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(R-93-594)

RESOLUTION NUMBER R- 280915

ADOPTED ON OCT 20 1992

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE NAVY BROADWAY COMPLEX, CERTIFYING THAT THE CITY COUNCIL HAS REVIEWED AND CONSIDERED INFORMATION CONTAINED IN SAID FINAL ENVIRONMENTAL IMPACT REPORT AND IN THE FINAL MEIR FOR THE CENTRE CITY REDEVELOPMENT PROJECT, MAKING CERTAIN FINDINGS REGARDING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED REDEVELOPMENT OF THE NAVY BROADWAY COMPLEX, ADOPTING A REPORTING AND MONITORING PROGRAM, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS.

WHEREAS, the United States of America owns approximately 16 acres of waterfront land in the downtown area of the City of San Diego which is known as the Broadway Complex of the Department of the Navy, San Diego, California (the "Navy Broadway Complex"); and

WHEREAS, pursuant to Section 2732 of the National Defense Authorization Act for Fiscal Year 1987, P.L. 99-661, Congress has authorized the Navy to enter into a long-term lease with a developer pertaining to the real property located within the Navy Broadway Complex, provided that any real property leased shall be developed in accordance with detailed plans and terms of development which have been duly formulated by the Navy and the San Diego community through the San Diego Association of Governments' Broadway Complex Coordinating Group; and

WHEREAS, this City Council proposes to approve an 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 (the "Development Agreement") providing for the coordination by the Navy and the City in implementing the redevelopment of the Navy Broadway Complex; and

WHEREAS, the Navy was designated as the lead agency to prepare an Environmental Impact Statement ("Final EIS") to assess the environmental impacts which may result from the redevelopment of the Navy Broadway Complex pursuant to the National Environmental Policy Act of 1969 ("NEPA") and federal guidelines and regulations adopted pursuant thereto; and

WHEREAS, the City Council was designated as the lead agency to prepare an Environmental Impact Report ("Final EIR") to assess the environmental impacts which may result from the redevelopment of the Navy Broadway Complex pursuant to the California Environmental Quality Act of 1970 ("CEQA"), as amended, and state and local guidelines and regulations adopted pursuant thereto; and

WHEREAS, as permitted by CEQA, the Final EIR was prepared and reviewed in coordination with and incorporating the Final EIS (so that all references herein are also references to the Final EIS), and is comprised of the following documents:

Draft Environmental Impact Statement for the Navy Broadway Complex Project. Department of the Navy. April 1990.

Draft Environmental Impact Report for the Navy Broadway Complex Project. City of San Diego. April 1990.

Final Environmental Statement for the Navy Broadway Complex Project. Department of the Navy. October 1990.

Final Environmental Impact Report for the
Navy Broadway Complex Project. City of San
Diego. October 1980; and

WHEREAS, the Navy and the City prepared and circulated a Draft EIS and EIR for review, comment and consultation with citizens, professional disciplines and public agencies pursuant to applicable law; and

WHEREAS, duly noticed public hearings were held by the Navy and the City with respect to the Draft EIS and EIR, at which all interested persons and organizations were given an opportunity to be heard; and

WHEREAS, the Final EIS and EIR relating to the proposed redevelopment of the Navy Broadway Complex, and responding to the concerns raised during the review period and at the public hearings, has been prepared pursuant to NEPA and CEQA and the guidelines and regulations; and

WHEREAS, the Redevelopment Agency of The City of San Diego (the "Agency") has previously prepared, and the Agency (Resolution No. 2081) and the City Council (Resolution No. R-280915) have certified the Final Master Environmental Impact Report for the Centre City Redevelopment Project ("Final MEIR"); and

WHEREAS, the redevelopment of the Navy Broadway Complex as provided for in the proposed Development Agreement is a redevelopment implementation activity whose environmental impacts are assessed in the Final MEIR; and

WHEREAS, the City Council in connection with its consideration of the approval of the proposed Development Agreement for the Navy Broadway Complex, has reviewed and

considered the information contained in the Final EIR (including the Final EIS) and in the Final MEIR; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the City Council hereby certifies that the Final EIR for the Navy Broadway Complex has been prepared and completed in compliance with CEQA and state and local guidelines and regulations adopted pursuant thereto.

2. That the City Council hereby further certifies that the information contained in the Final EIR (including the Final EIS), and in the Final MEIR, has been reviewed and considered by the members of the Council.

3. That the City Council hereby finds and determines that:

a. The redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, will not result in significant environmental effects in certain respects identified in the Final EIR, as described in Section I of Attachment A (attached hereto and incorporated herein by this reference).

b. Changes or alterations have been required in, or incorporated into, the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, which avoid or substantially lessen certain significant environmental effects of the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, identified in the Final EIR, as described in Section II of Attachment A.

c. Changes or alterations which avoid or substantially lessen certain significant environmental effects of the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, identified in the Final EIR, are within the responsibility and jurisdiction of another public agency and not the City Council, and such changes have been adopted by such other agency, or can and should be adopted by such other agency, as described in Section III of Attachment A.

d. With respect to significant environmental effects of the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, which cannot be avoided or substantially lessened, specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR, as described in Section IV of Attachment A.

e. The significant environmental effects of the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, which cannot be avoided or substantially lessened are acceptable due to overriding concerns, as described in Section V of Attachment A.

4. The City Council hereby further finds and determines that, for the reasons described in Sections I, II, III and IV of Attachment A:

a. No substantial changes are proposed in the Centre City Redevelopment Project, or with respect to the circumstances under which the Project is to be undertaken,

as a result of the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, which will require important revisions in the Final MEIR for the Project, due to the involvement of new significant environmental impacts not covered in the Final MEIR; and

b. No new information of substantial importance to the Project has become available which was not known or could not have been known at the time the Final MEIR for the Project was certified as complete, and which shows that the Project will have any significant effects not discussed previously in the Final MEIR, or that any significant effects previously examined will be substantially more severe than shown in the Final MEIR, 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 Project on the environment; and

c. No negative declaration, or subsequent environmental impact report, or supplement or addendum to the Final MEIR is necessary or required; and


d. The redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, will have no significant effect on the environment, except as identified and considered in the Final MEIR for the Project.

5. That the Mitigation Monitoring Program for the Navy Broadway Complex, in the form on file in the office of the City Clerk as Document No. RR-280915, is hereby approved and adopted

to monitor and ensure that the mitigation measures identified will be instituted.

6. That the City Clerk (or his designee) is hereby authorized and directed to cause the filing of a Notice of Determination with respect to the Final EIR and Final MEIR, upon approval of the proposed Development Agreement by the City Council.

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

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Attachment A

I. The following discussion explains the reasons why, in certain respects, the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, will not result in significant environmental effects.

A. With respect to land use:

Redevelopment of the Navy Broadway Complex is compatible with surrounding land uses and provides actual pedestrian uses such as open space area, pedestrian corridors and a waterfront museum. It would substantially improve waterfront access by extending E, F and G streets through the site to the waterfront and providing pedestrian-oriented improvements.

B. With respect to parking:

With implementation of a Travel Demand Management program, sufficient parking would be provided to meet parking demands onsite.

C. With respect to biology:

The project site is fully developed with urban uses and has been for several decades. As such, there are no areas of the site where biological resources are located that are not substantially disturbed.

D. With respect to water:

Water for the project area is supplied by the City of San Diego under the administration of the Water Utilities Department. Since the 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 any of the alternatives considered.

E. With respect to solid waste:

Solid waste disposal in the project area is provided by the combined services of the City of San Diego and private contractors. The largest increase of solid waste would occur with the Alternative A, the Alternative B, the Alternative D, and Alternative F, from which an anticipated 13,800, 15,600, 19,700, and 13,800 tons, respectively, would be generated per year. Alternative C and Alternative E would result in lesser increase to

solid waste generation (i.e., 9,200 and 7,300 additional tons per year over existing uses, respectively). The West Miramar landfill will provide adequate solid waste disposal through 1995, and the City of San Diego is currently planning to develop new landfills, or expand existing ones, to serve the city's future disposal requirements, so no significant impacts to solid waste disposal are anticipated with implementation of any of the alternatives.

F. With respect to the physical environment:

No known extractable resources are located on or beneath the site. The project site is level, at street grade, and covered with impervious surfaces. Implementation of Alternatives A through F would result in sedimentation during demolition and construction activities as subsurface soils are exposed to runoff. No long-term increase in runoff would occur since the Navy Broadway Complex site is already fully developed.

G. FINAL MEIR

As described in Item I of Attachment A of Agency Resolution No. 2081 and City Council Resolution No. 279875 certifying the Final MEIR and incorporated by reference.

The Final MEIR found that in the areas of biological resources, mineral resources, solid waste collection and hydrology/water quality would not result in significant environmental effects.

1. With respect to biological resources:

The Centre City Planning Area is located in the heavily urbanized setting of downtown San Diego, which is almost totally lacking in native vegetation and its associated wildlife.

2. With respect to mineral resources:

The potential for economically viable extraction of mineral resources is limited due to the urbanized nature of the Planning Area. The area has not been designated as having a high potential for mineral resources.

3. With respect to solid waste collection:

Solid waste disposal in the Planning Area is provided by the combined services of the City of San Diego and private contractors. New development will be required to

contract with licensed private haulers for collection of waste and no significant impacts to solid waste collection services are expected.

4. With respect to hydrology/water quality:

The Planning Area is a highly urbanized area, currently developed with low and high-rise buildings, streets, sidewalks, and parking areas. New development proposed under the Centre City Community Plan is not expected to increase the volume of stormwater runoff in the Planning Area.

No significant impacts were identified in relation to erosion, however the implementation of standard erosion control procedures will be required in accordance with existing City of San Diego regulations.

All development activities shall be conducted in compliance with regulatory requirements pertaining to dewatering. Therefore, no significant impacts will occur.

II. The following discussion explains the reasons why certain changes or alterations which have been required in, or incorporated into, the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, will avoid or substantially lessen certain significant environmental effects of the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement.

A. TRAFFIC

Long-Term Intersection Impacts

Redevelopment of the Navy Broadway Complex would result in long-term intersection traffic impacts. The operation of several intersections in the vicinity of the project site would be substantially affected. The intersections are Grape/Pacific, Broadway/Pacific, and Broadway/Front. Traffic from the project will reduce the level of service (LOS) from C to E at Grape/Pacific, from LOS E to F at Broadway/Pacific, and from LOS D to E at Broadway/Front.

The significant effects related to long-term intersection impacts have been eliminated or substantially lessened to a level less than significantly by virtue of project design considerations and the mitigation measures identified in the Final EIR and incorporated into the project. The following improvements that are planned either by the Centre City Transportation Action Plan (CCTAP) or Centre City Development

Corporation (CCDC) will reduce the project's contribution to intersection impacts:

- Pacific/Grape: Pacific Highway currently provides three through lanes in each direction and a southbound left-turn pocket. Grape Street has three eastbound lanes and an eastbound right-turn pocket and will be restriped and reconfigured to provide for a 4-lane section. This improvement will result in service level D conditions under the long-term scenario and will be installed by the City of San Diego when the service levels at this intersection exceed acceptable levels based on current traffic counts.
- Broadway/Front: Broadway provides two through lanes in each direction and a westbound left-turn lane. Front Street has three through lanes in the southbound direction and will be restriped and reconfigures to provide for a 4-lane section. This improvement will result in service level D conditions under the long-term scenario and will be installed by the City of San Diego when the service levels at this intersection exceed acceptable levels based on current traffic counts.
- Broadway/Pacific: Pacific Highway currently provides three through lanes in each direction and a southbound left-turn lane. Broadway has two through lanes in each direction and a westbound left-turn lane. The improvements include the provision of additional turn lanes in the northbound, eastbound, and westbound directions and will result in level of service D conditions under the long-term scenario. They will be installed by the City of San Diego upon initiation of development of any block on the Navy Broadway Complex. The improvements are summarized as follows:
 - Exclusive northbound left-turn lane
 - Exclusive northbound right-turn lane
 - Exclusive eastbound right-turn lane
 - Second westbound left-turn lane
- A traffic signal at the intersection of Harbor Drive and the new connection to Harbor Drive north of Broadway will alleviate traffic impacts that result from the redirection of traffic around Broadway and the proposed open space area. Improvements to this intersection will be installed by the City of San Diego upon completion of the

open space area at the foot of Broadway.

Implementation of the last two mitigation measures shown above will be governed by a phasing plan. The phasing plan for each stage of development is included in the EIR, and requires that associated mitigation measures be implemented in conjunction with the development of any individual block on the project site. The phasing plan will include the installation of access-related improvements to Pacific Highway as well as the extension of E Street, F Street, or G Street from Harbor Drive to Pacific Highway.

- Long-Term Travel Demand Management (TDM) Program:
A TDM program will be designed to reduce the number of vehicular trips, thereby reducing associated traffic impacts and parking needs. The TDM program will be put in place prior to the occupancy of any new structures and will be incorporated into all commercial leases. This program will incorporate a variety of measures which may include some or all of the following:
 - Onsite transit amenities
 - Transit pass sale and information area
 - Coordination of a rideshare matching system
 - Preferential carpool and/or vanpool parking
 - Onsite bike lockers
 - Development of pedestrian corridors to transit stops/stations
 - Shared parking arrangement through mix of land uses

Long-Term Roadway Segment Impacts

Fourteen roadway segments in the vicinity of the project will operate above their capacity as a result of area wide development. Traffic from the proposed project will contribute substantially and significantly to overcapacity conditions along segments of Pacific Highway (south of Broadway) and First Avenue (south of Ash).

The significant effects to road segments related to additional project traffic generation have been eliminated or substantially reduced to a level less than significant by virtue of project design considerations and the mitigation measures identified in the Final EIR and incorporated into the project. CCTAP and CCDC have programmed improvements for both of the segments for which the project would contribute to significant increases in traffic levels. The following planned improvements along Pacific Highway and First Avenue would reduce expected impacts along these two road segments to a less than significant level:

- First Avenue: First Avenue will be restriped and reconfigured to provide for a 4-lane section. This improvement, to be installed by the City of San Diego, will be implemented when roadway volumes on this segment exceed acceptable levels based on current traffic counts.
- Pacific Highway: Pacific Highway will be widened to add new travel and turn lanes adjacent to the site. Traffic signals will be added at the intersections of G Street/Pacific, F Street/Pacific, and E Street/Pacific. The improvements will be installed by the City of San Diego in a phased manner upon development of individual blocks in the Navy Broadway Complex.

B. PUBLIC SERVICES

Impact on Schools

The project area is within the boundaries of the San Diego Unified School District (SDUSD). The SDUSD provides public school facilities for grades K through 12. A majority of SDUSD's schools are currently operating near or over their capacity. The number of Navy personnel in the region would remain unchanged, but potential immigration of families associated with onsite private development will increase the number of school age children. Secondary schools in the area are generally operating below their capacity, while elementary schools are generally operating over their capacity. The combined capacity of these schools (i.e., 63,990) has already been exceeded by over 2,300 students. Implementation of the private uses on the Navy Broadway Complex Project could result in indirect adverse impacts to elementary schools.

To alleviate the current overcrowding of schools in the area, the SDUSD is levying school impact fees as authorized by California Government Code Section 53080 for the long-range planning and construction of new facilities. Section 53080.1 allows for an appeal of the imposition of the fee to challenge the applicability of student-generation factors associated with the project.

The project would not directly contribute students to the elementary and secondary schools within the San Diego Unified School District since residential uses are not being proposed. An influx of new non-military personnel associated with onsite private development could cause secondary impacts to schools in the San Diego area that are near or over capacity. The Navy office component of any of the alternatives would not result in increased Navy personnel in the region, so no mitigation measures for Navy offices are necessary. The

significant effects to schools in the San Diego area related to the influx of families associated with private development have been eliminated or substantially lessened to a level less than significant by virtue of the following mitigation measure:

- A school facilities fee shall be paid in an amount established in accordance with California Government Code Sections 53080, 53080.1, and 65995.

Wastewater Impacts

The project would generate 250,495 gallons of wastewater per day. The additional wastewater generated by this project would significantly increase the amount of wastewater conveyed through existing sewer facilities and could cause the conveyance facilities to operate above their capacity.

The significant effects related to additional wastewater generation have been eliminated or substantially reduced to a level less than significant by virtue of project design considerations and a mitigation measure identified in the Final EIR and incorporated into the project. This measure is as follows:

- The existing 15-inch diameter mains located in Pacific Highway and in Market Street will be upgraded by the project 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. As recommended in a sewer pipeline capacity analysis, 1,800 linear feet of sewer line will be replaced from the intersection of Pacific Highway and E Street to the intersection of Market Street and Kettner Boulevard. The sewer line will be constructed upon demand for a new line created by the project.

C. PHYSICAL ENVIRONMENT

Effects from Soils and Erosion

During construction onsite soils will be exposed to rain and other hydraulic forces that could eventually convey sediments to the ocean, potentially affecting marine life.

The significant effects due to erosion and exposure to hydraulic forces have been eliminated or substantially reduced to a level less than significant by virtue of project design considerations and the mitigation measure identified in the Final EIR, incorporated into the project. The following

measure would mitigate any impacts from soil erosion during construction:

- An erosion control plan will be implemented during construction of new structures at the Navy Broadway Complex site. The plan will be prepared by the project developer and submitted to the City for approval prior to the initiation of construction. Major components of the plan will include (but not be limited to) the following:

- Regular watering of exposed soil.
- Hydroseeding of large (1-acre-plus) areas of exposed surface soils that will remain exposed and undisturbed by construction for 3 or more months at a time.
- Draining any areas where ponding occurs.
- Placing sandbags in gutters and near storm drains wherever construction activities occur.

Effects from Geologic Hazards (Faulting and Seismicity)

The site lies generally within the Rose Canyon fault zone. The possibility of a fault bisecting the site and strong groundshaking will have to be considered in the design and placement of structures. Design will also have to consider the potential for liquefaction.

The significant effects related to geologic hazards have been eliminated or substantially reduced to a less than significant level by virtue of upgrading the design criteria above that required by the City of San Diego to UBC Seismic Zone 4, and by considering the remedial measures for fault surface rupture, seismic groundshaking, and liquefaction outlined in "Additional Geologic, Seismic, and Geotechnical Studies, Navy Broadway Complex, San Diego, California," prepared by Woodward-Clyde Consultants (dated September 5, 1990) in the design and construction of all new buildings.

D. AIR QUALITY

Effects of Construction Dust Generation

Construction activities are a source of fugitive dust emissions that may have a substantial temporary impact on local air quality. Emissions are associated with demolition, ground excavation and site preparation. Dust emissions vary substantially from day to day, depending on the level of activity, the specific operations, and the prevailing weather.

Fugitive dust created during construction could result in short-term nuisance impacts.

The significant effects related to construction dust generation have been eliminated or substantially reduced to a level less than significant by virtue of project design considerations and the mitigation measures identified in the Final EIR and incorporated into the project. The factor used in the EIR to determine dust generation does not take into account the relatively high water table at the Navy Broadway Complex, which results in moister soil and less dust generation. Dust control through regular watering and other fugitive dust abatement measures required by the San Diego Air Pollution Control District (APCD) can reduce dust levels by 50 to 75 percent. Dust emission rates, therefore, depend on the length of the construction activities and the care with which dust abatement procedures are implemented. The maximum dust generation (not considering the higher moisture content of onsite soils) would be approximately 4.7 tones per month. With dust control measures, the total is reduced to about 2 tons per month of construction activity.

While the overall dust generation is substantial, the daily rate of fugitive dust generation is well within the dispersive capacity of the air basin without any adverse air quality impacts. It should also be noted that much of this dust is comprised of large particles that are easily filtered by human breathing passages and settle out rapidly on nearby foliage and horizontal surfaces. The dust thus comprises more of a nuisance rather than any potentially unhealthful air quality impact. With implementation of the following measures and other dust abatement procedures, even the short-term impact is lessened to an insignificant level.

- Fugitive dust will be controlled by regular watering as required by the San Diego Air Pollution Control District and through erosion control and street washing to reduce dirt spillage onto traveled roadways near the construction site. This measure will be implemented by the project developer and will be required to be included in construction documents.

Long-Term Vehicular Emission Impacts

The proposed project will generate 23,000 total vehicle trips per day. These vehicle trips will generate 270 pounds per day of total organic gases, 2,406 pound per day of carbon monoxide and 445 pounds per day of nitrogen oxides. The project will contribute to an already existing violation of the ozone standard and intensify the current air quality problem in the San Diego Air Basin.

The project would generate, without mitigation, approximately 38,000 trips. Up to 40 percent of these trips (16,000) are associated with Navy personnel relocated to the site. These personnel are already located in the San Diego Air Basin, and would simply be relocated to the Navy Broadway Complex. This consolidation provides substantial opportunities to reduce regional emission loads associated with commute trips by these personnel, as discussed below.

A Travel Demand Management (TDM) plan will be implemented as part of the project to substantially reduce single-occupancy vehicle usage at the site. In addition, the site is located within walking distance of a commuter rail, an AMTRAK rail station, 10 bus lines, and two light-rail transit lines (one is under development). This provides a substantial opportunity for utilizing mass transit and reducing single-occupancy vehicle use. By consolidating Navy personnel from a number of smaller, dispersed facilities to a single facility proximate to these transit opportunities, single-occupancy vehicle usage by Navy personnel can be substantially reduced in the air basin, with estimated reductions of 40 percent. Vehicle trips that are new to the San Diego Air Basin would constitute the remaining approximately 60 percent of the project's trip generation. TDM will also help alleviate impacts from vehicle trips that are new to the San Diego region. Based on City of San Diego estimates of TDM effectiveness, the TDM measures proposed for this project and the project's proximity to mass transit are estimated to reduce daily vehicle trips from each of the proposed land uses by the following amount:

<u>Land Use</u>	<u>Estimated Trip Reduction by TDM</u>
Office	60 percent
Hotel	25 percent
Retail	15 percent

Implementation of the TDM plan will reduce the total number of project trips by approximately 40 percent, which will substantially reduce potential vehicular emissions. After application of the TDM plan, trips associated with the mixed-use development would be approximately 23,000. If the existing 16,000 vehicles that are associated with Navy personnel located throughout the air basin are discounted, the net increase in daily vehicle trips would be reduced to 7,000. These net trip levels assume that all of the remaining vehicles are new to the air basin, a premise which probably overstates the new vehicle travel.

The California Air Resources Board indicates that measures to substantially reduce the number of single-occupancy vehicles

would be the primary determinant of consistency with the current (1982) and proposed State Implementation Plan (SIP). Long-term vehicular emissions will be substantially reduced through implementation of an extensive Travel Demand Management Program primarily aimed at reducing the use of single-occupancy vehicles. Therefore, the Navy Broadway Complex Project would be consistent with the current (1982) and proposed SIP. The significant long-term project-specific effects to air quality related to vehicular emission levels have been eliminated or substantially lessened to a level less than significant by virtue of the nature of the project and the mitigation measures identified in the Final EIR (see Traffic discussion in these findings, page 4) and incorporated into the project.

E. NOISE

Temporary Construction Noise Impacts

Noise generated by construction equipment, including earth movers, material handlers, and portable generators can reach high levels. Implementation of the project would cause a short-term annoyance to noise-sensitive land uses in the surrounding area due to construction activities. The area is frequented by visitors, especially on weekends. This impact may be considered a significant nuisance impact to users of the nearby waterfront during the construction period.

The significant effects related to short-term noise generation have been eliminated or substantially lessened to a level less than significant by virtue of project design considerations and the mitigation measures identified in the Final EIR and incorporated into the project. These measures are as follows:

- A looped 12kV system will be constructed by the project developer in phases to provide adequate electricity to the various individual structures within the Navy Broadway Complex as they are developed.
- Coordination by project developers will occur with SDG&E regarding recommendations on energy conservation measures. All private development will be constructed in accordance with Title 24 of the California Administrative Code, which provides energy conservation measures.

F. CULTURAL RESOURCES

Impacts on Historic Structures

The project will have a significant impact on cultural

resources. Based on Criterion C of 36 CFR 60.4, Buildings 1, 11, and 12 appear to meet National Register Criteria as a single architectural and historical group. They represent the entire development history of the Navy Broadway Complex and are primary contributing features to the overall character of this area of the San Diego waterfront. These buildings form an architectural unit, and are tied together both in terms of general form (design) and function. They are all designed in compatible utilitarian/industrial styles, and retain a high degree of integrity. Impacts would result from the removal or substantial renovation (modification of the exterior and interior components) of portions of Buildings No. 1 and No. 12. Building 11 is beyond the project limits and would not be affected by the proposed project.

In order to determine appropriate steps to mitigate the impacts of these cultural resources, the Navy has consulted with the California State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation. The significant effects related to removal or substantial alterations of these buildings have been eliminated or substantially lessened to a level less than significant by virtue of project design considerations and the mitigation measure identified in the Final EIR and incorporated into the project.

- The Navy will record Buildings 1 and 12 pursuant to Section 110(b) of the National Historic Preservation Act and will monitor excavations to ensure that no significant archaeology is inadvertently lost.

G. PUBLIC HEALTH AND SAFETY

Impacts from Soil Contamination

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. Minor hazardous waste spills were located or may be located on the site. In addition, transformers that contain PCB's are located on the site, although none are known to be leaking. There are no known major hazardous waste spills or leaking underground storage tanks on the site. Because the presence of hazardous waste can affect public health, this represents a significant impact.

The significant effects related soil contamination have been eliminated or substantially lessened to a level less than significant by virtue of project design considerations and the mitigation measures identified in the Final EIR and

incorporated into the project. These measures are as follows:

- If any underground storage tanks on the site are found to be leaking, such leaks will be cleaned up in accordance with the Resource Conservation and Recovery Act (RCRA) and any other applicable state or City of San Diego regulations, with clean up being initiated upon discovery of any leaks.
- If evidence of hazardous materials contamination is discovered, the EPA will be promptly notified and all applicable requirements of the Comprehensive Emergency Response Compensation and Liability Act and the Superfund Amendment and Reauthorization Act (CERCLA/SARA) and the National Contingency Plan (NCP) will be complied with.
- If CERCLA hazardous substances are discovered, no construction will occur until the requirements of CERCLA/SARA and the NCP have been fully satisfied. CERCLA/SARA/NCP activities would take priority over new construction until CERCLA/SARA compliance has been achieved.
- Prior to construction, the area beneath existing Building 8 will be further investigated for the presence of hazardous materials in the soils. If any contaminated soils are found, they will be cleaned up in accordance with EPA regulations.
- The fluid in transformers and other electrical units will be tested prior to onsite construction to determine the presence of PCBs. If PCBs are found, the fluid and the units will be disposed of at an approved waste disposal facility in accordance with the Toxic Substance Control Act (TSCA).
- The soil in the vicinity of the forklift maintenance area at existing Building 106 will be tested for acidity prior to development in this area. If the pH of the soil is less than 5, the pH will be adjusted so that it is greater than 5.
- The oily residue-stained soil and paving materials in the vicinities of existing Buildings 7 and 106 will be removed to the satisfaction of the EPA prior to development in this area and disposed of in an approved disposal facility.

Effects Related to Asbestos

Development of the project would pose significant health exposure risks associated with demolition of buildings that contain asbestos. During demolition, asbestos fibers could become airborne, thereby providing a pathway to enter the human system. Asbestos exposure is considered a human health risk, and building demolition required by the project would be considered a significant health impact.

H. FINAL MEIR

As described in Item II of Attachment A of Agency Resolution No. 2081 and City Council Resolution No. 279875 certifying the final MEIR and incorporated by reference.

It was found the potential land use incompatibilities, transportation and circulation impacts, air quality impacts, noise impacts, cultural resources, demolition of potential impacts to police, fire protection services, libraries, potable water distribution, stormwater collection and solid waste collection, groundwater impacts, geological hazards, hazardous materials contamination and potential loss of paleontological resources, impacts will be mitigated to below a level of significance.

The Navy Broadway Complex Final EIR found project-specific impacts (as described above in Sections A-H) which may be possible regarding traffic, public services, physical environment, air, noise, cultural resources, public health and safety. Several of the potential impacts are related to the fact that now there is a specific development proposal which may not match the general assumptions addressed in the Final MEIR. It is anticipated that many, if not all potentially significant impacts associated with the Navy Broadway Complex will be mitigated.

III. The following discussion explains the reasons why changes or alterations which avoid or substantially lessen certain significant environmental effects of the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, are within the responsibility and jurisdiction of another public agency and not the City Council, and how such changes have been adopted by such other agency or can and should be adopted by such other agency.

A. PUBLIC HEALTH AND SAFETY

Impacts Associated with Contamination of Groundwater

The project includes subsurface parking and would likely include subsurface foundation components. Groundwater is

located at approximately 7 to 11 feet below the ground surface of the site. Subsurface construction would encounter substantial quantities of groundwater, and a temporary groundwater dewatering program would be required during construction. Although it is unlikely that any contaminated groundwater would be encountered during temporary dewatering activities, it was found that the dewatering program associated with the nearby Convention Center may have promoted migration of the contaminated plume in the direction of that project. It is conceivable that temporary groundwater dewatering associated with project development could cause migration of the plume, or of a currently unknown source of contaminated groundwater, towards the Navy Broadway Complex.

The significant effects related to contaminated groundwater have been eliminated or substantially reduced to a level less than significant by virtue of project design considerations and the mitigation measure identified in the Final EIR and incorporated into the project. The measure is as follows:

- Authorization to temporarily discharge dewatering waste during project construction will be obtained from the executive officer of the Regional Water Quality Control Board (RWQCB) under NPDES CA 0108707.

B. FINAL MEIR

As described in Item III of Attachment A of Agency Resolution No. 2081 and City Council Resolution 279875 certifying the Final MEIR and incorporated by reference.

1. With respect to project-specific mitigation for projects within the planning jurisdiction of government agencies other than the City of San Diego:

Project-specific mitigation would be required for a number of potential impacts including potentially significant land use incompatibilities, air quality impacts during construction, CO hotspots, noise impacts, demolition of historically significant buildings, potential loss of subsurface cultural resources, wind acceleration, impacts to public facilities and services, geological hazards, ground-water impacts, hazardous materials contamination and potential loss of paleontological resources.

Other government agencies with planning jurisdiction in the Planning Area include the San Diego Unified Port District (Port District), the County of San Diego, the U. S. Navy, the

San Diego Association of Governments (SANDAG) and the California Coastal Commission. The County of San Diego has planning jurisdiction over County-owned property in Centre City used for a County purpose; the U. S. Navy controls a large developed parcel adjacent to the waterfront (the Broadway Complex) and an adjacent pier; and SANDAG is the designated Airport Land Use Commission for Lindbergh Field. Lindbergh Field's Airport Influence Area extends across a portion of the Planning Area. The Centre City waterfront is under the jurisdiction of the San Diego Unified Port District and the California Coastal Commission. However, the Coastal Commission has delegated its coastal zone authority to the City of San Diego and the Port District as a result of their certification of the Local Coastal Program and Port Master Plan.

The U. S. Navy has entered into a memorandum of understanding (MOU) with the City of San Diego providing for cooperation in the future development of the Navy Broadway Complex. The MOU specifies that the Navy, in consultation with the City of San Diego, will prepare a development plan and urban design guidelines that will define the nature of development that will occur on the Navy Broadway Complex.

2. With respect to transit ridership:

Traffic related impacts would be mitigated primarily by increasing the percent of transit ridership to 60 percent by the year 2025. It is estimated that an additional 440 buses, 305 trolley cars and 55 commuter rail cars would be required for the routes serving the Planning Area during the AM peak hour. This mitigation measure would be the responsibility of the Metropolitan Transit Development Board (MTDB).

3. With respect to freeways:

Impacts to key freeway segments and ramps will need to be mitigated through measures such as ramp metering, ramp widening and providing additional lanes for both freeways and ramps. These measures would be the responsibility and jurisdiction of the California Department of Transportation (Caltrans). The Redevelopment Plan provides Agency participation with Caltrans to widen various freeway ramps in the Planning Area and these mitigation measures can and should be adopted by Caltrans.

4. With respect to air quality:

Similar to traffic impacts, the mitigation of CO hotspots is dependent in part on the implementation of a 60 percent transit mode split by the year 2025. Provision of the needed additional buses, trolley cars and commuter rail cars is not

within the jurisdiction of the City or Agency, but rather the Metropolitan Transit Development Board.

IV. The following discussion explains the reasons why specific economic, social or other considerations make infeasible the mitigation measures or project alternatives with respect to each significant environmental effect of the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, which cannot be avoided or substantially lessened.

A. LONG-TERM VEHICULAR EMISSIONS--CUMULATIVE IMPACT ON AIR QUALITY

The Regional Air Quality Strategy establishes a goal of maintaining a Level of Service (LOS) C or better at intersections to reduce idling times and vehicular emissions. Cumulative development in the project vicinity would create congestion (LOS D or below) at six intersections. The proposed project would contribute a substantial increment to this congestion at one or two of these intersections. City of San Diego standards provide that this incremental contribution to the region's non-attainment of ozone and carbon monoxide standards is a cumulatively significant unmitigated impact.

The significant effect has been substantially reduced to the extend feasible by virtue of the design considerations and the mitigation measures identified in the Final EIS and incorporated into the project. The San Diego Basin is a non-attainment area for ozone, nitrogen dioxide, and carbon monoxide. The project would include transportation demand management measures (TDM) that would substantially reduce the potential air quality impacts of the project. Incorporation of the TDM would, according to the California Air Resources Board, demonstrate consistency with the State Implementation Plan. Nevertheless, after implementation of all feasible mitigation measures, the project would continue to contribute substantial traffic to a congested intersection and would therefore contribute significantly to an unmitigated impact.

The chief goal of CEQA is mitigation or avoidance of environmental harm. Alternatives and mitigation measures fulfill the same function of diminishing or avoiding adverse environmental effects. When a significant environmental impact remains after implementation of mitigation measures, a reasonable range of alternatives need to be evaluated and either adopted or shown to be ineffective or infeasible as a means to reduce or prevent detrimental effects to the environment. The final EIR

evaluated six alternatives in addition to the proposed project. Only the No-Action Alternative would reduce or avoid the cumulative impact on air quality.

A summary of each alternative addressed in the Final EIR is provided below. The purpose of this summary is to illustrate how each alternative differs from the project, whether or not each alternative can avoid or lessen the unmitigated impact, and if so, what "specific, economic, social, or other considerations" make the alternative infeasible. With the exception of the No-Action Alternative, Alternative G, the alternatives would contribute substantial traffic to one or two intersections and would therefore also contribute a significant impact to cumulative air quality impacts. Alternative A is the proposed project.

Alternative B

Alternative B represents an additional 250,000 SF of commercial office and 1.4 acres less open space than the proposed project, totalling 3,500,000 SF of mixed uses (including 300,000 SF of above-grade parking). Alternative B would also result in a significant unmitigated impact on cumulative air quality. Although this alternative meets the basic project objectives, it does not avoid this impact and is not environmentally superior to the proposed project.

Alternative C

Alternative C proposes rehabilitation of existing Navy buildings and additional development totalling 2,470,000 SF of mixed uses (including 225,000 SF of above-grade parking). The open space and museum proposed by the project would not be provided, nor would commercial office be developed. Although Alternative C meets the basic project objectives, it would have several unmitigated impacts related to planning in addition to unmitigated cumulative air quality impacts, so it is environmentally inferior to the project.

Alternative D

Alternative D would require private development on the Navy Broadway Complex site to generate sufficient revenue for acquisition and use of a second site. This alternative would be developed with 2,915,000 SF of mixed uses, including approximately 20,000 SF of Navy offices, at the Navy Broadway Complex, and approximately 980,000 SF of Navy offices on a site in the eastern area of downtown San Diego. Proposed uses on the Navy Broadway

Complex would be similar to Alternative B in intensity and layout--with 0.5 acre of open space--but additional commercial office and hotel uses would be developed in place of Navy offices to meet project financial objectives. This alternative meets the basic project objectives. However, Alternative D would also result in a significant unmitigated impact on cumulative air quality and, therefore, is infeasible as a means to avoid this impact. Alternative D is not environmentally superior to the proposed project.

Alternative E

Alternative E would include construction of 1 million SF of Navy offices on the Navy Broadway Complex site and no private development. Construction would be taxpayer-financed congressionally funded and would primarily involve the rehabilitation of the two largest buildings on the property, and construction of one new building. No open space would be provided. Although this alternative provides one million SF of Navy offices, it is infeasible because it does not meet the basic project objectives of providing the Navy offices at a reduced cost to taxpayers; it relies on direct Federal appropriation of tax dollars to totally finance the project. Although this alternative would have less of an effect on cumulative air quality than the proposed project, the impact would still be significant. Furthermore, Alternative E would have additional impacts related to planning (similar to Alternative C) and thus would be environmentally inferior to the project.

Alternative F

Alternative F would be similar to the project and would be developed with 3,315,000 SF of mixed uses (including 365,000 SF of above-grade parking), but includes no development on the most northern of the four blocks on the site and 1.4 more acres of open space. Development on the other three blocks of the site would be intensified (compared with the project), and up to 500-foot-tall buildings would be built. Although local government financial assistance would be needed for certain infrastructure improvements, this alternative meets the basic objectives of the project. Alternative F would not avoid unmitigated significant cumulative air quality impacts and would result in unmitigated aesthetics impacts as well, so it is environmentally inferior to the proposed project.

Alternative G

Alternative G is the No-Action Alternative. No new development would occur on the Navy Broadway Complex and existing uses would be retained. No unmitigated significant impacts would result. This alternative would avoid a significant cumulative impact on air quality. This alternative is infeasible because it does not meet the objective of accommodating the demand for Navy offices in a central location.

B. FINAL MEIR

As described in Item IV of Attachment A of Agency Resolution No1 2081 and City Council Resolution 279875 certifying the Final MEIR and incorporated by reference.

1. With respect to significant traffic circulation and traffic-related land use impacts:

Even with implementation of the identified mitigations, the following significant traffic impacts would occur: level of service F on Harbor Drive and Broadway, SR-163 and I-5 and on eight freeway ramps providing access to downtown from SR-163 and I-5. Further mitigation would require a significant reduction in the scale or volume of future development in the Project Area. The Final MEIR assessed the effect of alternatives which would provide for: development of remote parking in the Project Area; implementing reversible lanes on Harbor Drive; decreased intensity of development at the waterfront; a no project alternative; and a reduced density alternative.

The Final MEIR assessed the effect of alternatives which would provide for: development of remote parking in the Project area; implementing reversible lanes on Harbor Drive; decreased intensity of development at the waterfront; no project alternative; and a reduced density alternative.

The scale or volume of the development in the Project Area could be reduced by reducing development at the waterfront and by both the reduced-and no-project alternatives. However, reduction of the intensity at the waterfront is not within the jurisdiction of The City of San Diego. Reduction of intensity through the no project and reduced density alternatives would be economically infeasible.

The analysis contained in the Final MEIR finds that anticipated Centre City development with no redevelopment plan would result in traffic and related noise increasing, and corresponding air quality decreasing over time, with none of the coordinated planning and mitigation mechanisms available with the use of a community or redevelopment plan. The demand for public facilities and services would continue without the

resources of redevelopment available. Furthermore, the loss of a coordinated plan for redevelopment would result in an underutilization of land within the urban core, thereby encouraging further development pressure in outlying areas, with the attendant potential significant impacts on regional traffic, air quality, energy consumption, public services, loss of open space and potential loss of agricultural land. The no project alternative would not encourage the objectives and goals of the Redevelopment Plan, and other related documents, with respect to elimination of urban blight and incompatible land uses within the urban core. Physical, economic and social conditions would not be improved and could worsen placing a greater drain on city and county resources. The no project alternative would further endanger the City's ability to promote the identified goals.

2. With respect to significant air quality impacts:

Even with implementation of the identified mitigations, significant air quality impacts associated with CO occurrence on all street segments, ramps, and freeway segments that operate at an LOS of D or below, would occur even after traffic mitigations are implemented. Further mitigation would require a significant reduction in the scale or volume of future development in the Project Area. The MEIR assessed the effect of alternatives which would provide for decreased intensity of development; and the no project alternative. The scale or volume of development in the Project Area could be reduced by both of the alternatives. The social, economic and other considerations which make these alternatives infeasible are the same as those described under paragraph above.

V. The following discussion explains the benefits of the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement which outweigh the significant environmental effects of the redevelopment of the Navy Broadway Complex, as provided for in the proposed Development Agreement, which cannot be avoided or substantially lessened.

A. The proposed project would provide a 1.9-acre area for development by the City of San Diego of public open space at the foot of Broadway adjacent to the waterfront. There is the possibility that this area could be combined with adjacent area under control of the City and the San Diego Unified Port District to create an up to 10-acre waterfront park. An open space area at the foot of Broadway has been long sought by the City, and is represented in a number of planning documents, including the Central Bayfront Design Principles. At least 75 percent of the linear ground level frontage of buildings

fronting the open space will be developed with retail, restaurants, and other public-oriented activities. The open space area could serve as a waterfront gateway to downtown San Diego.

In addition to the 1.9-acre open space at the foot of Broadway, pedestrian facilities and gallerias would add another 3 acres of open space uses to the site. In all, the project will enhance pedestrian access to and use of the waterfront, and will be a substantial community benefit.

- B. Currently there is no access along E Street, F Street, or the extension of G Street through the Navy Broadway Complex. Pedestrian access to the waterfront from the downtown core and the Marina residential area is thus precluded along these streets. These streets would be opened and improved with wide pedestrian ways to provide enhanced pedestrian access to the waterfront. The extension of G Street will be improved to provide 60 feet of pedestrian access within a 120-foot right-of-way. This will provide substantially improved access between the G Street Mole and the Marina residential area. E and F streets will both be improved with approximately 35 feet of pedestrian access within a 75-foot right-of-way.
- C. The major buildings on the site are industrial in appearance. The site, while well maintained, exhibits minimal architectural variation. The project will have architectural excellence, designed to step down from the downtown core to the waterfront. Towers will be designed to minimize view obstructions from inland areas, and to create a well-composed skyline compatible with existing and planned development. Low-rise elements will be designed to create interest and variety. Street level elements will be designed to provide a pedestrian scale. Fences and buildings that block views to the waterfront along G Street will be removed. High quality streetscaping and landscaping will be established to promote a comfortable and enhanced pedestrian environment. Enhanced pedestrian walkways will be provided along Pacific highway, Broadway, and Harbor Drive.
- D. Up to 55,000 SF of unfinished space shall be provided for a community-sponsored group to develop a museum, with a likely orientation toward showcasing the maritime heritage of the City and the historic significance of this area of the waterfront. The museum would be designed to provide principle access to the open space area, to integrate project design elements and further emphasize the pedestrian environment created by the

project.

- E. The Central Bayfront Design Principles were adopted to help guide development among the several jurisdictions and property owners located along the Central Bayfront. The design principles were incorporated into the preliminary Centre City San Diego Community Plan and the Navy Broadway Complex Project. The development agreement between the City and the Navy will provide assurance that redevelopment of this area, over which the City has no authority, will be compatible with other development existing and planned for the area. The Progress Guide and General Plan contains an objective for the central urbanized area of the City of "attracting the most intensive and varied land use including office administrative, financial, residential, and entertainment, and strengthening the viability of the central areas through renewal, redevelopment, and new construction."
- F. The waterfront area in the project vicinity is heavily used by residents, employees, and visitors. The Navy Broadway Complex, in its current configuration, does not enhance the area for waterfront users. The project as proposed will enhance San Diego's waterfront. The open space area at the foot of Broadway will provide the opportunity to create a component of a waterfront gateway to downtown San Diego. Pedestrian access to the waterfront will be substantially increased by the provision of access ways through the site, and by providing pedestrian amenities along the various walkways adjacent to and through the site. The waterfront museum will also provide a substantially beneficial use complimentary to the waterfront.
- G. The project would provide approximately 10,800 permanent job opportunities at project buildout. Nearly 6,700 of these jobs would be with Navy personnel already in the region but more than 4,100 new employment opportunities would be created. This would enhance the economic base of downtown San Diego.
- H. The Navy Broadway Complex does not currently provide tax revenues to the City of San Diego. After redevelopment, the project site would generate property taxes, sales taxes, and transient occupancy taxes to the City of San Diego. It is projected that the project would return \$258,197,000 net in revenues to the City of San Diego over the next 30 years. The assumptions and methodology used to derive this are described in detail on pages 4-139 through 4-143 of the draft EIS. This is a substantial benefit of the project, and provides revenue

to the City from a site that has not previously produced any public revenues.

I. FINAL MEIR

As described in Item V of Attachment A of Agency Resolution No. 2081 and City Council Resolution No. 279875 certifying the Final MEIR and incorporated by reference.

Significant unavoidable traffic and circulation and traffic-related land use impact is partially offset by the benefits of implementing the Redevelopment Plan which provides a synergistic mix of land uses that will reduce the number and length of regional trips as well as the number of trips made into downtown.

Significant unavoidable air quality impact is partially offset by the implementation of an aggressive transit improvement program serving downtown.

The Community Plan and related documents will allow the use of redevelopment methods to eliminate blight and to encourage development of new buildings and businesses which conform to the land use goals stated in the Centre City Community Plan. The Plan will improve administration of the existing redevelopment projects as well as facilitate coordinated planning and infrastructure improvements between multiple jurisdictions for the benefit of the entire area, including the improvements on and adjacent to property owned by the Unified Port District, the federal government, and the Metropolitan Transit Development Board.

Implementation of the Redevelopment Plan also partially offsets unavoidable traffic and circulation impacts by providing for transit, pedestrian, street freeway ramp and parking improvements that would not otherwise be made due to a lack of public resources and coordination with multiple jurisdictions.

Public involvement through the redevelopment process would stimulate private reinvestment in the area and aid the neighborhoods in effectively competing in the city-wide demand for needed public improvements and services. The economic environment in and around the Redevelopment Project Area and Planning Area will thus be revitalized through new development, including continued increases to the property tax base and resultant increases to the tax increment available for redevelopment. Redevelopment will bring residents, employees and visitors into

downtown, with associated increases in spending and consumption of services. Properties adjacent to the redeveloped areas will have the incentive to improve their facilities to capitalize on the increase in activity downtown.

