

**AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT**

1. CONTRACT ID CODE  
N6247318RP211

PAGE OF PAGES  
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2. AMENDMENT/MODIFICATION NO. One (1)

3. EFFECTIVE DATE

4. REQUISITION/PURCHASE REQ. NO.

5. PROJECT NO. (if applicable)

6. ISSUED BY  
NAVAL FACILITIES ENGINEERING COMMAND  
SOUTHWEST  
REAL ESTATE DEPARTMENT  
1220 PACIFIC HIGHWAY  
SAN DIEGO, CA 92132-5190

CODE: OPJB1.TS

7. ADMINISTERED BY (If other than Item 6)

CODE:

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county State and ZIP Code)  
N/A

9A. AMENDMENT OF SOLICITATION NO.  
N6247318RP211

9B. DATED (SEE ITEM 11)

10A. MODIFICATION OF CONTRACT/ORDER NO.

10B. DATED (SEE ITEM 13)

CODE

FACILITY CODE

**11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS**

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers  is extended,  is not extended.  
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:  
(a) By completing Items 8 and 15, and returning \_\_\_\_\_ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference of the solicitation and amendment numbers. **FAILURE TO YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.** If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

**12. ACCOUNTING AND APPROPRIATION DATA (If required)**

**13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIED THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.

B. THE ABOVE NUMBERED CONTRACT/ORDERED IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).

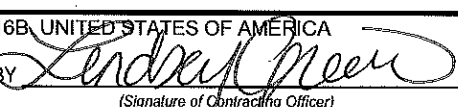
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:

D. OTHER (Specify type of modification and authority)  
Modification 1 to RFI N6247318RP211

**E. IMPORTANT:** Contractor  is not,  is required to sign this document and return \_\_\_\_\_ copies to the issuing office.

**14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)**  
Request for Interest N6247318RP211 "Naval Base Point Loma Old Town Complex (OTC) Industry Forum Request for Interest Responses" is attached hereto in response to questions received from potentially interested parties regarding the Industry Forum of November 5, 2018.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
15B. CONTRACTOR/OFFEROR BY _____ (Signature of Person Authorized to Sign)		LINDSEY GREEN REAL ESTATE CONTRACTING OFFICER	
		16B. UNITED STATES OF AMERICA BY  (Signature of Contracting Officer)	
15C. DATE SIGNED		16C. DATE SIGNED	
		21 Dec 2018	

## INSTRUCTIONS

Instructions for items other than those that are self-explanatory, are as follows:

(a) Item 1 (Contract ID Code). Insert the contract type identification code that appears in the title block of the contract being modified.

(b) Item 3 (Effective date).

(1) For a solicitation amendment, change order, or administrative change, the effective date shall be the issue date of the amendment, change order, or administrative change.

(2) For a supplemental agreement, the effective date shall be the date agreed to by the contracting parties.

(3) For a modification issued as an initial or confirming notice of termination for the convenience of the Government, the effective date and the modification number of the confirming notice shall be the same as the effective date and modification number of the initial notice.

(4) For a modification converting a termination for default to a termination for the convenience of the Government, the effective date shall be the same as the effective date of the termination for default.

(5) For a modification confirming the contracting officer's determination of the amount due in settlement of a contract termination, the effective date shall be the same as the effective date of the initial decision.

(c) Item 6 (Issued By). Insert the name and address of the issuing office. If applicable, insert the appropriate issuing office code in the code block.

(d) Item 8 (Name and Address of Contractor). For modifications to a contract or order, enter the contractor's name, address, and code as shown in the original contract or order, unless changed by this or a previous modification.

(e) Item 9, (Amendment of Solicitation No. - Dated), and 10, (Modification of Contract/Order No. - Dated). Check the appropriate box and in the corresponding blanks insert the number and date of the original solicitation, contract, or order.

(f) Item 12 (Accounting and Appropriation Data). When appropriate, indicate the impact of the modification on each affected accounting classification by inserting one of the following entries.

(1) Accounting classification \_\_\_\_\_  
Net increase \$ \_\_\_\_\_

(2) Accounting classification \_\_\_\_\_  
Net decrease \$ \_\_\_\_\_

NOTE: If there are changes to multiple accounting classifications that cannot be placed in block 12, insert an asterisk and the words "See continuation sheet".

(g) Item 13. Check the appropriate box to indicate the type of modification. Insert in the corresponding blank the authority under which the modification is issued. Check whether or not contractor must sign this document. (See FAR 43.103.)

(h) Item 14 (Description of Amendment/Modification).

(1) Organize amendments or modifications under the appropriate Uniform Contract Format (UCF) section headings from the applicable solicitation or contract. The UCF table of contents, however, shall not be set forth in this document

(2) Indicate the impact of the modification on the overall total contract price by inserting one of the following entries:

(i) Total contract price increased by \$ \_\_\_\_\_

(ii) Total contract price decreased by \$ \_\_\_\_\_

(iii) Total contract price unchanged.

(3) State reason for modification.

(4) When removing, reinstating, or adding funds, identify the contract items and accounting classifications.

(5) When the SF 30 is used to reflect a determination by the contracting officer of the amount due in settlement of a contract terminated for the convenience of the Government, the entry in Item 14 of the modification may be limited to --

(i) A reference to the letter determination; and

(ii) A statement of the net amount determined to be due in settlement of the contract.

(6) Include subject matter or short title of solicitation/contract where feasible.

(i) Item 16B. The contracting officer's signature is not required on solicitation amendments. The contracting officer's signature is normally affixed last on supplemental agreements.



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	Industry Question:	DoN Response:
<b>REAL ESTATE AUTHORITIES</b>		
1	Does the Navy currently have the authority to transfer and/or transform the property? If no, what is the next step? Will it require congressional authorization?	The Department of the Navy (DoN) has current real estate authorities associated with this market research effort under 10 U.S.C. 2667, Leasing and 10 U.S.C. 2869 Land Exchange. All input received from the Industry Request for Interest (RFI) responses (due 18 Jan 2019) will be analyzed accordingly. Should any concepts outside of the DoN’s authorities arise, further approvals and legislation may be required. Generally, concepts not entirely within the existing DoN authority require legislation. Leasing actions above statutory rent thresholds require advance congressional notification and waiting periods. As stated in the RFI Section IV “RFI Response Content”, the DoN is open to proposed solutions or project ideas other than Lease or Land Exchange, and such concepts should be submitted via the RFI responses.
2	Will the future customers at the Sites be military only?	The makeup of military, contractor, or commercial on the future Site has yet to be determined. Through the proposed Lease or Land Exchange opportunity, the DoN is allowing for potential private development uses provided the uses would be compatible with military operational requirements identified in the RFI.
3	What if we have other ideas for this initiative?	DoN welcomes and requests all input and ideas via RFI responses. Submit your RFI responses to the DoN by 18 Jan 2019. DoN is open to considering all options for use of the property, provided the ideas are compatible with DoN operational requirements and can be implemented under applicable law.
4	If the private development has to be phased to accommodate market absorption, is the Navy open to an extension of land lease terms?	Yes. The DoN is soliciting all ideas and concepts for this effort. If your RFI response indicates a specific lease term is required for the project to be successful, please describe and include the lease term in the RFI response.
5	When will the DON decide the big details about this project?	That has not been determined, but it will be as soon as possible. The exact date will be determined after the RFI process is complete. The DoN will be taking input received from the Industry Forum as well as RFI responses (due 18 Jan 2019) to help shape and develop a potential Lease or Land Exchange opportunity. The DoN will then work on any required approvals/endorsements for said opportunity, to include necessary environmental impact analysis, prior to advertising on Federal Business Opportunities (FedBizOpps).



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6	<p>Could a commercial outlease solicitation be released earlier than 2020?</p>	<p>Yes. All Industry Forum attendees as well as Industry Forum RSVPs have been added to the Interested Parties List and will be notified by email if and/or when a Request for Proposal (RFP) or Request for Qualifications(RFQ) is released.</p>
7	<p>Depending on the level of property development under either initiative, will the initiative fall under NEPA or CEQA?</p>	<p>The DoN will be taking input received from the Industry Forum as well as RFI responses (due 18 JAN 2019) to help shape and develop a potential Lease or Land Exchange opportunity. The appropriate level of National Environmental Policy Act (NEPA) documentation will need to be completed for any leasing action. Since this is Federal property, the DoN is not subject to the California Environmental Quality Act (CEQA). However, where State or Local regulatory agencies have any approval authority, that may trigger CEQA.</p> <p>In addition, in a Land Exchange scenario, current Federal property would be transferred out of Federal ownership, potentially affecting the applicability of CEQA.</p> <p>In either situation, the DoN would make its NEPA analysis available to the lead CEQA agency to streamline the CEQA process, or would work with the agency to produce a joint NEPA/CEQA document. Applicability of CEQA is very dependent on the particulars of each proposal. Therefore, the DoN would recommend that interested parties consult with their legal counsel to assess whether, or to what extent, CEQA compliance might be required.</p>
8	<p>Is there a way the DON can provide us with the status of this initiative as it progresses? We are concerned we will miss FedBizOpps postings identifying what the DON is looking for and how the initiative has been refined.</p>	<p>Yes. Industry Forum attendees as well as Industry Forum RSVPs have been added to the Interested Parties List and will be notified by email with updates and a link to the RFP posting. Any additional companies or individuals that would like to be added to the list may send a request to <a href="mailto:NBPLOTCRevitaliz.fct@navy.mil">NBPLOTCRevitaliz.fct@navy.mil</a> However, FedBizOpps is the federal government's primary notification method for industry opportunities and checking it regularly is recommended.</p>
9	<p>How will the DON determine Fair Market Value? What is the SPAWAR valuation process for the existing and exchange options? Has SPAWAR received an appraisal for the existing property?</p>	<p>Market value will be estimated by an independent contract appraiser in accordance with Uniform Standards for Federal Land Acquisition (UASFLA) and the Uniform Standards of Professional Appraisal Practice (USPAP). The Old Town complex (OTC) Sites will be appraised in accordance with its highest and best use.</p>



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10	What is the anticipated proposal schedule (i.e) RFP, Award, etc.) with regards to the overall program?	<p>Upon receipt of the RFI responses from the Industry due 18 Jan 2019, the DoN will enter the analysis phase of the process to confirm if there are possibilities to develop the OTC Sites under 10 U.S.C 2667 or 10 U.S.C 2869, Leasing or Land Exchange, or under alternative scenarios.</p> <p>Additional approvals and documentation (e.g., satisfaction of necessary environmental review requirements, etc.) would need to be addressed prior to release of a possible RFP. An anticipated proposal schedule will vary considerably based on which course of action the DoN chooses. The DoN is interested in moving as quickly as possible and welcomes all ideas and concepts associated with this effort.</p>
11	Would the DON consider a retrofit of one of the existing warehouses for the administrative space? Who will retain ownership of either the new or retrofitted building, Developer or DON?	<p>Yes, the DoN is open to all ideas and concepts for consideration. The DoN will review input received from the Industry Forum and RFI responses (due 18 Jan 2019) to help shape and develop a potential Leasing or Land Exchange opportunity. The ownership of assets is dependent on the type of transaction under either a Lease or Exchange scenario. If under a Lease, the assets may remain the DoN property upon termination of the Lease. If Land Exchange, all or a portion of the existing OTC Sites would cease to be Federal property and ownership would transfer to the transferee.</p>
12	What is the anticipated procurement strategy(s) for this program?	<p>The DoN is currently seeking Industry input and garnering market research to develop a Lease or Land Exchange opportunity for the OTC Sites in exchange for new facilities. No matter the chosen approach, DoN will likely follow a competitive process.</p>
13	Has joint-use with another Public, Federal, or private sector client been made an option for this future program/site or for a potential land-swap?	<p>Yes. At this juncture in the process, the DoN is soliciting input from all entities to gather as much market information to make the best decision on way forward to increase likelihood of success in meeting the government's facility requirements identified in the RFI.</p>
14	10 U.S.C 2667 as referenced in the RFI, states the Navy can't commit to more than \$500k per year in payments, as such can you identify the responsible government counterparty will be in a long term Design Build Finance Maintain (DBFM) deal?	<p>As presented during the Industry Forum, the DoN has executed a number of commercial out-leases where the DoN receives cash rent or In-Kind Consideration. The DoN would seek In-Kind Consideration in the form of new or renovated facilities. If a Lease were to be the course of action, the DoN would be a party to the transaction and the OTC Sites would remain Federal property.</p>



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15	Would the tenants of the required 1.58M square feet of office/warehouse/lab be able to pay a small amount of rent for the space, significantly below market rate?	As stated in response #3, the DoN is soliciting for any and all concepts regarding this effort. Your RFI response should identify the real estate concept accompanied by any financial, lease, land exchange terms, etc.
<b>ENVIRONMENTAL</b>		
16	How will the DON capture the environmental baseline information for these assets?	The DoN conducts an Environmental Condition of Property (ECP) prior to any Real Estate action, including a Lease, which identifies the baseline condition of the property prior to entering into such action. An ECP is also completed upon termination of a Lease agreement. The condition of the property is identified to the extent possible, prior to entering into an action.
17	How much has the DON worked with the City and how much has the DON assessed this initiative under CEQA?	<p>DoN has provided background on this initiative to the City of San Diego (City). The City presented its Community Plan during the Industry Forum. The City will be kept up to date along with other interested parties. The DoN will conduct the appropriate level of environmental analysis under NEPA.</p> <p>The DoN will not be assessing this initiative under CEQA, since as a federal agency it is not subject to CEQA. However, should a proposal be determined to be outside the DoN's sovereign immunity, such as under a Land Exchange scenario where property passes out of Federal ownership, the DoN would recommend that interested parties consult with their legal counsel to assess whether, or to what extent, CEQA compliance might be required.</p> <p>The DoN has worked with a variety of state and local regulatory agencies over the years to satisfy the requirements of CEQA in parallel to those of NEPA, or to allow the state or local agency to adopt the DoN NEPA document as the state or local CEQA document. The DoN anticipates doing the same in this case.</p>
18	What is the Navy's plan and timeline for addressing NEPA related to this acquisition?	Once the concept plan is decided upon for the real estate solution, the DoN will determine its approach for satisfying NEPA environmental impact assessment requirements. NEPA effort must be addressed prior to award of a real estate agreement.
19	Will the government assume responsibility for existing environmental conditions? Will the government bear the expense of environmental remediation? If not, will the government consider such remediation costs in arriving at the 'as is' value of the assets?	The DoN complies with all applicable environmental laws and regulations. In accordance with such laws and regulations, the DoN has conducted environmental remediation at the property, and currently implements certain land use covenants and restrictions. Affected sites have been remediated to



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		<p>Industrial standards. Proposed land uses which require additional remediation or specialized construction methods will be at the expense of the Lessee or Exchange entity. The RFI includes an Environmental Summary Report, which provides the locations and more information regarding such remediation and conditions.</p> <p>Any appraisal of the OTC Sites will take into account the current land use restrictions and environmental issues. Any eventual real estate instrument (e.g., lease, deed) will further address environmental responsibilities. As stated previously, the DoN complies with all applicable environmental laws and regulations, and will assume responsibility for existing conditions and remediation to the extent of its legal obligations to do so.</p>
20	Please provide environmental summary report for OTC 2.	Additional environmental documentation will be required for any real estate transaction as part of this project. There are no known IR Sites for OTC Site 2.
<b>GOVERNMENT NEEDS/REQUIREMENTS</b>		
21	Can the DoN provide a more detailed program for the 1.58M sf of new facility so interested developers have a grasp on project scope to input into any overall cost modeling?	As described in the RFI, 675,000 SF is administrative space, 275,000 is warehouse/storage, 590,000 is lab/shop. Space & Naval Warfare Systems Command (SPAWAR) is primarily administrative space, Space and Naval Warfare Systems Center Pacific (SSC PAC) is primarily warehouse/storage and lab/shop space. All spaces are required to meet security, ATFP and other UFC standards. Please refer to Section II "Background" of the RFI currently posted on FedBizOpps and Navy Electronic Commerce Online (NECO).
22	According to the RFI, the Navy indicated that it does not plan on paying rent for the 1.58 million SF of facilities the DoN declared it requires. Is this still the case?	Yes. Under a Lease or Land Exchange, the DoN would seek In-Kind Consideration in the form of new or renovated facilities. Those facilities could be either on OTC or in a location as described in Section II "Background" of the RFI. As stated in response #3, the DoN is soliciting Industry input for this effort. Your RFI response should identify the real estate concept accompanied by any financial, lease, land exchange terms, rental terms, etc.
23	Can the new DoN administrative space be co-mingled with other mixed uses or must it stand alone?	This depends on the definition of co-mingled and mixed use. DoN administrative space is subject to security, Anti-Terrorism and Force Protection (ATFP) and other standards as outlined in the RFI. If your company has an idea on how to provide a mixed use or co-mingled facility while meeting these requirements,



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		please describe your concept within the RFI response submission, as the DoN welcomes all concepts as part of this process.
24	If relocation is a possibility, how far of a distance from downtown San Diego is SPAWAR willing to move?	Per the RFI, the DoN is soliciting for all concepts and input related to this effort, including relocation from the existing OTC Sites. Please see DoN RFI Section II which describe Requirements and Preferences. Note that OTC includes SPAWAR which is primarily administrative space and SSC PAC which is primarily warehouse, storage, and lab/shop space. SPAWAR and SSC PAC could be separated.
25	What is the high level timeline after the RFP in selecting a solution? What year do you anticipate starting the redevelopment or property exchange? Would SPAWAR phase the workforce?	See response to question #5. The DoN is not able to predict the length of the RFP process or future workforce movements at this time. The DoN is pursuing an aggressive timeline to further this project. Phasing of the project and workforce will be considered in any future planning.
26	Are there any potential phasing options where SPAWAR is going to be able to consolidate its operations into one of the existing buildings, and free up at least two-thirds of the land for development?	The DoN may consider options which consolidate all of SPAWAR administrative space into one or more of the existing buildings or building footprints. The existing building would likely require significant renovation to accommodate all of the requirements. Warehouse and lab space currently used by SSC PAC could be located off-site as described in Section II of the RFI. Remainder of OTC would be available for private land development.
27	If the needs of the DoN exceed the 'as is' value of the exchange parcels/improvements, other than reduction of the DoN's needs, what options will the DoN consider to address the value imbalance?	The DoN is soliciting all ideas and concepts for this property, and once the RFI responses are received, will evaluate its options, to include an option to address the value imbalance, if any. A decision to proceed or not proceed with a real estate solution, Lease or Land Exchange, will be confirmed in Fiscal Year 19. Among other possibilities, value imbalances and other site specific issues that become apparent during the development of the possible RFP could be addressed in special legislation.
28	Do the DoN's needs include the private sector providing management and maintenance services? If not, will the DoN pay market rates for these management and maintenance services? Will the government consider such costs in arriving at the 'as is' value of the assets?	The DoN does not anticipate the need for management and maintenance services of any facilities that would be used by DoN, but the DoN is open to new ideas and concepts associated with this effort.
29	Are Alternative Delivery methods (i.e. Design Build or ECI) being considered for this program or parts of this program?	The DoN is soliciting all ideas and concepts for this property, and once the RFI responses are submitted (due 18 Jan 2019), the DoN will evaluate its options.





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30	What are the parking requirements for the SPAWAR Facility, if any?	Parking requirements will be determined based on type and location of the facilities. Administrative space will require more parking per 1000 GSF than warehouse or lab space. Also, facilities located in close proximity to transit or other modes of transportation will require less parking. Parking requirements will be defined in the RFP, if issued, and eventual real estate agreement.
31	Is the expectation for the SPAWAR facility to be delivered as a core/shell or to specific building/design specs?	Should the DoN determine that an RFP is appropriate, the requirements of any facilities will be described. It is anticipated that the DoN will require a complete building including core/shell and interior improvements which meet specific design specifications.
32	What are the Anti-Terrorism Force Protection (ATFP) Requirements? Can you explain in detail the ATFP requirements?	ATFP standards include setbacks, controlled access points, hardened walls as described in Unified Facilities Criteria 4-010-01 and 02. Specific requirements, and possible exceptions/waivers thereto, will be defined in a possible RFP.
33	Will the DoN accept additional questions after November 26?	Yes. Additional questions submitted after Nov 26 will be responded to as able.
34	Are there any special requirements for the lab and warehouse space (height, width, trucking accessibility, etc.)? Any other special requirements i.e. fitness center, food service, etc.? Has SPAWAR engaged an interior architect for interior programming needs? Is the expectation to deliver core and shell or spec buildings?	The specific requirements for spaces and interior programming will be defined in a possible RFP. See also response to RFI#31.
35	What is the breakdown in workforce count for the warehouse, lab and admin square footage requirements? Parking for each?	As stated in the RFI, the DoN requires 675,000 SF of administrative space, 275,000 of warehouse/storage, and 590,000 of lab/shop, regardless of workforce count. With respect to parking, see response to question # 30.
<b>LAND USE AND SITE PROFILE</b>		
36	What is NAVFAC's understanding regarding its requirements or internal policies to comply with local and state land use, height, density, and coastal plans? Would the 30ft height cap for buildings in the surrounding area still apply on the either or both OTC Sites?	The OTC sites, as DoN Federal land, are not subject to City zoning and height regulations. U.S. Const. art. VI, cl. 2; United States v. City of Chester, 144 F.2d 415, 419-20 (3 <sup>rd</sup> Cir. 1944. If all or any portion of the OTC parcels are transferred out of Federal ownership, there would be no Federal exemption from City zoning. DoN expresses no opinion about the applicability of the City height ordinance in the event any Federal parcel or portion thereof were to be transferred out of Federal ownership. DoN recommends that interested parties consult with their own legal counsel, and/or seek a legal opinion from the City attorney, to assess whether, or to what extent, height restrictions and City



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		<p>ordinances would apply if any parcel or portion thereof is transferred out of Federal ownership.</p> <p>Any land acquired by DoN as part of a land exchange would not be subject to City ordinances and zoning.</p> <p>Any new buildings constructed will have to undergo FAA Part 77 Subpart B notification. The FAA will then conduct an aeronautical study to determine if the proposed structure would be an obstruction or hazard to air navigation.</p> <p>The NBPL OTC sites are not within the California Coastal Act Coastal Zone.</p>
37	Please provide details on planned adherence or exemption from height restrictions.	See response to RFI #36.
38	What are the expectations of tying land reuse to the city's surrounding area master plan?	The Midway-Pacific Highway Community Plan was developed by the City with input by the DoN as a stakeholder. It was written to encourage adjacent uses that support and complement the DoN functions at OTC. Any plans for the use of the OTC sites must satisfy DoN operational requirements. However, subject to satisfaction of its operational requirements, the DoN generally endeavors to use its property in a manner that enhances surrounding land uses.
39	Are there any right-of-way easements or dedications anticipated in the future to accommodate local and regional transit, AMTRAK, Freight rail, and future High Speed Rail corridors and station area improvements that would affect the site's development area or limit adjacent land uses?	The OTC eastern fence line is located within the railway's right of way and will need to be relocated once the California High Speed Rail (CHSR) is constructed.
40	Is the aerial easement specific to the size/form of the existing bridge, or is there flexibility for a new structure?	The aerial easement grants the right to maintain, modify, repair and remove the structure, subject to existing easements and leases for public utilities, railroads and pipelines and covenants restricting the creation of air flight hazards. The overpass may be altered (i.e. modified), but subject to existing easements and leases for public utilities, railroads and pipelines, and covenants restricting the creation of air flight hazards. The DoN recommends that interested parties consult their own legal counsel for advice on the aerial easement and its terms.
41	The RFI notes that NBPL OTC is a federal property and not governed by the City of San Diego 30 feet height limit. Would this change under a ground lease scenario?	See responses to question #36.