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October 3, 2006

Board of Directors
Centre City Development Corp.
225 Broadway, Suite 100
San Diego, CA 92101
Fax: (619) 236-9148

VIA E-MAIL, FAX AND U.S. MAIL

Re: Navy Broadway Complex – Proposed Development – Consistency
Determination

Dear Chairperson LeSar and Members of the Board of Directors:

We submit this letter on behalf of Save Our Forest and Ranchlands (“SOFAR”), an organization dedicated to progressive city planning and the protection of wilderness, watershed, and agricultural resources in the San Diego region. On behalf of SOFAR, we have reviewed the 1990 Environmental Impact Statement (“EIS”) and related Environmental Impact Report (“EIR”) (together, “EIS/EIR”) for the Navy Broadway Complex project, and the Manchester Pacific Gateway Masterplan (“Project”). Pursuant to the 1992 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 (“Agreement”), the Board is now charged with determining whether the Project is consistent with the terms of the Agreement. As the July 21, 2006, staff report to the Real Estate Committee of the Centre City Development Corporation (“CCDC”) suggests, this consistency determination is a discretionary action subject to the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 et seq., (hereinafter “CEQA § 21000 et seq.”) and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. (hereinafter “Guidelines § 15000 et seq.”). We are writing to inform the Board of the Centre City Development Corporation that, before making this consistency determination, the Board must prepare a Subsequent or Supplemental Environmental Impact Report (“SEIR”) pursuant to CEQA section 21166.

CEQA section 21166 provides that an SEIR must be prepared if: “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 [EIR] was certified as complete, becomes available.” *See also* CEQA Guidelines §§ 15162, 15163. The rapid development and population explosion of the City of San Diego over the sixteen years since the EIS/EIR was prepared for the Project certainly amounts to a “substantial change,” requiring further environmental review. Moreover, the EIR prepared for the Downtown Community Plan (Community Plan EIR), referred to in the CCDC Staff Report dated July 21, 2006, provides new information about these changed circumstances, most notably the changed traffic and circulation circumstances, which indicates that the Project, if carried out today, would have significant impacts that were not considered in the 1992 EIR. Therefore, we urge the Board to prepare and circulate for public review an SEIR before making a final consistency determination.

I. THE PROJECT WILL HAVE SIGNIFICANT TRAFFIC IMPACTS NOT ANALYZED IN THE EIS/EIR BECAUSE TRAFFIC CONGESTION IN DOWNTOWN SAN DIEGO HAS DRAMATICALLY INCREASED IN THE LAST FIFTEEN YEARS.

One of the most significant changes to the environment of San Diego over the last fifteen years has been the dramatic increase in traffic congestion. Because of this changed circumstance, the additional traffic caused by the Project will now have significant impacts that were not analyzed or mitigated by the EIS/EIR. For example, according to the analysis in the EIS, the intersection of Grape and Harbor was at Level of Service (“LOS”) B during P.M. Peak Hour in 1990. EIS at 4-40.¹ According to the Community Plan EIR, today that same intersection operates at LOS F during P.M. Peak Hour. Community Plan EIR at 5.2-27. The LOS at the intersections of Hawthorne and Harbor and Hawthorn and Pacific Highway has also deteriorated. *Compare* EIS 4-40 *with* Community Plan EIR at 5.2-28. Whereas the trips generated by the Project may not have significantly impacted the levels of service at these intersections in 1990, it is entirely possible that they will today, and the Board must prepare an SEIR to analyze these significant impacts.

Traffic congestion on San Diego’s freeways and freeway on- and off-ramps has also intensified since the Project’s impacts were analyzed in 1990. The EIS/EIR concluded that the traffic generated by the Project and other foreseeable development in downtown San Diego would not surpass the capacity of the four freeway interchanges servicing the Centre City area. EIS at 4-54. The Community Plan EIR provides new information demonstrating that, in fact, the cumulative impacts of this Project and other projects contemplated in the Community Plan will result in significant and unavoidable impacts to freeway segments (I-5, SR-163 and SR-94) and freeway ramps serving the downtown area. Community Plan EIR at 5.2-51 and 5.2-53.

¹Although the EIS was drafted in 1990, the traffic counts it used were from 1988. *See* EIS at 4-35.

II. THE BOARD MUST PREPARE AN SEIR TO ANALYZE THESE SIGNIFICANT TRAFFIC IMPACTS.

Given this new information, the Board must provide decision-makers and the public with an SEIR that includes an up-to-date, project-level analysis of the Project's traffic impacts. Moreover, this SEIR must include an analysis of potential mitigation measures to reduce these impacts. See CEQA §§ 21002, 21002.1, 21061. One obvious measure would be to require the developer to contribute to a fund to improve public transportation. In this era of rapid development in downtown San Diego, it is essential that CCDC take every opportunity to support and improve public transit. It is only fair that a developer proposing to add thousands of residential units and millions of square feet of commercial space be required to mitigate the significant traffic impacts such development will cause by supporting an alternative to automobile use downtown.

Finally, pursuant to CEQA section 21081, if the Project will have potentially significant environmental impacts, the Board must issue findings stating that it has taken steps to reduce these impacts to a less-than-significant level. If the Board cannot take such steps, it must issue a statement of "overriding considerations," explaining why, despite the significant, adverse environmental impacts of the project, the Board has decided to make its consistency finding anyway.

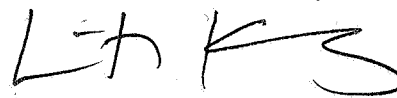
The Board may not simply rely on the Community Plan EIR as a general update of the EIS/EIR. Although the analysis of the traffic impacts contained in the Community Plan EIR provides useful, new information about traffic conditions in downtown San Diego, the Community Plan EIR cannot take the place of a project-specific SEIR. The Downtown Community Plan and the Community Plan EIR refer to the Project in only the most general terms; they never describe in any detail the proposed development of the Navy Broadway Complex. Therefore, it is not possible to compare the Complex, as contemplated in the Community Plan EIR, with the actual proposed development project. In addition, the Community Plan EIR did not purport to serve as environmental review of the Project. As a result, individuals concerned about the Navy Broadway Complex would not have known to submit comments to the Board about the adequacy of the Community Plan EIR's analysis of the Project's impacts.

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Chairperson LeSar
October 3, 2006
Page 4

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



WINTER KING



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Urban Planner

cc: Helen Peak
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[P:\SOFAR\GEN\wk001(Cmt Letter re Consistency Determination).wpd]