Historic Preservation Act. (Final EIR/EIS, pp. 4-210 to 4-211.)</i></p> <p><i>The Final EIR/EIS indicates that the consideration of cumulative impacts was not an issue for the Project because the resources are site specific and no historic districts have been identified in the area that would be affected through the loss of resources</i></p>			X			X

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>within the Project. (Final EIR/EIS, p.4-211.)</i></p> <p><i>The proposed Project is consistent with the NBC Development Agreement and conforms to the policies of the Downtown Community Plan. The Project boundaries remain the same and all the components of the original project have been carried forward that were identified in the 1992 Final EIR/EIS and Development Agreement. The mitigation measure included in the Final EIR/EIS and Downtown Community Plan EIR will apply to the Project and reduce Project-related impacts to less than significant levels.</i></p>						
<p>(b) Substantially impact a significant archaeological resource pursuant to § 15064.5, including the disturbance of human remains interred outside of formal cemeteries?</p> <p><i>The Final EIR/EIS analyzed impacts to subsurface archaeological deposits and indicates that the alternatives requiring deep excavations for footings and below-grade construction would most likely destroy any resources. The Final EIR/EIS concludes, however, that this impact is not considered significant because the archaeology is not likely to yield any important information about the history or prehistory of the area. (Final EIR/EIS, pp. 4-209 to 4-210.)</i></p> <p><i>The Final EIR/EIS indicates that the consideration of cumulative impacts to cultural resources was not an issue for the Project. (Final EIR/EIS, p. 4-211.)</i></p>					X	X

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>The proposed Project is consistent with the NBC Development Agreement and conforms to the policies of the Downtown Community Plan. The Project boundaries remain the same and all the components of the original project have been carried forward that were identified in the 1992 Final EIR/EIS and Development Agreement. Impacts to archeological resources remain less than significant.</i>						
(c) Substantially impact a unique paleontological resource or site or unique geologic feature? <i>The proposed Project does not include changes with a potential to adversely affect paleontological resources; impacts are not significant.</i>					X	X
6. GEOLOGY AND SOILS						
(a) Substantial health and safety risk associated with seismic or geologic hazards? <i>The Final EIR/EIS for the NBC Project analyzed impacts associated with geology and soils and concluded that with mitigation measures, including compliance with building codes, impacts from geologic hazards would be less than significant. Specifically, the EIR/EIS includes a discussion addressing the faulting and seismicity associated with the Rose Canyon Fault Zone, which at the time was considered to present a significant</i>			X	X		

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>seismic hazard to the coastal San Diego area. In addition, the Final EIR/EIS addressed the potential for liquefaction resulting from loose, sand, water-saturated soils subjected to strong seismic ground motion of significant duration. However, the Final EIR/EIS provided further information indicating that the relatively dense sands and silts of the Bay Point Formation have a low potential for liquefaction and therefore, the site would not be subject to a greater risk of liquefaction than other adjacent areas along the Bay. At the time the EIR/EIS was prepared, the precise location of the Rose Canyon Fault Zone and its associated branches was unknown. The document fully disclosed the potential for strong seismic ground shaking resulting in substantial damage to structures within the project site, which as considered a significant impact. As such, mitigation in the form of compliance with building codes was required to mitigate significant impacts. In addition, at the time of grading permit application submittal, the applicant will be required to submit current soils reports and/or conduct subsequent geotechnical (fault) investigations to ensure proper engineering design of new structures on-site. This process is required for all ministerial projects regardless of the conclusion of any previously certified environmental documents.</i></p> <p><i>Unreinforced Masonry (URM) construction is no longer allowed in the State of California and is addressed with the City's URM Ordinance. The "Earthquake Hazard Reduction in Existing Buildings" was adopted by City Council on November 9, 1992. The ordinance established a program for mitigation of seismic hazards associated with</i></p>						

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>buildings containing URM bearing walls. (San Diego Municipal Code, Chapter 14, Article 5, Division 4.) The City's URM Program was developed to help property owners comply with the City's URM Ordinance. The goal of this safety ordinance is to save lives by minimizing the possibility of potential collapse of URM buildings during an earthquake. In September 2000, the City of San Diego sent out a "Date of Service Notification" to all property owners of URM buildings informing them that they must comply with the new ordinance within five years of the notification and informing them that January 1, 2006 was the date by which the URM building owners were required to comply with the mandatory provisions of the URM regulations. In 2004, as part of the City's efforts to promote public safety and outreach, the Development Services Department posted a list of all Noticed URM buildings requiring retrofitting pursuant to the City Ordinance. In August 2005, another notification was posted reminding property owners that compliance was required by January 1, 2006. A second final notice was distributed November 1, 2005. Based on the City's current regulations, the Applicant would not be permitted to construct URM buildings. All new buildings must be designed to meet current engineering standards and conform to the Uniform Building Code (UBC) pursuant to State and local requirements.</i></p> <p><i>In addition, while several changes have occurred with respect to information known about geologic conditions since 1990, these changes were addressed in the 2006 Downtown Community Plan EIR. The Downtown Community Plan EIR recognizes that</i></p>						

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>the Downtown Planning area is located in a seismically active region and that the Rose Canyon Fault Zone, Downtown Graben, and the San Diego Fault traverse the Downtown Planning area. According to the Downtown Community Plan EIR, a seismic event on these faults could cause significant seismic groundshaking within the downtown area. Therefore, the proposed Project would allow development in an area with potential for substantial health and safety risks associated with a seismic hazard. Although the potential for geologic hazards (landslides, liquefaction, slope failure, and seismically-induced settlement) is considered low due to the moderate to non-expansive geologic structure that underlies the planning area, such hazards could nevertheless, occur. The Community Plan EIR indicates that conformance with, and implementation of, all seismic-safety development requirements, including City requirements for the Downtown Special Fault Zone, the seismic design requirements of the UBC), the City of San Diego Notification of Geologic Hazard procedures, and all other applicable requirements would ensure that the potential impacts associated with seismic and geologic hazards in the Downtown Community Plan area are not significant.</i></p> <p><i>The proposed Project is consistent with the NBC Development Agreement and conforms to the policies of the Downtown Community Plan. The Project boundaries remain the same and all the components of the original project have been carried forward that were identified in the 1992 Final EIR/EIS and Development Agreement. The mitigation measures included in the Final EIR/EIS and Downtown Community Plan EIR will apply</i></p>						

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>to the Project and reduce Project-related impacts to less than significant levels.</i>						
7. HAZARDS AND HAZARDOUS MATERIALS						
<p>(a) Substantial health and safety risk related to onsite hazardous materials?</p> <p><i>The Final EIR/EIS analyzes health hazards associated with the presence of hazardous substances on the Project site and concludes that, with mitigation, any potential impacts will be less than significant. No action-level (i.e., clean-up level) concentrations of hazardous substances were found in investigations conducted on the project site, though the Final EIR/EIS recognizes that no study is thorough enough to preclude the detection of all substances that might be present on the site. Several areas of contamination or potential contamination were identified on the site that could adversely affect the health of personnel on the site, especially during construction activities that uncover soils.</i></p> <p><i>The area beneath the surrounding Building 8 may contain hazardous substances. If these materials exist and are exposed, they could cause significant health impacts. If the integrity of any units that store PCB-laden oil is compromised, contamination with this material could occur, also a significant health concern. Acid levels in soils near Building 106 could cause metals in the soils to become more mobile and the oily surface residue in the vicinity of Buildings 7 and 106 may contain residues of concern with regard to health. The Final EIR/EIS took the conservative position that these conditions</i></p>			X			X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p>would be considered a significant adverse effect.</p> <p>Through consultation with the EPA, mitigation measures were included in the Final EIR/EIS to reduce these impacts to a less than significant level.</p> <p>The proposed Project is consistent with the NBC Development Agreement. The Project boundaries remain the same and all the components of the original Project have been carried forward that were identified in the 1992 Final EIR/EIS and Development Agreement. The mitigation measures included in the Final EIR/EIS will apply to the Project and reduce Project-related impacts to less than significant levels.</p>						
<p>(b) Be located on or within 2,000 feet of a site that is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5?</p> <p>The Project site is not located within 2,000 feet of a site that is included on a list of hazardous materials sites compiled pursuant to Government Code, § 65962.5.</p> <p>According to the Downtown Community Plan Final EIR, the Downtown Planning Area contains one site, the Tow Basin Facility, on the State of California Hazardous Waste and Substances Sites List. This site is located well over 2,000 feet from the Project site. In any event, the Downtown Community Plan Final EIR concludes that compliance with</p>					X	X

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase 1 Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>mandatory federal, state, and local regulations will ensure that significant hazards to the public and the environment will not occur.</i></p> <p><i>The proposed Project is consistent with the NBC Development Agreement and conforms to the policies of the Downtown Community Plan. The Project boundaries remain the same and all the components of the original Project have been carried forward that were identified in the 1992 Final EIR/EIS and Development Agreement.</i></p>						
<p>(c) Substantial safety risk to operations at San Diego International Airport?</p> <p><i>The Final EIR/EIS states that the Project includes building heights that approach the imaginary surfaces associated with Lindbergh Field and NAS, North Island designed to protect navigable airspace; however, the site is not within any safety hazard zones as defined by the AICUZ for NAS, North Island and is not within any clear zones or other high safety hazard zones associated with Lindbergh Field. Neither the horizontal surface from Lindbergh Field nor the conical surface from NAS, North Island, are surfaces that affect the operations of either airfield, and exceedance of these surfaces means only that notification to the FAA is required. The Navy notified the FAA of the proposed Project and, in response, the FAA prepared a Determination of No Hazard to Air Navigation and has indicated the Project would not have a significant effect on the safe and efficient utilization of navigable airspace.</i></p>					X	X

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>The proposed Project is consistent with the NBC Development Agreement. The Project boundaries remain the same and all the components of the original project have been carried forward that were identified in the 1992 Final EIR/EIS and Development Agreement. All buildings comply with the height limits specified in the Development Agreement. The conclusions of the Final EIR/EIS with respect to airport hazards therefore continue to apply to the Project that the impacts are less than significant.</i>						
(d) Substantially impair implementation of an adopted Emergency response plan or emergency evacuation plan? <i>The proposed Project does not propose any features that would affect an emergency response or evacuation plan. Therefore, implementation of the proposed Project is not anticipated to result in substantial impairment of an adopted emergency plan or an emergency evacuation plan; impacts are not significant.</i>					X	X
8. HYDROLOGY AND WATER QUALITY						
(a) Substantially degrade groundwater or surface water quality? <i>The Final EIR/EIS concluded that because the existing water facilities in the project vicinity were currently operating well within their service capacity, there would be no</i>					X	X

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>significant impacts to water service from implementation of the Development Agreement. Implementation of the proposed Project would not substantially degrade groundwater or surface water quality. This impact remains less-than-significant. Since the Final EIR/EIS was certified, the San Diego Regional Water Quality Control Board has determined that the San Diego Bay is an impaired water body. In addition, there have been changes in State law and local regulations since that time. For the reasons that follow, however, water related impacts will remain less-than-significant..</i></p> <p><i>Final project plans for the Project must include the design of storm drainage structures consistent with Phase II NPDES Permit regulations. Under the Phase II General Permit regulations governing small Municipal Separate Storm Sewer Systems (MS4s), the Developer is required to develop and implement a SWMP designed to reduce discharge through MS4s to the highest extent practicable, and the SWMP will be fully implemented by the end of the permit term.</i></p> <p><u>Surface Water Resources</u></p> <p><i>A comprehensive Water Quality Technical Report (WQTR) will be prepared by the Developer in accordance with the City's Standard Urban Stormwater Mitigation Plan (SUSMP). Provisions of the WQTR will focus on the protection of water resources from project-generated adverse impacts to surface runoff of the maximum extent practicable,</i></p>						

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>identifying both construction and programmatic Best Management Practices (BMPs) as required. The WQTR will be commensurate with the level of effort required based on completion of the SUSMP Applicability Checklist. The WQTR will follow the required format as set forth in the City's Land Development Manual Storm Water Standards, including, but not limited to identification of the potential impacts (flows and pollutants), proper design of post construction BMPs based on standard design criteria presented in the SUSMP, implementation of construction and post-construction BMPs, and a maintenance agreement for the operation and maintenance of post-construction BMPs.</i></p> <p><i>Prior to issuance of a grading permit for any phase or unit of development within the proposed Project, the Developer will submit a Notice of Intent for construction in compliance with the NPDES Construction General Permit. As part of the application process, a project-specific SWPPP must be developed and implemented on site. (2006 EA, pp. 3.7-10 to 3.7-12.)</i></p> <p><u>Groundwater Resources</u></p> <p><i>Implementation of the proposed Project would require temporary dewatering during construction activities. Therefore, the Developer is required to enroll under RWQCB Order No. 2000-090. Enrollment under this Order will be required for any discharge of</i></p>						

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>groundwater extracted and discharged into the San Diego Bay during construction activities, and effluent limitations will be subject to the terms and conditions of this Order. Under Order No. 2000-090, the Developer will be allowed only temporary dewatering during construction activity; no permanent groundwater extraction during project operations will be permitted.</i></p> <p><i>If infiltration into subterranean structures cannot be prevented through design and construction features, then extracted groundwater from permanent operations may be discharged into the City's sanitary sewer system. This option would require a permit from the City under SDMC 64.0500, Industrial Wastewater disposal.</i></p> <p><i>Implementation of these permit conditions would ensure compliance with the regulatory requirements set forth by federal, state, and local agencies. Compliance with the specified measures would reduce hydrology and water quality impacts from construction activities and operational impacts, including nonpoint and point-source discharges, to below a level of significance. (2006 EA, pp. 3.7-12 to 3.7-13.)</i></p>						
<p>(b) Substantially increase impervious surfaces and associate runoff flow rates or volumes?</p> <p><i>The NBC site is essentially level, at street grade, and already covered with impervious</i></p>					X	X

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>surfaces. During storm events, surface water drainage flows to an existing network of subsurface storm drains located on and adjacent to the project site that discharge to the San Diego Bay. The proposed Project would require building demolition, subsurface excavations for building foundations and subterranean parking, and reconstruction of onsite storm drains. Implementation of the proposed Project could adversely affect hydrology and water quality conditions on the site and in the Project vicinity.</i></p> <p><i>However, because the Developer must comply with existing federal, state and local regulations, the proposed Project would not result in any significant water quality impacts.</i></p>						
9. LAND USE AND PLANNING						
<p>(a) Physically divide an established community?</p> <p><i>The Final EIR/EIS concluded that the NBC Project would be compatible with existing and planned surrounding land uses, and would not create any significant environmental effects associated with land use compatibility. (Final EIR/EIS, p. 4-12.) Implementation of the proposed Project would not divide an established community. Much of the recent development in the neighborhoods surrounding the NBC has included high-rise structures with multi-family residential units, such as Electra and Grande at Santa Fe Place. The Little Italy neighborhood north of the site has been</i></p>					X	X

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>targeted for the majority of residential growth in the project vicinity, with nearly 5,000 units planned. The proposed action would contribute to a needed supply of commercial and retail uses that would support the surrounding residential development and waterfront uses. Therefore, consistent with the findings of the Final EIR/EIS and the Downtown Community Plan Final EIR, the proposed Project would not physically divide an existing community.</i>						
<p>(b) Substantially conflict with the City's General Plan and Progress Guide, Downtown Community Plan or other applicable land use plan, policy, or regulation?</p> <p><i>The Final EIR/EIS concluded that the NBC Project would be compatible with existing and planned surrounding land uses, and would not create any significant environmental effects associated with land use compatibility. (Final EIR/EIS, p. 4-12.)</i></p> <p><i>New planning documents that cover the NBC site have been adopted since the execution of the Development Agreement. The plans include the North Embarcadero Area Vision Plan (NEAVP) and the San Diego Downtown Community Plan. Both plans have assumed the NBC would be redeveloped by the Navy and its development partner as defined in the Development Agreement.</i></p> <p><i>Implementation of the proposed Project would contribute 1,647,513 sf of new</i></p>					X	X

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>administrative office space to the Centre City region, which is well within the Downtown Community Plan estimates. The Downtown Community Plan identifies the Navy Broadway Complex as supporting waterfront and marine uses, including major tourist and local visitor attractions, trade, office, eating and drinking establishments, retail, parking, museum and cultural facilities, and hotels. The proposed Project would incorporate many of these uses on the site, including office, retail, parking, museums, and hotels, and would be compatible with adjacent land uses.</i></p> <p><i>The Downtown Community Plan's vision for the Columbia neighborhood, which includes a substantial portion of the NBC site, states that the NBC has significant development potential and that reuse of the site would offer the neighborhood a reinvigorated, connected waterfront. With the exception of Seaport Village, OPH, and the NBC, the Marina neighborhood is not expected to accommodate significant growth. Implementation of the proposed Project would complement the planning focus of completing the Marina neighborhood with needed retail, open space, as well as improved access to the San Diego Bay.</i></p> <p><i>Implementation of the Project would likewise be consistent with and enhance goals identified in the NEAVP. Implementation of the Project would provide accessible bayfront, and public parks, as well as physical extension to the Bay.</i></p>						

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>For these reasons, implementation of the proposed Project would not conflict with the City's General Plan and Progress Guide, Downtown Community Plan or other applicable land use plan, policy, or regulation. As such, this impact is less-than-significant.</i>						
<p>(c) Be substantially incompatible with surrounding land uses?</p> <p><i>The Final EIR/EIS concluded that the NBC Project would be compatible with existing and planned surrounding land uses, and would not create any significant environmental effects associated with land use compatibility. (Final EIR/EIS, p. 4-12.)</i></p> <p><i>The proposed Project is consistent with the NBC Development Agreement. The Project boundaries remain the same and all the components of the original project that were identified in the 1992 Final EIR/EIS and Development Agreement have been carried forward.</i></p> <p><i>Implementation of the Project would be compatible with surrounding land uses. The NBC is located in the Columbia and Marina neighborhoods of downtown San Diego, which have experienced substantial development since the execution of the Development Agreement. Implementation of the proposed Project would develop a mixed-use project including office, retail, hotel, public open space, new landscaping, upgraded public</i></p>					X	X

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>facilities, and new roadway improvements that would compliment adjacent uses in the surrounding areas.</i>						
10. MINERAL RESOURCES						
(a) Substantially reduce the availability of important mineral resources? <i>The Final EIR/EIS analyzed impacts to mineral resources and, based on information available from the U.S. Bureau of Land Management and the California Division of Oil and Gas, concluded that the Project site is not known to contain any extractable resources. As the Project site is not known to have any extractable resources such as oil, gas, or aggregate, and no resources are known to have been extracted from the site, no significant impacts will result. (Final EIR/EIS, pp. 147-148.)</i> <i>The proposed Project is intended to be consistent with the NBC Development Agreement and conform to the policies of the Downtown Community Plan. The Project boundaries remain the same and all the components of the original project have been carried forward that were identified in the 1992 Final EIR/EIS and Development Agreement. The Project will not result in any significant impacts to mineral resources.</i>					X	X
11. NOISE						
(a) Substantial noise generation?			X	X		

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><u>Short-Term Noise Impacts</u></p> <p><i>The Final EIR/EIS states that implementation of the Development Agreement could cause a short-term annoyance to noise-sensitive land uses in the surrounding area due to construction activities. (Final EIR/EIS, p. 4-181). According to the Final EIR/EIS, this impact would be mitigated to a less-than-significant level through compliance with the San Diego County Code, which requires that significant noise generating construction activities will be limited to Monday through Saturday, 7:00 a.m. to 7:00 p.m. (Final EIR/EIS, p. 4-186.)</i></p> <p><i>The City of San Diego noise ordinance, noise effects from construction activities on residential receptors are not to exceed 75 dBA, averaged over a 12-hour period. According to the 2006 NBC EA, the loudest construction noise associated with the Development Agreement would be from demolition of existing structures, concrete foundations, and parking areas. The nearest sensitive receptors to a demolition site are residents at Archstone Harborview, approximately 150 feet away. At this distance, the maximum noise level from demolition activities is calculated at 82 dBA and the average hourly noise level would be 77 dBA L_{eq} (EA 2006, p. 3.9-8.) Assuming a worst-case scenario of 8 hours of noise at 77 dBA level from demolition, the average noise level over 12 hours would be 75 dBA, which equals but does not exceed the limits of the City</i></p>						

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>Noise Ordinance.</i></p> <p><i>Implementation of the proposed Project implements and is consistent with the Development Agreement. Nothing about the proposed Plan indicates that it would generate additional noise beyond that contemplated by the Development Agreement. Accordingly, short term noise impacts would remain less than significant.</i></p> <p><u>Long-Term Noise Impacts</u></p> <p><i>The NBC would include mechanical equipment that would generate noise that could be heard at receptors offsite. Equipment could include heating fans, ventilating, air conditioning, cooking, and laundry equipment and emergency generators. The City of San Diego noise ordinance limits the noise from these sources to 65 dBA Leq from 7:00 a.m. to 7:00 p.m. and 60 dBA Leq from 7:00 p.m. to 7:00 a.m. The Project does not include specific building designs that specify the types and locations of equipment, nor are such plans required at this stage of the planning process. At the time the Developer submits to the City Building Inspection Department approval plans showing the locations of noise-generating equipment, the Developer will be required to demonstrate that the buildings will comply with the City noise ordinance. Compliance with the City's noise ordinance will ensure that noise generated from implementation of the proposed Project remains less-than-significant.</i></p>						

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><u>Noise Generated Away From Project Site</u></p> <p>Following construction completion, noise would be generated offsite by vehicle traffic utilizing the proposed development. Traffic generated by the NBC Project as well as for other anticipated development in the area is included in the SANDAG 2030 forecasted volumes. Using these cumulative volumes, traffic noise was assessed for major roadways in the Project area. Observed speeds and vehicle mix from the August 2005 noise measurements were used in the model. The results showed that the noise increases from the existing condition to the 2030 condition, which includes traffic generated by the NBC Project as detailed in the Development Agreement, would be less than 3 dBA. (2006 EA, p. 3.9-10.) There is nothing about the proposed Project that suggests it would result in more noise than indicated in the Development Agreement.</p> <p>Thus, both the cumulative and direct noise impacts would be less than significant.</p>						
<p>(b) Substantial interior noise within habitable rooms (e.g. levels in excess of 45 dB (A) CNEL)?</p> <p>The Final EIR/EIS states that, as in any downtown urban area characterized by dense development, future traffic noise levels are expected to be relatively high in the vicinity</p>			X			X

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>of the NBC. The hotels proposed in the Development Agreement and in the Project would be within the 65 dB CNEL contour of Pacific Highway. As stated in the Final EIR/EIS, this could result in noise levels in excess of 45 dB CNEL in hotel rooms, which would be a significant impact. (Final EIR/EIS, p. 4-181.)</i></p> <p><i>As required by Mitigation Measure 4.9-3 of the Final EIR/EIS, prior to the issuance of building permits for hotel structures under the proposed Project, building specifications for hotel structures describing the acoustical design features of the structures and evidence must be prepared by an acoustical consultant that sound attenuation measures will satisfy the interior noise standard of 45 dB CNEL must be submitted to the City Building Inspection Department for approval. Implementation of this measure will ensure that interior noise impacts remain less than significant.</i></p>						
12. POPULATION AND HOUSING						
<p>(a) Substantially induce population growth in an area?</p> <p><i>The 2006 Downtown Community Plan EIR analyzed implementation of the Downtown Community Plan on population and housing. According to the Downtown Community Plan Final EIR, CCDC projected a maximum population of 89,100 by the year 2030 under the Community Plan. Therefore, the existing population of 27,500 would more than quadruple as a result of the Downtown Community Plan.</i></p>					X	X

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>The Downtown Community Plan Final EIR concluded that the number of residential units under the Community Plan would reach a maximum of 53,100 by the year 2030, which means that the existing number of residential units would increase by approximately 360 percent. This year 2030 residential unit projection for the Community Plan is greater than that anticipated by the 2030 City/County Forecast. SANDAG's projected number of residential units in the downtown planning area is 34,284 by 2030. The difference between CCDC's estimate based on the Community Plan and the SANDAG forecast is 18,818 residential units. Therefore, the Community Plan EIR concluded that it would contribute additional housing to a region that is currently experiencing housing deficiencies and would have a beneficial effect on housing supply.</i></p> <p><i>In addition, according to the Final EIR/EIS employment growth associated with implementation of the Development Agreement could result in indirect housing demands and population growth through project-induced in-migration to the region. Given the substantial housing and population base in San Diego, however, the Final EIR/EIS concluded that new employees to the region associated with the NBC Project would be absorbed without notable secondary effects. Because San Diego has grown to an even larger population base than the population in 1992 and because the proposed Project would not result in greater employment opportunities than the Development Agreement</i></p>						

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>allows, impacts to population growth remain less than significant.</i>						
(b) Substantial displacement of existing housing units or people? <i>Housing units are not currently located on the NBC site nor do people reside on the site. Nor would the Project result in off-site housing or people to be displaced. Therefore, implementation of the proposed Project could not result in a substantial displacement of existing housing units or people.</i>					X	X
13. PUBLIC SERVICES AND UTILITIES						
(a) Substantial adverse physical impacts associated with the provision of new schools? <i>The NBC is located within the San Diego Unified School District. (SDUSD). According to the Final EIR/EIS, implementation of the Development Agreement would not directly contribute students to the elementary and secondary schools within the San Diego Unified School District because residential uses are not included within the Agreement.</i> <i>According to the 2006 Environmental Assessment prepared to consider implementation of the Development Agreement, SDUSD enrollment has been declining since the 2000-2001 school year, when the student population reached a peak of 142,260. This was after more than 20 years of steady growth in the 1980s and 1990s. School enrollment</i>					X	X

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>within the overall SDUSD system is currently operating below capacity, serving a total student population of 129,580 as of September 2005. Generally, elementary schools are operating well below capacity, while secondary schools are generally operating closer to, but not exceeding, estimated occupancy levels. The SDUSD has forecast a decline in student enrollment through the 2013-2014 school year. Although the downtown region has experienced considerable residential growth in recent years, the increased residential development occurring in the area has thus far not generated a significant public school population. SDUSD staff is closely monitoring this situation and working with city staff to plan for new school facilities downtown should they be needed. (2006 EA, p. 3.4-7.)</i></p> <p><i>In July 1998, San Diego voters approved proposition MM, which allocates \$1.51 billion to fund modernization of the 161 then existing schools, construction of 12 new schools, and the rebuilding of 3 existing schools. The SDUSD utilizes fees under Proposition MM funding. While there are no current plans for construction of new schools that would specifically serve the NBC, Golden Hill Elementary and Laura G. Rodriguez Elementary are located near downtown San Diego. Golden Hill Elementary opened in January 2006 and Laura G. Rodriguez Elementary is expected to open September 2007. Proposition MM has resulted in the improvements of school facilities, as well as the addition of six new elementary and two new middle schools.</i></p>						

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>Education Code Section 17620 (formerly known as Government Code Section 35080) authorizes school districts to levy a fee, charge, dedication, or other form of requirement against any development project for the construction or reconstruction of school facilities. The SDUSD prepared the District's Impact Fee Justification Study, dated January 2003, which concluded that it is necessary to implement the authority of Section 1782- to levy fees in the amount of:</i></p> <ul style="list-style-type: none"> • <i>\$2.14 per foot for construction of new residential buildings; and</i> • <i>\$.36 per square foot for commercial and industrial construction.</i> <p><i>The developer will pay the required impact fees of \$0.36 per square foot for the construction of new office, commercial, and hotel development in accordance with the MMP. Accordingly, there would not be significant impacts to schools associated with implementation of the proposed Project.</i></p>						
<p>(b) Substantial adverse physical impacts associated with the provision of fire protection/emergency services?</p> <p><i>The Final EIR/EIS concludes that existing fire protection/emergency facilities, manpower and equipment at the city and Federal fire departments are adequate to maintain a sufficient level of fire protection service to project site under the Development Agreement. The Final EIR/EIS therefore concluded that the impacts to</i></p>					X	X

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>fire protection associated with implementation of the Development Agreement are less-than-significant. (Final EIR/EIS, pp. 4-115 – 4.117.)</i></p> <p><i>The Final EIR/EIS explains that implementation of the Development Agreement would increase vehicular traffic on surrounding streets and arterials, which may increase the risk of traffic accidents. According to the Final EIR/EIS, however, implementation of the circulation improvements proposed to mitigate impacts from the NBC redevelopment and other area development, as discussed in Section 4.2.3, page 4-65 of the Final EIR/EIS would reduce this potential adverse effect to a level of less than significant.</i></p> <p><i>According to the Downtown Community Plan Final EIR, the San Diego Fire Department is in the process of securing sites for two new fire stations in the downtown area. As stated in the Community Plan Final EIR, while the two new fire stations, which may be built downtown, would result in physical impacts, their construction would not be directly related to the Community Plan. Furthermore, insufficient information exists to accurately determine the physical impacts which may occur from either of the proposed stations. As no site has been selected for a station west of Harbor Drive, no evaluation can be made.</i></p> <p><i>As with the Development Agreement, development under the proposed Project would result in construction of new buildings and underground parking facilities that would be</i></p>						

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>susceptible to fire hazards or would require emergency medical response. Pursuant to the Development Agreement, proposed development of the NBC will include sprinklers and other fire safety measures that would reduce fire impacts. Water flows of 9,463 liters per minute (2,500 gallons per minute) would be required with a sprinkler fire system to adequately serve the NBC site. (2006 EA, p. 3.4-5).</i></p> <p><i>According to the 2006 Environmental Assessment prepared for the Development Agreement, existing facilities, staffing, and equipment remain adequate to maintain a sufficient level of fire protection service to the project site. In addition, in response to the growth projections for the region not associated with the NBC Project, the San Diego Fire Department has secured a site for a new fire station, known as the Bayside Station, at the southeast corner of Cedar and Pacific Highway. The Federal Fire Station at 32nd Street would also continue to provide as-needed service to the site.</i></p> <p><i>In addition, as described by the Downtown Community Plan Final EIR, Policy 8.2-P-1 of the Downtown Community Plan calls for the collection of Development Impact Fees (DIF) for all development to help pay for needed fire facilities. The Project Developers will pay this fee in relation to development of the NBC, except for the Navy office building, per the Development Agreement.</i></p> <p><i>For these reasons, the proposed Project would not require additional fire or emergency</i></p>						

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>protection beyond that analyzed in the 1992 Final EIR/EIS, the 2006 Downtown Community Plan Final EIR, or in the 2006 EA. Therefore, no significant impacts to fire protection/emergency services are anticipated with implementation of the proposed Project.</i>						
(c) Substantial adverse physical impacts associated with the provision of law enforcement services? <i>According to the 2006 EA, the potential law protection impacts remain the same as those identified by the Final EIR/EIS (i.e. an increased risk of traffic accidents due to increased vehicular traffic on surrounding streets and arterials and a potential for increased car prowls on parked vehicles as a result of the higher density use proposed by the project.) Like the Final EIR/EIS, the 2006 EA concluded that these impacts will be less than significant. As explained in the 2006 EA, in response to the future growth and development projected for the region not associated with the NBC project, the San Diego Police Department has recommended an increase in staff of 38 officers downtown over the next 5 years, and a related increase in civilian staff. Any additional staff would be available to assist the site. In addition, Harbor Police would continue to serve the San Diego Bay waterfront, including the project site, in coordination with the San Diego Police Department. Navy Shore Patrol and Commander Navy Region</i>					X	X

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>Southwest Public Safety would also continue to provide safety responses to Navy-occupied buildings in support of the City and Harbor Police. (2006 EA, p. 3.4-3.)</i></p> <p><i>Implementation of the proposed Project would not affect the provision of law enforcement to serve the project area because the proposed uses and intensities are virtually identical to those outlined by the Development Agreement. Therefore, implementation of the proposed Project would not result in significant impacts to police services.</i></p>						
<p>(d) Substantial adverse physical impacts associated with the provision of water transmission or treatment facilities?</p> <p><i>The Final EIR/EIS concluded that because existing water facilities in the project vicinity are currently operating well within their service capacity, there would be no significant impacts to water service from implementation of the Development Agreement.</i></p> <p><i>According to the 2006 EA, implementation of the Development Agreement would consume an addition 0.5 percent of current City water consumption rates per day. (2006 EA, p. 3.4-13.) This amount would likely be smaller under the proposed Project because the Project proposes less development than approved in the Development Agreement.</i></p>					X	X

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>San Diego Municipal Code 147.04 requires that all buildings, prior to a change in property ownership, be certified as having water-conserving plumbing fixtures in place. Though ownership of the property remains with the Navy, water-using elements of the proposed Project will comply with this ordinance. In addition, once detailed plans for the site under the Project have been approved, the developer will work with the City to determine detailed flow rates for the site.</i></p> <p><i>Water supply has been accounted for by the San Diego County Water Authority (SDCWA) in its 2000 Urban Water Management Plan (UWMP) (SDCWA). The UWMP uses a modeling program to assess future water demand and utilizes demographic data and regional growth forecasts from SANDAG to calculate projected water demand. Based on this information, there is expected to be sufficient supply to meet the demands of the project because development is accounted for in certified development plans and environmental documents.</i></p> <p><i>Finally, the existing water facilities in the project vicinity are currently operating within their service capacity. Compliance with San Diego Municipal Code 147.04 would reduce the amount of water consumed by build-out of the proposed Project. In addition, ongoing upgrades to the Alvarado Water Treatment Plan have increased its capacity of treated water by 33 percent.</i></p>						

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>Therefore, consistent with the conclusions of the Final EIR/EIS, no significant impacts to water service or water infrastructure are anticipated from the proposed Project.</i>						
<p>(e) Substantial adverse physical impacts associated with the provision of wastewater transmission or treatment facilities?</p> <p><i>According to the Final EIR/EIS, the NBC Project would significantly increase the amount of wastewater conveyed through existing sewer facilities. This would represent a substantial increase over existing uses and would result in significant impacts to sewer conveyance facilities. Mitigation Measure 4.4.6, requires the existing 15-inch diameter mains located in Pacific Highway and in Market Street to be upgraded by the developer, in coordination with the City of San Diego, to a capacity sufficient to serve future onsite development, as well as future upstream and tributary developments that would be linked to them. The Final EIR/EIS concludes that implementation of Mitigation Measure 4.4.6 would avoid impacts related to sewer facilities, and as such this impact is less than significant. (Final EIR/EIS, p. 4-126.) Pursuant to Mitigation Measure 4.4.6, the developer of the proposed Project will work with the City to upgrade the existing 15-inch diameter mains located in Pacific Highway and in Market Street. Given this measure, significant impacts of the Superseding Master Plan related to sewer facilities will be avoided.</i></p>			X	X		

Navy Broadway Complex Project Development Agreement, Superseding Master Plan and Phase I Buildings

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>According to the 2006 EA, implementation of the Development Agreement would increase flows at Point Loma Water Treatment plant (PLWTP) by less than .2 percent. The proposed Project would likely increase flows to even less than that projected for the Development Agreement because the amount of square footage dedicated to Navy and/or private use is less than what was originally approved. Given that PLWTP Since 1992 when the Final EIR/EIS was certified, there has not been an increase in the amount of effluent and PLWTP is operating at 73 percent of design capacity, additional plant improvements would not be required to accommodate these additional flows.</i></p> <p><i>Prior to execution of the Development Agreement, both the City and the RWQCB stated that the additional wastewater generated by implementation of the Development Agreement would not significantly affect the quality of water discharged from the outfall, nor would it affect the City's ability to provide secondary treatment of wastewater, nor would it significantly affect the capacity of the wastewater treatment system. (2007 EA, p. 3.4-16.) Since that time, there has been an increase in the amount of effluent discharge and PLWTP has increased its capacity to meet that demand and has a remaining capacity of 27 percent.</i></p> <p><i>For the reasons provided above, impacts to wastewater treatment associated with implementation of the proposed Project would remain less-than-significant.</i></p>						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p>(f) Substantial adverse physical impacts associated with the provision of landfill facilities?</p> <p><i>According to the Final EIR/EIS, based on the City's plans to develop new landfills or expand existing ones to serve the city's future disposal requirements, no significant impacts to solid waste disposal would result from the Development Agreement. (Final EIR/EIS, p. 4-128.)</i></p> <p><i>In addition, to reduce the amount of waste material entering landfills, as well as to meet the recycling goals established by the City and mandated by California AB 939 (1989) the City requires individual redevelopment activities of at least 50 residential units or 40,000 sf of commercial space to submit a Waste Management Plan to limit construction and demolition waste. Pursuant to this requirement, construction demolition debris will be sent to the newly opened construction demolition inert recycling facility, approximately 9 miles from the NBC, to reduce landfill waste associated with demolition of the existing structures.</i></p> <p><i>Redevelopment activities meeting the 50 residential unit threshold would also be required by San Diego Municipal Code to manage long-term solid waste generated after construction. Development under the proposed Project will be required to have as many recycling bins as trash bins on the premises and provide adequate interior and</i></p>					X	X

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	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>exterior refuse and recycling storage space. (EA 2006, p. 3.4-19.) Conformance with the Municipal Code would reduce long-term solid waste generation rates, and the County's two future landfill expansion plans will expand the long-term capacity available for solid waste and disposal.</i></p> <p><i>Accordingly, for the reasons provided above, solid waste impacts associated with the proposed Project would be less than significant.</i></p>						
14. PARKS AND RECREATIONAL FACILITIES						
<p>(a) Substantial increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</p> <p><i>The adopted Recreation Element of the City's Progress Guide and General Plan sets forth a series of goals and guidelines for the provision of recreation opportunities in both existing and new communities. "Population-based facilities ideally constitute 1.0 to 3.9 acres of land per 1000 residents depending on proximity to schools and the residential densities of their service areas. Resource-based parks should provide between 15 and 17 acres/1000. Open space lands, sports fields, plazas, and landscaped areas should constitute approximately 1.1 to 2.0 acres/1000 residents. These figures are norms or abstract concepts, however, and should not be rigidly applied throughout</i></p>					X	X

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>the City.” (San Diego Progress Guide and General Plan, p. 165.)</i> <i>The proposed Project includes 1.9 acres of formal open space/park area at the corner of Broadway and Harbor Drive. These spaces are expected to adequately serve the demand for parks that the Project may generate. The use of these 1.9 acres is expected to off-set any demand for already existing parks. As such, implementation of the proposed Project would not result in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.</i>						
15. TRANSPORTATION/TRAFFIC						
(a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street and highway system (e.g., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? <i>The Final EIR/EIS concluded that there are no roadway segments or intersections where unavoidable adverse impacts would occur after implementation of the mitigation measures provided in section 4.2 of the EIR/EIS. (Final EIR/EIS, pp. 4-70, 4-73.)</i>			X	X		

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>Because traffic conditions have changed since the Final EIR/EIS was certified, the 2006 EA prepared for the NBC Project examined existing conditions and compared those conditions to buildout of the NBC Project as set forth in the Development Agreement. Because the Project implements the Development Agreement, the EA's analysis is relevant to and relied upon by this Initial Study. The following summarizes the traffic analysis performed by the 2006 EA.</i></p> <p><i>LOS information for streets adjacent to the NBC site is included in the Downtown Community Plan EIR Transportation, Circulation and Access Study. Existing LOS within the study area includes all intersections expected to be affected by the redevelopment of the NBC. (See 2006 EA, p. 3.2-2) All studied intersections, except for Grape Street and North Harbor Drive in the p.m. peak hour operate at LOS C or better. The intersection of Grape Street and North Harbor Drive operates at LOS E during the p.m. peak hour. Table 3.2-2 of the 2006 EA summarizes the existing LOS for roadway segments adjacent to the NBC. All roadway segments operate at LOS D or better.</i></p> <p><i>The 2006 EA analyzes trip generation rates associated with land uses assumed in the Development. Using trip generation rates from the 1990 City of San Diego Trip Generation Manual, the land uses assumed in the Development Agreement would generate 39,731 ADTs on the downtown circulation network. Based on the conclusions regarding potential traffic impacts presented in the 1991 ROD, the Development</i></p>						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>Agreement identified specific transportation improvements that will be incorporated into the proposed Project, as discussed below.</i></p> <p><i>The recent traffic analysis completed for the Downtown Community Plan EIR also addressed the potential traffic impacts that would result from implementation of the proposed action and other cumulative projects in the downtown area. The Community Plan EIR utilized the current City of San Diego trip generation rates for downtown San Diego; these rates for individual land uses are lower than the rest of the city because of the high use of public transit and because the density and proximity of land uses downtown reduces the need for multiple automobile trips.</i></p> <p><i>The 2006 EA concluded that the Development Agreement is estimated to generate approximately 27,130 ADT. This represents a 32 percent reduction (12,601 ADT) from the number of trips assumed in the Development Agreement. This large reduction in ADT is due mainly to the reduced trip generation rates identified by the City that best reflect greater use of public transportation in the downtown area. According to the 2006 EA, the 32 percent reduction in number of trips would lessen the potential traffic impacts that were assumed when the Navy and the City entered into the Development Agreement. The proposed Project is consistent with the Development Agreement and is virtually the same in terms of use and intensity as the Development Agreement.</i></p>						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>All of the following transportation improvements in the Development Agreement will be implemented by the City and the developer, as indicated in the MMP during construction of the project as proposed by the Project:</i></p> <ul style="list-style-type: none"> <i>E, F, and G streets shall be extended to allow for continuous vehicular and pedestrian access between Pacific Highway and North Harbor Drive;</i> <i>G Street shall provide enhanced access between the Marina neighborhood and the G Street Mole by extending G Street as a major pedestrian promenade;</i> <i>Pacific Highway shall be widened and improved along the frontage adjacent to the NBC; and</i> <i>A Long-Term Travel Demand Management (TDM) Program shall be implemented.</i> <p><i>The substantial reduction in ADTs calculated in the updated traffic analysis confirms the conclusions of the Development Agreement and the Final EIR/EIS that the agreed-upon traffic improvements would be sufficient to mitigate potential traffic impacts in today's conditions.</i></p>						
(b) Create an average demand for parking that would exceed the average available					X	X

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	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p>supply?</p> <p><i>The Final EIR/EIS concludes that the Development Agreement would accommodate 80 percent of the parking demand, without Travel Demand Management measures (TDMs). The Final EIR/EIS concludes that the successful application of TDM to the Development Agreement would reduce the level of vehicular traffic by increasing transit and ridesharing use as has been documented in San Diego. Accordingly, there would be no reliance on offsite parking to meet the project's demands.</i></p> <p><i>When the Development Agreement was signed in 1992 and the Final EIR/EIS certified, the City had no minimum or maximum parking requirements for development in the Centre City area. Instead, parking supply ratios were based on surveys of other Centre City projects. The Development Agreement utilized the maximum parking rates for the proposed Development Plan as follows:</i></p> <ul style="list-style-type: none"> • <i>Navy Administration Space: 1.00 spaces per 1,000 sf plus 0.23 per 1,000 sf for official fleet vehicles;</i> • <i>Commercial Office: 1.00 spaces per 1,000 sf</i> • <i>Hotel: 0.75 spaces per guest room</i> • <i>Retail: 4.00 spaces per 1,000 sf.</i> <p><i>These requirements are vested in the 1992 Agreement and are not superseded by</i></p>						

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	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>subsequent zoning regulations adopted within the Centre City Planned District Ordinance (PDO). The Agreement establishes maximum parking ratios for the development based on land uses. The Final EIR/EIS acknowledged that, at the time of the Agreement's approval, there were no minimum or maximum parking requirements in the Centre City area. The Final EIR/EIS, however, evaluated parking demand for the project and concluded that with the availability of transit in the downtown area and the adoption of the Transportation Demand Management Plan (required for each phase of the project), the development would provide an adequate amount of on-site parking and there would be no reliance on off-site parking facilities to meet parking demand.</i></p> <p><i>The Final EIR/EIS identified a need for 3,105 parking spaces. The proposed Project is not deficient in that the 3,105 spaces evaluated in the Final EIR/EIS were based on a different size project. The 3,105 sf of parking identified by the Final EIR/EIS, assumed 3.25 million sf of development in the project area. The parking proposed for hotel uses under the Project is based on hotel room count, rather than square footage, which is a more accurate reflection of actual parking demands associated with buildout of the NBC Project. Although there is a difference in parking spaces provided compared to those analyzed by the Final EIR/EIS, these changes to the Project do not rise to the level of substantial changes requiring major revisions to the Final EIR/EIS or other Environmental Document examined in this Initial Study.</i></p>						

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Issues and Supporting Information						
<p>(c) Substantially discourage the use of alternative modes of transportation or cause transit service capacity to be exceeded?</p> <p><i>The Downtown Planning area has an abundance of alternative transportation choices including the Coaster, Trolley, and bus lines. The proposed Project does not include components that would substantially discourage the use of alternative modes of transportation or cause transit service capacity to be exceeded.</i></p> <p><i>Additionally, SANDAG has indicated that transit facilities should be sufficient to serve the downtown population, including persons associated with the NBC project, without exceeding capacity. Therefore, no impact will occur associated with transit or alternative modes of transportation.</i></p>					X	X
16. MANDATORY FINDINGS OF SIGNIFICANCE						
<p>(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>As indicated above, due to the highly urbanized nature of the downtown area, no sensitive plant or animal species, habitats, or wildlife migration corridors are located in the Project area. Furthermore, the Project would not eliminate important examples of major periods of California history or prehistory. No aspects of the Project would substantially degrade the environment.</i></p> <p><i>Consistent with the findings of the Final EIR/EIS, because the proposed Project will conform to the requirements of the Development Agreement and is virtually identical in terms of use and intensity, there would be no significant transportation impacts.</i></p>						
<p>(b) Does the project have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects)?</p> <p><i>Effects of the proposed Superseding Master plan on land use and applicable plans; aesthetics and viewshed; public services and utilities; and other issues would not be significant and would not incrementally contribute to a significant cumulative impact associated with other planned projects for the downtown area nor the applicable planning documents for the area. Potential cumulative effects of the proposed Project and other foreseeable projects are not expected to be significant.</i></p>		X				

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Issues and Supporting Information						
<p><u>Land Use and Applicable Plans</u></p> <p><i>There are a number of projects in the vicinity of the Project that are listed in the Downtown Community Plan and which have been analyzed at a program level in the Downtown Community Plan Final EIR. The Downtown Community Plan Final EIR identified increased development activities downtown would combine with those expected in surrounding neighborhoods to displace homeless populations, encouraging them to move into less active areas in surrounding neighborhoods. (Downtown Community Plan Final EIR, p. 6-8.) As concluded by the Downtown Community Plan Final EIR, existing programs offered to the homeless have not proven completely effective in meeting the needs of the homeless population. As there are no other measures identified in the EIR/EIS or the Downtown Community Plan Final EIR, this impact is immitigable. However, unless related to an impact on the physical environment, a social or economic impact, such as homeless population displacement, is not a significant effect on the environment. (Pub. Resources Code, §§ 21090 subd. (e)(2), 21092.2 subd. (c); CEQA Guidelines § 15064, subd. (e).) As such, this impact is not a significant environmental effect requiring preparation of an Environmental Impact Report.</i></p> <p><u>Aesthetics and Viewshed</u></p>						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>Downtown San Diego is experiencing rapid development and future downtown projects, especially those along the San Diego Bay waterfront, could result in potential impacts to important view corridors. Cumulative projects located along the waterfront in the vicinity of the proposed NBC project, include projects identified in the NEAVP, land Field, County Waterfront Park, Bosa Pacific Highway at Ash, Seaport Village Expansion, Electra, the Columbia Commons, and Central Park and Old Police Headquarters. Although a substantial amount of development is occurring along the visually sensitive waterfront, Centre City Community Plan recognizes the importance of view corridors and contains policies to avoid substantial degradation of designated views.</i></p> <p><i>The Development Agreement specifies design measures to avoid aesthetic effects on surrounding areas, including height limits, setbacks, opening of public streets and related view corridors, and design guidelines to improve the appearance of the developed project at the NBC. The proposed Project is consistent with the requirements of the Development Agreement. The proposed Plan would not have an adverse aesthetic effect, and the design measures incorporated into the proposed Project, as required by the Development Agreement, ensure that the project is compatible with surrounding development. Therefore, the proposed action would not contribute to cumulative aesthetics impacts.</i></p>						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><u>Public Services and Utilities</u></p> <p><i>The Development of projects listed above, as well as future projects anticipated in planning documents, would result in an increased demand on police and fire services. To meet anticipated demand for police services, the San Diego Police Department would need additional resources such as personnel, equipment, and training. The need for a new police substation has not been identified at this time and would be subject to independent environmental review. In response to increased development the San Diego Fire Department has secured a site for the construction of the new fire station. The proposed Project would not cumulatively contribute to the demand for additional services. Additionally, as indicated, the proposed Project would have no impact to the provision of schools in the area</i></p> <p><i>Under buildout conditions proposed in the Downtown Community Plan, the demand for treated water downtown would increase from approximately 8.62 million gpd to approximately 18.89 million gpd. The additional demand would not, however, represent a substantial increase in the requirement to meet the anticipated demand for water within the SDCWA service area. (Downtown Community Plan EIR, pp. 5.4-13 – 5.4-14.) To meet the anticipated demand for improved water infrastructure, the city of San Diego Water Department would systematically replace or upsize deteriorating and undersized</i></p>						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>pipes through its Capital Improvement Projects program. Similarly, to meet anticipated sewer demands, the San Diego Metropolitan Wastewater Department would continue to replace deteriorating and undersized pipes through its Capital improvement Projects program. (Ibid.) Therefore, no significant cumulative impacts to water or sewer would occur.</i></p> <p><u>Population and Housing</u></p> <p><i>SANDAG provides projections of population, housing, and employment growth based on growth trends, land use patterns, and general plan land use designations. The SANDAG projections are cumulative in nature and are based on mixed-use development of the NBC site, as designated in the City of San Diego General Plan. In addition, the San Diego Downtown Community Plan acknowledges redevelopment of the NBC site. Development of the proposed Project would be consistent with regional growth projections for the site. Therefore, the proposed Project would not adversely affect cumulative socioeconomic projections.</i></p> <p><u>Geology, Seismicity, and Soils</u></p> <p><i>Potential geologic and seismic effects for the proposed Project are site specific and would not be affected by, nor contribute to, cumulative impacts. In addition, the</i></p>						

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	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>proposed Project would reduce the potential for seismic impacts onsite, as it would include earthquake-safe buildings, replacing the existing buildings that do not meet current earthquake standard requirements. Because all applicable codes and regulations would be met, impacts associated with geologic and seismic hazards, as well as from soil instability, would not be considered cumulatively significant.</i></p> <p><u>Hydrology and Water Quality</u></p> <p><i>Water quality in the vicinity of the project site is affected by pollution associated with urban runoff, mainly from impervious surfaces such as parking lots. Development downtown, including the NBC project as detailed by the Project, as well as other development guided by local plans, would increase pollution-generating activities and could subsequently result in additional water quality impacts to San Diego Bay. Most future development projects in downtown would be subject to NPDES regulations requiring BMPs to control potential effects on water quality. Both the Port District and the City have adopted Urban Runoff Management Programs that aim to reduce storm water pollution from downtown area. In addition, the NBC is located on a site that is currently urban in nature and developed mainly with impervious surfaces; therefore, redevelopment of the site would not incrementally increase areas of impervious surface within the surrounding area. Compliance with regulations set forth by the SWRCB, RWQCB, Port District, and the City would reduce potential impacts to below a level of</i></p>						

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Issues and Supporting Information						
<p>significance and ultimately improve the quality of runoff leaving the NBC site. The proposed Project would not, therefore, contribute to cumulative impacts to water resources.</p> <p><u>Air Quality</u></p> <p>The cumulative impacts analysis of the Final EIR/EIS concluded that implementation of the Development Agreement would incrementally contribute to the region's non-attainment of ozone and carbon monoxide standards, which is a cumulatively significant unmitigated impact. As indicated, because the San Diego Air Basin already is impacted, any new development would have a significant cumulative impact on regional air quality. Thus, implementation of the proposed Project would result in a significant cumulative air quality impact. Although the cumulative impact would be significant, the proposed Project would concentrate development in an area which is well served by transit and offers a variety of opportunities to work and live in the same area. This conclusion is consistent with the conclusions of the Final EIR/EIS.</p> <p><u>Noise</u></p> <p>Noise, by definition, is a localized phenomenon and drastically reduces in magnitude as distance from the source increases. As a result, only projects and growth due to occur</p>						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>in the immediate vicinity of the proposed action would be likely to contribute to cumulative noise impacts. Construction activities associated with the proposed Suerseding Master Plan would likely contribute to cumulative noise impacts. Construction activities would be short term and would comply with County Noise Ordinance construction standard and thus, would not result in an incremental significant effect to noise levels in the area. The addition of traffic associated with the proposed Project would contribute to increases in noise along roads, most notably along North Harbor Drive. Although these increases would be potentially noticeable from adjacent receivers, the street segments surrounding the NBC site are highly urbanized, and therefore elevated noise levels are expected. In addition, compliance with Title 24 of the California Code of Regulations would mitigate vehicular noise impacts that would exceed the interior significant thresholds for most development. Therefore, the proposed Project's contribution to noise impacts would not be cumulatively considerable.</i></p> <p><u>Historical Resources</u></p> <p><i>As explained by the Final EIR/EIS, unless the NBC Project would affect a historic district, cultural/historical resources impacts from NBC development are considered site specific. (Final EIR/EIS, p. 5-3.) The area surrounding the site is not a historic district; therefore development on the site under the proposed Project would not create</i></p>						

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	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<p><i>cumulative historical resource impacts.</i></p> <p><u>Public Health and Safety</u></p> <p><i>As described in the Final EIR/EIS, public health (i.e. hazardous waste) and safety (i.e. proximity to an airport) impacts are site specific and would not be affected by other development.</i></p>						
<p>(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p> <p><i>As described elsewhere in this study, the proposed project would result in significant impacts. However, these impacts would not be greater than those assumed in the Final EIR/EIS. Implementation of the mitigation measures identified in the Final EIR/EIS, as well as those required by the Downtown Community Plan Final EIR, would mitigate many, but not all, of the significant impacts. The proposed project would result in significant project level and/or cumulative impacts related to air quality. Other significant direct impacts associated with implementation of the proposed Project would be mitigated to a level less than significant with incorporation of mitigation measures identified in the Final EIR/EIS as well as applicable Mitigation Measures identified in</i></p>		X				

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Issues and Supporting Information						
<i>the Final EIR for the Downtown Community Master Plan.</i>						