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June 25, 2007

Marilyn Mirrasoul
Environmental Planner
Development Services Department
122 First Avenue, MS-501
San Diego, CA 92101

Re: Comments to the Program Environmental Impact Report (PEIR) for the City of San Diego Final Draft General Plan

Dear Ms Mirrasoul:

NAIOP/San Diego would like to thank the City of San Diego for the extension to the time period to review the Program Environmental Impact Report (PEIR) for the Draft General Plan for the City of San Diego. This extension has enabled us to complete a basic review of this significant document and offer our brief but not exhaustive comments to the PEIR.

We would also like to commend the staff on producing a comprehensive environmental analysis on the most significant City policy document in over 25 years. The PEIR more than adequately discusses and addresses the goals of the Draft General Plan, potential impacts and potential mitigation measures. We offer our comments in the spirit of improving the strength of the PEIR to guide future development.

KK-1

Environmental Analysis: The impact analysis and conclusions of the PEIR may be overly conservative, leading the general public to erroneously conclude the implementation of this plan will result in significant and unmitigated impacts to the environment. While we agree that it is impossible to predict the future, past experience provides the ability to judge the foreseeable results of future actions.

KK-2

This is most evident in the conclusions reached in the Air Quality and Geologic Conditions Chapters of the PEIR. Although San Diego is still a non-attainment area for ozone and particulate matter (PM), substantial progress has been made through the adoption of standards and mitigation measures. Significant regulations by the California Air Resources Board to improve diesel emissions and the Federal government to increase fuel economy are no longer speculative and should be accounted for in this discussion in order to re-evaluate a conclusion of significant, unmitigated cumulative impact.

KK-3

The same is true regarding State regulations for the development of land and the construction of buildings that mitigate potential impacts due to seismic and other geologic events. These regulations mitigate risk and as a result previous project level environmental documents conclude impacts to be below a level of significance. In addition, the PEIR references risk due a "portion of the increased population in the county and the plan area would be housed in older structures inadequately designed to protect public health from seismic and geologic hazards". The existence and use of these structures is an existing condition and not a result on implementation of the Draft General Plan, therefore, the conclusion of impact is overly conservative.

Cumulative Impacts/Global Warming: The topic of global warming and greenhouse gas emissions is evolving on an almost daily basis. We commend the City for its inclusion and detailed discussion in the PEIR and offer the following recommendations to provide a framework for implementation.

NAIOP SAN DIEGO CHAPTER MISSION STATEMENT

The mission of NAIOP is to promote and enhance the sound ideas and visions of the Commercial Real Estate community of San Diego. Gathering that real estate community, in order to

- network with one another;
 - effect public policy that impacts our business;
 - learn current market dynamics and trends;
 - share information so as to forecast property opportunities;
- provides its members an unmatched resource.

KK-1: This PEIR is an analysis of the Draft General Plan, which is by necessity a broad policy level document. Because of this, some degree of forecasting was needed in order to anticipate what types of impacts may be reasonably expected from future implementation of the General Plan policies. However, at the plan level of environmental review, it is not possible to know the details of specific future projects. Therefore, while it is highly likely that plan implementation will result in significant impacts, the impacts of specific future projects cannot be known at this time. For this reason, a mitigation framework is provided in the document to guide the development of mitigation measures for future projects, when their impacts are known and quantified.

KK-2 See response to comments KK-1 and Q-3.

KK-3 See response to comments KK-1 and Q-5.

COMMENTS

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KK-4

Vehicle miles traveled (VMT) are acknowledged as the primary source of greenhouse gas emissions. Recent actions by the Federal government to increase fuel economy standards have the potential to decrease VMT emissions for 2030 to levels equal to or less than 1990 levels. This is significant as these regulations are critically important to achieving the goals set by the State of California to reduce these emissions. The second largest source of greenhouse gas emissions is energy production. It is recommended a more detailed discussion of the requirements for public utilities to purchase a greater percentage of renewable energy be included in the PEIR.

KK-5

We also recommend the development of a reasonable and achievable list of mitigation measures that provide a "menus of choice" for future projects to rely for environmental clearance. This should include taking advantage of mitigation measures for other impacts, such as transportation demand management and enhanced public/private landscaping that also serve to reduce greenhouse gas emissions.

KK-6

Alternative Analysis: The PEIR should not be used to advocate for an alternative or policy position articulated in the Draft General Plan, therefore, the *Reduced Industrial Lands Protection Alternative* should be deleted from the PEIR. This alternative discusses actions that would *not* be taken by the Draft General Plan; therefore, it is the same as the *No Project* alternative that identifies the existing condition. However, this discussion should not be included in the *No Project* alternative because its conclusions are not supported by fact. The City has achieved a positive jobs/housing ratio (when calculated based upon employed residents) under the current General Plan and is an "importer" of jobs. Secondly, the PEIR acknowledges that the City of San Diego has an adequate supply of industrial designated land to meet the time horizon of the Draft General Plan.

KK-7

Prime Industrial Lands: The Draft General Plan Proposal to include a Prime Industrial Lands Map is not discussed as an individual chapter to the PEIR; rather, this discussion is embedded in discussions of land use and alternatives. For the *City of Villages Increased Density Alternative* the City found an increase to community plan housing density would be inconsistent with the City's established community planning program. This issue is best discussed and resolved. We recommend the detailed discussion and environmental analysis necessary to resolve this issue be deferred to the Community Plan update process.

NAIOP is pleased to support the analysis conducted in the PEIR to further the adoption of the Draft General Plan and offer the resources of our over 400 members to assist in future implementation needs. We look forward to your responses and to our continuing dialogue on the Draft General Plan.

Respectfully,



Stephen Haase
NAIOP San Diego Chapter
Legislative Affairs Chair

KK-4 The General Plan Conservation Element and the PEIR have been revised to incorporate additional enforceable measures to reduce greenhouse gas emissions. See response to comment B-1.

KK-5 See response to comment B-1.

KK-6 CEQA requires a reasonable range of project alternatives. The alternatives presented in this document are a result of collaboration between DSD and Planning Department staff and discussion with other environmental professionals with experience in preparing regional level environmental documents.

KK-7 The PEIR is organized, per CEQA, by environmental issue area and not by land use type. The impacts associated with Industrial lands span several issue areas; therefore, industrial lands are discussed in more than one section of the PEIR. Note that the General Plan does not propose to change the densities within community plans. response to comment N-5 for further information.



July 3, 2007

Ms. Marilyn Mirrasoul
 Environmental Planner,
 City of San Diego
 1222 First Avenue
 San Diego, California 92101

AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE CITY OF SAN DIEGO
 GENERAL PLAN UPDATE, NO. 104495, PROJECT (SCH# 2006091032)

Dear Ms. Mirrasoul:

LL-1

The Department of Toxic Substances Control (DTSC) has received your submitted Public Notice of an EIR for the above-mentioned project. The following project description is stated in your document: "The City of San Diego Draft General Plan is proposed to replace the existing 1979 Progress Guide and General Plan (1979 General Plan). The General Plan sets out a long-range, comprehensive framework for how the city will grow and develop, provide public services and maintain the qualities that define San Diego over the next 20-30 years. The proposed update has been guided by the City of Villages growth strategy and citywide policy direction contained within the General Plan Strategic Framework Element (adopted by the City Council on October 22, 2002). The Draft General Plan is comprised of an introductory Strategic Framework chapter and nine elements: Land Use and Community Planning, Mobility; Urban Design; Economic Prosperity; Public Facilities; Services and Safety; Recreation; Conservation; Noise; and Historic Preservation. The update to the Housing Element was adopted by the City Council under separate cover on December 5, 2006." DTSC provides comments as follows:

- 1) The EIR should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances.
- 2) The EIR should identify the known or potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).

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LL-1: County of San Diego Department of Environmental Health maintains a data base of HAZMAT sites within the City of San Diego on the internet at:
<http://www.lsdcounty.ca.gov/deh/permits/index.html>.

The Development Services Department's Significance Determination Thresholds include the criteria used in the review of discretionary projects. Sites that are located within 1,000 feet of a known contamination site; within 2,000 feet of a known "border zone property;" have DEH closed site files; are within Centre City or Barrio Logan; are on or near active or former landfills; are historically developed with industrial or commercial uses, or were presently or previously used for agricultural purposes would require additional environmental review by the environmental analyst, often in conjunction with DEH and/or the Local Enforcement Agency. A Phase I or II Environmental Site Assessment may be required which would include an investigation of potential site contaminants and any potential contamination resulting from the demolition of buildings and/or structures. As requirement of the development permit or as a mitigation condition, a clearance letter issued by the county of San Diego DEH would be required for development projects proposed for such sites or potentially contaminated sites.

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- Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 3) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents. Please see comment No.17 below for more information.
- 4) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.

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- 5) Proper investigation, sampling and remedial actions overseen by the respective regulatory agencies, if necessary, should be conducted at the site prior to the new development or any construction. All closure, certification or remediation approval reports by these agencies should be included in the EIR.
- 6) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a Border Zone Property.
- 7) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 8) The project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 9) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 10) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5).

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- 11) If it is determined that hazardous wastes are or will be generated and the wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. If so, the facility should contact DTSC at (714) 484-5423 to initiate pre-application discussions and determine the permitting process applicable to the facility.
- 12) If it is determined that hazardous wastes will be generated, the facility should obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
- 13) Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 14) If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
- 15) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area would cease and appropriate health and safety procedures should be implemented.
- 16) If the site was used for agricultural or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.
- 17) Envirostor (formerly CalSites) is a database primarily used by the California Department of Toxic Substances Control, and is accessible through DTSC's website. DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489 for the VCA.

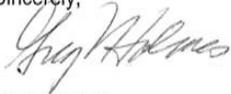
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If you have any questions regarding this letter, please contact Ms. Teresa Hom, Project Manager, at (714) 484-5477 or email at thom@dtsc.ca.gov.

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch - Cypress Office

cc: Governor's Office of Planning and Research
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