

RESOLUTION NUMBER R- **315331**

DATE OF FINAL PASSAGE FEB 05 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT
REPORT NO. 658548/SCH NO. 2021040374 AND ADOPTING
THE MITIGATION, MONITORING, AND REPORTING
PROGRAM, RELATED TO THE SCRIPPS MERCY
SAN DIEGO HOSPITAL CAMPUS PROJECT LOCATED AT
4077 FIFTH AVENUE.

WHEREAS, on April 27, 2020, Scripps Health submitted an application to Development Services Department for a conditional use permit (CUP) to amend existing CUP No. 304755, a site development permit (SDP) to amend existing SDP No. 531932, a neighborhood use permit (NUP) for a comprehensive sign plan, a tentative map (TM) to adjust property lines, a public utility easement vacation, and a planned development permit (PDP) for the Scripps Mercy San Diego Hospital Campus Project located at 4077 Fifth Avenue; and

WHEREAS, this matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on February 5, 2024; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report (EIR) No. 658548/SCH# 2021040374 (Report) prepared for this Project; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body

and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it is certified that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office

of the Development Services Department, 1222 First Avenue, San Diego, CA 92101 or City Clerk, 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego and the State Clearinghouse in the Office of Planning and Research regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Noah J. Brazier
Deputy City Attorney

NJB:nja
01/16/2024
Or. Dept: DSD
Doc. No. 3529930

Attachments: Exhibit A – MMRP
Exhibit B – Findings of Fact and Statement of Overriding Considerations EIR
Report

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

CONDITIONAL USE PERMIT (CUP) to amend existing CUP No. 304755, SITE DEVELOPMENT PERMIT (SDP) to amend existing SDP No. 531932, a NEIGHBORHOOD USE PERMIT (NUP) for a COMPREHENSIVE SIGN PLAN, a TENTATIVE MAP (TM) to adjust property lines, PUBLIC UTILITY EASEMENT VACATION, PUBLIC STREET VACATION, and a PLANNED DEVELOPMENT PERMIT (PDP) PROJECT NO. 658548

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 658548/SCH NO. 2021040374 shall be made conditions of the CUP, SDP, NUP, TM, PDP and Vacations as may be further described below.

1.0 Monitoring Activities

Monitoring activities would be accomplished by individuals identified in the *Document Submittal/Inspection Checklist* table, below. Specific consultant qualifications will be determined by the City of San Diego.

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Air Quality	Monitoring Report	Grading and Demolition Notes
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

2.0 Mitigation Measures

A. GENERAL REQUIREMENTS - PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/ Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from the MITIGATION MONITORING COORDINATOR (MMC). Attendees must also include the Permit Holder's Representative(s), Job Site Superintendent and the following consultants:

*Qualified Air Quality Monitor
Qualified Acoustician*

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant t is also required to call **RE and MMC at 858-627-3360.**

- 2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 581984 and/or Environmental Document Number 581984, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

- 3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency:

- N/A

- 4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11"x17" reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

Note: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

4. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the *Document Submittal/ Inspection Checklist* table presented in Section 1.0.

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Air Quality

MM 5.4-1: Diesel Exhaust Emissions Reduction. During construction activities, efforts shall be made to reduce diesel exhaust emissions from all construction equipment greater than 100 hp with use of Tier 4 Interim or better equipment, including equipment with an installed DPF, where feasible, and by use of other emission reduction practices. Construction equipment that is certified less than Tier 4 Interim may only be used if unavailable from vendors, in which case equipment with DPFs installed shall be used whenever possible. Additionally, measures shall be employed to reduce DPM emissions, that may include, but would not be limited to, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the proposed project using cleaner vehicle fuel, and/or limiting the number of individual construction project components occurring simultaneously.

A qualified air quality monitor shall be on-site during grading and demolition phases to confirm that construction equipment greater than 100 hp employs Tier 4 Interim or better equipment and that construction equipment that is certified less than Tier 4 Interim is being used only where Tier 4 Interim equipment is unavailable from vendors. When such equipment is being used, such equipment shall be installed with DPFs whenever possible. The monitor shall also determine the need to be on-site during construction, if multiple construction equipment with larger engines is planned for use at the same time.

Noise

MM 5.6-1: Construction Noise. The following measures would be planned and reviewed by a qualified acoustic consultant to limit noise levels to meet requirements of the SDMC. These measures would be applied to all phases of the project site demolition and construction work.

- Ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational.
- Turn off idling equipment, whenever possible.
- Construction activities shall be limited to daytime hours, 7 a.m. to 7 p.m. No noise generating construction activities shall take place on Sundays and holidays.
- Include in tenders, employment contracts, subcontractor agreements and work method statements clauses that assure the minimization of noise and compliance with directions from management to minimize noise.
- Give preference to the use quieter technology or other measures rather than lengthening construction duration (i.e. it is not recommended to lower noise by having fewer pieces of equipment running at a time thereby leading to extended construction duration).
- Regularly train workers and contractors (such as at toolbox talks) to use equipment in ways that minimize noise.
- Ensure that site managers periodically check the site, nearby residences and other sensitive receptors for noise problems so that solutions can be quickly applied.
- Keep truck drivers informed of designated vehicle routes, parking locations, acceptable delivery hours and other relevant practices (e.g. minimizing the use of engine brakes and periods of engine idling).
- Consider alternatives to diesel and gasoline engines and pneumatic units such as hydraulic or electric-controlled units where, feasible and reasonable.
- Examine and implement, where feasible and reasonable, alternatives to pile driving using a diesel hammer, such as hydraulic hammer, hydraulic press-in, or vibratory piledriver.
- To reduce the impact of backup alarms, examine and consider implementing, where feasible and reasonable, ambient sensitive back-up alarms, signal workers, turning circles and side loading/unloading trucks.
- To reduce the line-of-sight noise transmission to residences and other sensitive receptors, temporary noise barriers shall be erected as required prior to demolition of the Parking Lot 4.1, Behavioral Health Building, 550 Washington Street, Emergency Department, Existing Hospital, and Facility and Generator Building, and prior to construction of MOB, Hospital I, Hospital Support Building, and Mercy Manor.
 - Temporary noise barriers can be constructed from boarding (plywood boards, panels of steel sheeting or compressed fiber cement board) with no gaps between the panels at the site boundary. Stockpiles and shipping containers can also be used as effective noise barriers.
 - Planned barrier type, height, and placement shall be outlined in a Noise Report prepared by a qualified acoustic consultant at the time of issuance of building permits for the aforementioned buildings.
 - A qualified noise monitor shall be on-site in areas identified for noise barriers to ensure that noise levels are reduced to meet City standards.

Exhibit B

**DRAFT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
SCRIPPS MERCY HOSPITAL CAMPUS PROJECT**

Project No. 658548
SCH No. 2021040374

April 2023

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1.0 INTRODUCTION

1.1 Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) (Pub. Res. Code §21000 et seq.), and the State CEQA Guidelines (Guidelines) (14 Cal. Code Regs. § 15000 et seq.) require that the environmental impacts of a proposed project be examined before a project is approved. In addition, once significant impacts have been identified, CEQA and the Guidelines require that certain findings be made before project approval. It is the exclusive discretion of the decision maker certifying the Environmental Impact Report (EIR) to determine the adequacy of the proposed candidate findings. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements also exist in Section 21081 of the CEQA statute. The "changes or alterations" referred to in Section 15091(a)(1), above, that are required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects of the project may include a wide variety of measures or actions as set forth in Guidelines Section 15370's definition of mitigation, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency's views on whether the benefits of a project outweigh its unavoidable adverse environmental effects. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR

and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Final EIR for the Scripps Mercy Hospital Campus project (project), Project No. 658548/State Clearinghouse No. 2021040374, as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made, and a Statement of Overriding Considerations (Statement) is adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings and Statement set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

Furthermore, the Findings and SOC have been submitted by the City Development Services Department as Candidate Findings to be made by the decision-making body. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter and to review potential reasons for approving the project despite the significant and unavoidable effects identified in the Final EIR. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Candidate Findings. It is the role of staff to independently evaluate the proposed the Candidate Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

1.2 Record of Proceedings

For purposes of CEQA and these Findings and Statement, the Record of Proceedings for the project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;
- All responses to the NOP received by the City;
- The Draft EIR;
- The Final EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;

- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Draft EIR, the Final EIR, and any responses to comments in the Final EIR;
- The revised and/or updated reports and technical memoranda included or referenced in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including, but not limited to, Federal, State, and local laws and regulations;
- Any documents expressly cited in these Findings and Statement; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

1.3 Custodian and Location of Records

The documents and other materials that constitute the administrative record for the City's actions related to the project are located at the City, Development Services Department, 1222 First Avenue, San Diego, California 92101. The Development Services Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the Development Services Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

The Draft EIR was placed on the City Clerk's web-site at <https://www.sandiego.gov/ceqa.draft>; and the Final EIR was placed on DSD's website at <https://www.sandiego.gov/ceqa/final>. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and State CEQA Guidelines Section 15091(e).

2.0 PROJECT SUMMARY

2.1 Project Location

The 21.07-acre Scripps Mercy Hospital Campus project site is located within the Medical Complex neighborhood of the Uptown community, in the City of San Diego, San Diego County. The Uptown community is in the central portion of the City of San Diego and the San Diego Metropolitan Area. The site is located in an urbanized community and is situated north of Washington Street, south of development along Arbor Drive and Mercy Canyon open space, west of State Route 163 (SR 163) and Eighth Avenue, and east of Fourth Avenue in the Uptown community. Multi-family residential developments exist to the north and single-family residences are located to the northwest, immediately adjacent to the project, north of Mercy Canyon. Medical offices are located immediately to the west, east, and south of the site. SR 163 and open space slopes are located to the east and northeast. Regional access to the site is provided by SR 163 immediately east of the project site. Local vehicle access to the site occurs via Washington Street, Fourth Avenue, Fifth Avenue, Sixth Avenue, and Lewis Street.

The Scripps Mercy Hospital Campus project site has been previously graded and developed with the Scripps Mercy Hospital campus, consisting of medical office and hospital buildings, surface and structured parking, internal streets and driveways, and landscaping. The majority of the campus is situated on a relatively flat mesa adjacent to canyons and slopes with surface elevations of approximately 290 feet to 295 feet above mean sea level (AMSL). The south-central portion of the campus was developed within an east-west trending drainage feature that is partially infilled and has surface elevations ranging from 235 feet to 240 feet AMSL. Another roughly east-west trending drainage feature is located along the northern property boundary with slopes descending approximately 100 feet from existing buildings at an approximate inclination of 1.5:1 (horizontal: vertical). The canyon slopes and bottom are generally vegetated with grass, brush, and trees. An east-facing cut slope descends to the Sixth Avenue access to SR 163. The campus is sparsely landscaped and has generally been graded to provide sufficient surface drainage.

Redevelopment of Scripps Mercy Hospital Campus is to occur in the central portion of the campus, generally bounded by Washington Street along the south, Fifth Avenue in the southwest corner, Fourth Avenue along the western border, and SR 163 along the east. The Cancer Center, located between Fourth and Fifth Avenue in the southwest portion of the campus, was recently constructed as a 40,000 square foot facility with structured parking. As a part of Sixth Avenue Parking Structure and Bridge project currently under construction (PTS# 645493), a previously-existing pedestrian bridge that connected employee surface parking east of Sixth Avenue to the main body of the campus has been demolished, and a new pedestrian bridge will be constructed to connect the parking structure under construction directly to the main Hospital Building. Vehicular access to and from this parking structure will be provided from a new signalized driveway on Sixth Avenue, as well

as a driveway on Eighth Avenue. The construction of this parking structure will be completed in advance of major construction efforts of the project with an estimated completion date of Year 2023. No additional development/redevelopment is planned for the Cancer Center and the Sixth Avenue Parking Structure.

Existing SDG&E utilities serve the campus from numerous locations adjacent to and through the campus. Three electrical circuits provide service to the campus along Fourth Avenue, Fifth Avenue, Sixth Avenue, Eighth Avenue, Lewis Street, and Washington Street. Portions of these circuits are located in easements on the campus. Gas service is provided through both medium- and high-pressure lines along Washington Street, Fourth Avenue, Fifth Avenue, and Lewis Street. Gas lines are located in easements on the campus at the western side of the campus and along Lewis Street. Electrical and gas facilities that pass through the campus serve both the campus and offsite ratepayers.

2.2 Project Description

2.2.1 Statement of Objectives

Pursuant to Guidelines Section 15124(b) and as described in Section 3.1.2 of the Final EIR, the project has the following objectives:

- Meet the seismic safety requirements of Senate Bill 1953 by replacing the non-conforming existing hospital buildings on the campus by 2030 while maintaining existing health care operations in the community.
- Replace aging buildings and utilities infrastructure through redevelopment of the Scripps Mercy Hospital Campus in a manner that promotes community wellness, healthcare, and technology in both its facilities and its site development.
- Maximize development intensity on the project site to allow for the optimal expansion of services to meet the needs of the community by providing patient centered, personalized, private care in the appropriate setting.
- Enhance the work environment and increase employment opportunities with expanded services offered.
- Promote a welcoming patient experience by ensuring ease of access and wayfinding efficiency and by establishing the medical campus as a destination for healthcare within the community.
- Establish an integrated campus of programs, facilities, and operations that serve the current community health care needs.
- Establish Medical Office Buildings to house ambulatory services and programs designed to support hospital-based programs in a lower cost environment and provide growth opportunities as well as flexibility in meeting evolving outpatient needs.

- Improve campus access and circulation while minimizing transportation effects to adjoining neighborhoods.
- Improve transportation-related facilities including parking structures, transit, and passenger drop-off and pick-up areas in a way that allows for intuitive vehicular, biking, and patient-oriented access.
- Enhance the campus entry for patients, visitors, and employees, as well as the surrounding community.
- Separate facility supply delivery and support services access from patient, visitors and staff to enhance delivery of health care services on campus.

2.2.2 Project Components

The Scripps Mercy Hospital Campus is comprised of medical office and hospital buildings, surface and structured parking, internal streets and driveways, and landscaping. The project includes modifications to the existing campus site plan through demolition and new construction. Redevelopment of the Scripps Mercy Hospital campus is anticipated to occur over a period of 20 to 25 years. Because the project involves redevelopment of an existing and operational hospital campus, maintaining existing hospital services is essential. Site restrictions, limitations, and the intensity of proposed uses will dictate relocation of existing services, demolition of existing buildings and facilities, and construction of new buildings and facilities. Demolition and construction will occur in portions of the campus, while existing buildings and services remain in operation. Construction of the proposed buildings and facilities will occur in a manner that allows for current and future healthcare services to co-exist while maintaining existing hospital operations.

Relative to demolition, the project includes the demolition of several buildings on the Scripps Mercy Hospital Campus site to allow for construction of proposed buildings. Demolition includes the following:

- Facility Building (three stories, 12,984 square feet)
- Behavioral Health Clinic (four stories, 64,341 square feet; 50 beds)
- Hospital Building (12 stories above ground and one below, 507,580 square feet; 517 beds)
- 550 Washington Building (eight stories, 73,448 square feet)
- 550 Garage (two stories, 30,364 square feet; 156 parking spaces)
- Mercy Manor (three stories, 16,688 square feet)
- Parking Structure 4.1 (three stories, 161,939 square feet; 749 parking spaces)
- Emergency Department (three stories, 13,796 square feet)
- Boiler and Laundry Building (three stories, 15,130 square feet)

The project includes construction of the following facilities:

- Hospital I (15 stories, approximately 631,590 square feet; 351 beds)
- Hospital II (15 stories, approximately 380,000 square feet; 166 beds)
- Hospital Support Building (HSB) (three stories with three stories of subterranean parking, approximately 67,000 square feet)
- Medical Office Building (MOB) (seven stories with two levels of subterranean parking and three levels of above ground parking, approximately 200,000 square feet)
- Ambulance Drop-off Area
- Loading Dock Area
- Central Energy Plant Expansion (approximately 2,400 square feet)
- Utility Yards (totaling approximately 18,500 square feet)

Vehicular parking is provided throughout the project site. Existing parking areas to remain include 12 parking spaces at Mercy Gardens, a single parking space for MRI parking, 648 parking spaces in Parking Lot 12, and five designated spaces for official Scripps' vehicle parking. Currently under construction with separate, approved permits are a 140-space Cancer Center parking structure and a 1,274-space parking structure off Sixth Avenue. The project will develop new parking structures in concert with various project buildings, including:

- HSB Parking Structure – approximately 248 spaces
- Emergency Department Parking Lot – approximately 10 spaces
- MOB Parking Structure – approximately 350 spaces
- East Lewis Street Parking – approximately seven spaces
- Delivery Parking – approximately 10 spaces

A total of 1,155 vehicle parking spaces are required per the SDMC. The project will meet the SDMC vehicle parking requirements. The project will also meet or exceed the Municipal Code parking requirements for short-term and long-term bicycle parking spaces, motorcycle parking, accessible parking spaces, and parking for electric vehicles.

The project includes construction of improvements to surrounding public infrastructure, including improvements to Lewis Street, Washington Street, Fourth Avenue, Fifth Avenue, and Sixth Avenue, as well as pedestrian access and bicycle mobility. As a part of implementing the ultimate classification of Washington Street as a Major Arterial, the project will provide half-width improvements to include a contiguous sidewalk that will be constructed along the project frontage on the north side of Washington Street fronting the HSB. On the east side of Fifth Avenue between Fifth Avenue and Washington Street, the project will construct a 10-foot-wide parkway with a five-foot-wide landscape buffer and a five-foot-wide non-contiguous sidewalk. On the north side of Fifth Avenue between Fourth Avenue and Fifth Avenue, the project will construct a 10-foot-wide parkway with a five-foot-

wide contiguous sidewalk and five feet of landscape. On the east side of Fourth Avenue between Lewis Street and Fifth Avenue, the project will construct a 14-foot-wide parkway, which will include an eight-foot-wide landscape buffer and six-foot-wide non-contiguous sidewalk. On the east side of Fourth Avenue between Lewis Street and the MOB frontage, the project will construct a 14-foot-wide parkway, which will include an eight-foot-wide landscape buffer and six-foot-wide non-contiguous sidewalk.

The project also includes pedestrian connections within the site with walkways, paths, and sidewalks to facilitate pedestrian circulation. The project will provide an 11-foot-wide pedestrian path north of the Emergency Department parking lot that will provide new pedestrian access from Lewis Street to Fifth Avenue, as well as connect Hospital I and Hospital II.

To promote bicycle mobility, the project will construct half-width improvements along its Washington Street frontage to implement the ultimate classification of a 4-lane Major with buffered Class II bicycle lanes per the Uptown Community Plan. As a part of this improvement, the project will stripe the buffered bike lanes on the north side of Washington Street along the project frontage. Additionally, the project will stripe shared lane markings to delineate a Class III Bike Route on Fifth Avenue between Fourth Avenue and Washington Street, and on Fourth Avenue, between Lewis Street and Fifth Avenue. As part of providing bicycle amenities within the site, the project will provide 10 showers and over 420 lockers for employee use. The project will also meet or exceed the City of San Diego Climate Action Plan (CAP) requirement and SDMC requirements for short-term and long-term bicycle parking spaces.

Relative to transit access improvements, the project will upgrade the existing bus stop on the north side of Washington Street and Fifth Avenue (Stop ID 11243) by adding a shelter and maps/way finding signage, and will provide transit information in the hospital and MOB lobbies. The project will also provide a 30 percent subsidy (which is approximately \$1.00 per day per employee for the current monthly pass of \$72.00) towards transit passes for Metropolitan Transit System (MTS) Bus, Trolley, or COASTER trains for employees who request them to promote transit usage and will allow transit passes to be purchased on a pre-tax basis through convenient payroll deduction.

The project includes modifications to existing landscaping based on a series of landscape palettes. The *Canyon Accent* palette is primarily located in narrow courtyards between buildings and adjacent properties. This palette utilizes clustered groups of large shade/screening trees, as well as palms, to provide screening and vertical accents. The *Screening/Buffer – Evergreen Ornamental* palette intends to provide a “green wall,” or soft screen, that feels garden-like within the campus complex between Hospital I and Hospital II. Evergreen shrubs are combined with loose-massed bark or rock mulch at all planting areas of this palette. The *Streetscape* palette is intended to provide a clean, low-maintenance, and uniform streetscape palette that communicates continuity throughout the Scripps Mercy Hospital Campus. This palette is located primarily along Fifth Avenue, Lewis Street, and

Washington Street, and utilizes street trees to match surrounding evergreen cover in accordance with the Streetscape Manual. Landscaping in front of Hospital I, as well as some other areas between Hospital II, Hospital I, and HSB, will utilize the *Accent* palette, which will feature evergreen elm trees. This zone implements canopy and flowering accent trees in order to provide shade and comfort in circulation areas, seating areas, and other key focal points. In the eastern portion of the site, along Sixth Avenue, the *Screening/Buffer – Chapparal Canyon* palette, where the intention is to tie project landscaping into the existing canyon landscape through the utilization of native trees and evergreen shrubs in drifts, masses, and groves to provide screened views in and out of the site. The *Bio-filtration Planting* zone is intended to use materials that express riparian character of natural streams and arroyos and is located at stormwater treatment areas on the project site.

Brush management for the project occurs where the campus interfaces with canyon areas along the northern and eastern boundaries of the project site. Zone 1 will occur immediately east of the Eastern Utility Yard, to the north and south of the Western Utility Yard, and to the north of existing to remain Mercy Gardens. Zone 2 will be located along the north and east perimeters of the project site and will include the existing undisturbed native or naturalized vegetation. No new planting is expected to occur in this zone, so no new irrigation is needed within this area. If any disturbance occurs and re-planting is needed, temporary irrigation would be included during the establishment period. In addition, no structures will be constructed in this zone, this area will be maintained on a regular basis, and thinning and pruning of existing shrubs in this area will occur per the City of San Diego Brush Management Guidelines. A portion of Alternate Compliance area will be located immediately east of the proposed MOB, as a full defensive space for Zone 1 cannot be provided due to the existing slope gradient of greater than 4:1. Alternate compliance will include dual glazed windows, a sprinklered building, and a Brush Management Plan for the abutting property.

The project requires relocation of portions of public utilities (e.g., storm drain and water and sewer lines) and vacation of Public Service Easements. Easements for these utilities will be vacated and relocated in accordance with City requirements. Numerous remnant easements for public utilities where the utilities no longer exist will be vacated. Public utilities for storm drains and water and sewer lines that serve only the campus are to be privatized, and the easements for those utilities will be vacated. Additionally, on the east side of Sixth Avenue, remnant easements for earth excavation or embankment slopes and incidental purposes will be vacated. This property has been developed, and maintenance of the slope by the City is no longer required.

This project requires relocation and expansion of SDG&E utilities to accommodate the redevelopment. All activities pertaining to SDG&E utilities will occur within the hospital campus or on nearby public rights-of-way. Portions of an existing high pressure gas line and electrical circuit that are currently located in Washington Street, Fifth Avenue, and Lewis Street will be relocated and installed underground. Electrical switchgear will be added near the intersection of Fourth Avenue and Lewis Street. A new SDG&E electrical switch yard is to be constructed along Sixth Avenue. In addition

to the physical infrastructure changes, numerous easements held by SDG&E for utilities that are no longer in use or are being relocated as part of this project will be modified or quitclaimed.

The project includes the relocation of the existing heliport from the existing hospital roof to the roof of Hospital I, approximately 400 feet to the east-southeast. Construction of the new heliport is not expected to substantially change the type or volume of aircraft in day-to-day operations. The replacement heliport will be designed to accommodate larger aircraft up to and including the Sikorsky UH-60 "Black Hawk" and variants; however, these aircraft would only be utilized in response to a mass-casualty event or other extreme circumstances. All other operations are expected to continue to be carried out by typical Emergency Medical Services (EMS) helicopters, such as REACH/Calstar Air Medical Services and Mercy Air/Air Methods, which currently serve the hospital. Increase in operations is expected to continue commensurate with local population growth. The replacement heliport will allow pilots greater flexibility with respect to approach and departure paths, providing a 180-degree-plus flight path arc from northeast through southwest. This is expected to enhance aviation safety, with minimal impact to surrounding land uses. Pursuant to Federal Aviation Regulations and State law, the heliport design will be subject to review, comment, and/or approval by the Federal Aviation Administration (FAA), California Department of Transportation (Caltrans) Division of Aeronautics, and San Diego County Airport Land Use Commission.

As allowed by Section 141.1103 of the SDMC, the project includes a Comprehensive Sign Plan to modify applicable sign requirements and include signs that, as a whole, are in conformance with the intent of the City's sign regulations, result in an improved relationship among the signs and building façades on the premises, and better serve the hospital campus. Overall, for wall-signs, the project will not exceed the maximum amount allowed by the City's sign regulations when totaling all existing and proposed wall signs, including signage proposed for non-public right-of way signs. Additionally, all ground mounted signs will be at the property line or set back from the property line and will be located outside of visibility triangles.

The project also involves elements of the hospital campus that have been constructed, are undergoing construction, or will not be affected by the project. The Cancer Center and associated parking structure, the College Building, Mercy Gardens, the Chapel, Central Energy Plant, Parking Structure 12, and the Generator Building and Cooling Tower will remain; no additional development, redevelopment, or modifications are proposed for these facilities. The Mercy Chapel, which is a San Diego registered historic resource, will be rehabilitated in accordance with the Secretary of Interior's Standards for the Treatment of Historic Resources. A new parking structure, providing approximately 1,274 parking spaces, and associated pedestrian bridge is under construction on the east side of Sixth Avenue to serve the Scripps Mercy Hospital Campus. Vehicular access to and from this parking structure will occur at a new signalized driveway on Sixth Avenue, as well as a driveway on Eighth Avenue. The reconstructed pedestrian bridge will connect the parking structure on the east side of Sixth Avenue to the Scripps Mercy Hospital Campus on the west side of Sixth Avenue.

2.3 Discretionary Actions

For the Scripps Mercy Hospital Campus project, the following discretionary actions are being requested:

2.3.1 Conditional Use Permit

An amendment to Conditional Use Permit (CUP) No. 304755 is required to incorporate the project components as summarized above and described in detail in Section 2.3.1, *Project Components*.

2.3.2 Site Development Permit

In accordance with the Uptown Community Plan CPIOZ Type A, structure height in the project location is limited to 65 feet in height. The project will exceed the 65-foot limitation of the CPIOZ; per the CPIOZ regulations, a Site Development Permit (SDP) is required for structure height in exceedance of 65 feet.

2.3.3 Planned Development Permit

A Planned Development Permit (PDP) is required for development that deviates from the regulations in the underlying zones. The project includes deviations for structure height, floor area ratio (FAR), and driveway width, in the locations and amounts described below.

Maximum Structure Height (San Diego Municipal Code Table 131-05E)

- MOB – Maximum height per CC-3-8 zone: 100 feet; project height: 150 feet
- Hospital I – Maximum height per CC-3-8 zone: 100 feet; project height: 315 feet
- Hospital II – Maximum height per CC-3-8 zone: 100 feet; project height: 252 feet, 8 inches
- HSB – Maximum height per CC-3-8 zone: 100 feet, project height 130 feet

Maximum Floor Area Ratio (San Diego Municipal Code Table 131-05E)

- Maximum FAR per CC-3-8 zone: 2.0; project FAR: 2.44

2.3.4 Neighborhood Use Permit

A Neighborhood Use Permit (NUP) is required for a Comprehensive Sign Plan for the Scripps Mercy Hospital Campus. The comprehensive sign plan is requested to modify applicable sign requirements where the proposed signs, as a whole, are in conformance with the intent of the sign regulations and where the exceptions result in an improved relationship among the signs and building facades on the premises.

2.3.5 Tentative Map

A Tentative Map (TM) is required to adjust property lines and vacate Public Service Easements.

2.3.6 Public Utility Easements Vacations

The project requires public utilities relocations and Public Service Easements to be vacated. Additionally, easements for slope embankments are to be vacated.

3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted environmental review under CEQA (California Public Resources Code Sections 21000, et seq.) and the Guidelines promulgated thereunder in California Code of Regulations, Title 14. Further, the City as lead agency shall be primarily responsible for carrying out the project. In compliance with Section 15082 of the State CEQA Guidelines, the City published a Notice of Preparation on April 6, 2018, which began a 30-day period for comments on the appropriate scope of the EIR. Consistent with CEQA Section 21083.9, the City held a virtual public agency scoping meeting, allowing the public to provide comments from April 16, 2021, through May 16, 2021. The purpose of this meeting was to seek input from the public regarding the environmental effects that may potentially result from the project. Various agencies and other interested parties responded to the NOP. The NOP, comment letters, and transcript of comments made during the scoping meeting are included as Appendices A and B of the Final EIR.

The City prepared and published a Draft EIR, which was circulated for a 45-day public review and comment period beginning on September 12, 2022, in compliance with CEQA. Pursuant to State CEQA Guidelines Section 15085, upon publication of the Draft EIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft EIR had been completed and was available for review and comment by the public. The City also posted a Notice of Availability of the Draft EIR at this time pursuant to State CEQA Guidelines Section 15087.

During the public review period, the City received comments on the environmental document. After the close of public review period, the City provided responses in writing to all comments received on the Draft EIR. The Final EIR and the response to comments for the project was published on April XX, 2023. The Final EIR has been prepared in accordance with CEQA and the State CEQA Guidelines.

4.0 SUMMARY OF IMPACTS

Impacts associated with specific environmental issues resulting from approval of the project and future implementation are discussed below.

The Final EIR concludes that the project will have no impacts with respect to the following issues:

- Agricultural Resources and Forestry
- Biological Resources
- Energy
- Geologic Conditions
- Health and Safety
- Hydrology
- Mineral Resources
- Paleontological Resources
- Population and Housing
- Public Services (Libraries, Recreation, and Schools)
- Tribal Cultural Resources
- Water Quality
- Wildfire

The Final EIR concludes that the project will have a less than significant impact and requires no mitigation measures with respect to the following issues:

- Transportation/Circulation
- Visual Effects and Neighborhood Character
- Historical Resources
- Greenhouse Gas Emissions
- Public Services
- Facilities and Public Utilities

The Final EIR concludes the project will potentially have a **significant impact but mitigated to below a level of significance** with respect to the following issue areas:

- Air Quality
- Noise (construction)

The Final EIR concludes the project will potentially have a **significant unmitigated impact** and no feasible mitigation measures are available to reduce impacts to below a level of significance for the following issue area:

Draft Candidate Findings and Statement of Overriding Considerations
Scripps Mercy Hospital Campus Project

- Land Use (Noise)
- Noise (Operational)

5.0 FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the plans, programs, and policies discussed in the Final EIR. The plans, programs, and policies discussed in the Final EIR are existing regulatory plans and programs the project is subject to, and, likewise, are explicitly made conditions of the project's approval.

5.1 Findings Regarding Impacts that will be Mitigated to Below a Level of Significance (CEQA § 21081(a)(1) and CEQA Guidelines § 15091(a)(1))

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings pursuant to Public Resource Code § 21081(a)(1) and State CEQA Guidelines § 15091(a)(1), adopts the following findings regarding the significant effects of the project, as follows:

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the Final EIR (Project No. 658548/SCH No. 2021040374) as described below.

5.1.1 Air Quality – Direct Impact: Construction

5.1.1.1 Potentially Significant Effect

The Health Risk Assessment prepared for the project evaluated potential risk to sensitive receivers located proximate to the project site, including the Warwick apartments and a single-family home on Bathhouse Row, as well as Select Specialty Hospital and schools closest to the project site (Florence Elementary School and Green Beans Daycare Center). The noncancer chronic and acute risks due to construction of the project are below the SDAPCD CEQA thresholds. The cancer risk, however, exceeds the SDAPCD CEQA thresholds, which is considered a significant impact.

5.1.1.2 Facts in Support of Finding

SDAPCD Rule 1200 (Toxic Air Contaminants – New Source Review) adopted on June 12, 1996, requires evaluation of potential health risks for any new, relocated, or modified emission unit that may increase emissions of one or more toxic air contaminants. The rule requires projects that propose to increase cancer risk to between one- and 10-in-one-million implement toxics best available control technology (T-BACT) or impose the most effective emission limitation, emission control device or control technique to reduce the cancer risk. At no time shall the project increase the incremental cancer risk to over 10-in-one-million or a health hazard index (chronic and acute HI) greater than one. Projects creating cancer risks less than one-in-one-million are not required to implement T-BACT

technology.

As shown in Table 5.4-8. *Health Risk Results from Construction DPM Emissions*, of the Final EIR, construction activities associated with the project contribute diesel emissions, which result in exceeding the 30-year cancer risk threshold. Reducing diesel exhaust emissions from all construction equipment greater than 100 horse power, as well as employing other measures reduce diesel particulate matter, such as reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the proposed project using cleaner vehicle fuel, and/or limiting the number of individual construction project components occurring simultaneously, is required to ensure that health risk impacts from construction do not exceed significance levels.

Mitigation Measures:

MM 5.4-1: Diesel Exhaust Emissions Reduction. During construction activities, efforts shall be made to reduce diesel exhaust emissions from all construction equipment greater than 100 hp with use of Tier 4 Interim or better equipment, including equipment with an installed diesel particulate filter (DPF), where feasible, and by use of other emission reduction practices. Construction equipment that is certified less than Tier 4 Interim may only be used if unavailable from vendors, in which case equipment with DPFs installed shall be used whenever possible. Additionally, measures shall be employed to reduce DPM emissions, that may include, but would not be limited to, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the proposed project using cleaner vehicle fuel, and/or limiting the number of individual construction project components occurring simultaneously. These measures would be used to ensure that health risk impacts from construction do not exceed significance levels.

A qualified air quality monitor shall be on-site during grading and demolition phases to confirm that construction equipment greater than 100 hp employs Tier 4 Interim or better equipment and that construction equipment that is certified less than Tier 4 Interim is being used only where Tier 4 Interim equipment is unavailable from vendors. When such equipment is being used, such equipment shall be installed with DPFs whenever possible. The monitor shall also determine the need to be on-site during construction, if multiple construction equipment with larger engines is planned for use at the same time.

5.1.2.3 Finding

With implementation of mitigation measure MM 5.4-1, potentially significant impacts due to diesel emissions during construction will be reduced to below a level of significance.

Reference: Final EIR § 5.4.

5.1.2 Noise (Construction)

5.1.2.1 Potentially Significant Effect

Due to the proximity of sensitive receptors, demolition and construction noise levels exceed City of SDMC during several phases resulting in a significant noise impact.

5.1.2.2 Facts in Support of Finding

The project involves the demolition of existing buildings and the construction of buildings on the Scripps Mercy Hospital Campus. Construction will be completed in phases. Noise levels are anticipated to exceed City of SDMC during several phases resulting in a significant noise impact associated with construction. Most exceedances occur during demolition phases. In order to meet City standards and reduce impacts to below a level of significance, mitigation measures are required. Specific implementation of these noise control measures, with planning and oversight by a qualified acoustic consultant, will reduce significant construction noise impacts to below a level of significance.

Mitigation Measures:

MM 5.6-1: The following measures shall be planned and reviewed by a qualified acoustic consultant to limit noise levels to meet requirements of the SDMC. These measures shall be applied to all phases of the project site demolition and construction work.

- Ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational.
- Turn off idling equipment, whenever possible.
- Construction activities shall be limited to daytime hours, 7 a.m. to 7 p.m. No noise generating construction activities shall take place on Sundays and holidays.
- Include in tenders, employment contracts, subcontractor agreements and work method statements clauses that assure the minimization of noise and compliance with directions from management to minimize noise.
- Give preference to the use quieter technology or other measures rather than lengthening construction duration (i.e. it is not recommended to lower noise by having fewer pieces of equipment running at a time thereby leading to extended construction duration).
- Regularly train workers and contractors (such as at toolbox talks) to use equipment in ways that minimize noise.

- Ensure that site managers periodically check the site, nearby residences and other sensitive receptors for noise problems so that solutions can be quickly applied.
- Keep truck drivers informed of designated vehicle routes, parking locations, acceptable delivery hours and other relevant practices (e.g. minimizing the use of engine brakes and periods of engine idling).
- Consider alternatives to diesel and gasoline engines and pneumatic units such as hydraulic or electric-controlled units where, feasible and reasonable.
- Examine and implement, where feasible and reasonable, alternatives to pile driving using a diesel hammer, such as hydraulic hammer, hydraulic press-in, or vibratory piledriver.
- To reduce the impact of backup alarms, examine and consider implementing, where feasible and reasonable, ambient sensitive back-up alarms, signal workers, turning circles and side loading/unloading trucks.
- To reduce the line-of-sight noise transmission to residences and other sensitive receptors, temporary noise barriers shall be erected as required prior to demolition of the Parking Lot 4.1, Behavioral Health Building, 550 Washington Street, Emergency Department, Existing Hospital, and Facility and Generator Building, and prior to construction of MOB, Hospital I, Hospital Support Building, and Mercy Manor.
 - Temporary noise barriers can be constructed from boarding (plywood boards, panels of steel sheeting or compressed fiber cement board) with no gaps between the panels at the site boundary. Stockpiles and shipping containers can also be used as effective noise barriers.
 - Planned barrier type, height, and placement shall be outlined in a Noise Report prepared by a qualified acoustic consultant at the time of issuance of building permits for the aforementioned buildings.
 - A qualified noise monitor shall be on-site in areas identified for noise barriers to ensure that noise levels are reduced to meet City standards.

5.1.2.3 Finding

With implementation of mitigation measure MM 5.6-1, potentially significant impacts due to construction noise will be reduced to below a level of significance.

Reference: Final EIR § 5.6.

5.2 Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency (CEQA § 21081(a)(2)) and CEQA Guidelines § 15091(a)(2))

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to CEQA §21081(a)(2) and CEQA Guidelines §15091(a)(2) that there are

no changes or alterations that could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

5.3 Findings Regarding Infeasible Mitigation Measures (CEQA § 21081(a)(3) and CEQA Guidelines § 15091(a)(3))

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings regarding air quality impacts associated with operations:

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR (Project No. 658548/SCH No. 2021040374) as described below.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean *capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors*. The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. This finding is appropriate with respect to the project because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

5.4 Findings Regarding Alternatives (CEQA § 21081(a)(3) and CEQA Guidelines § 15091(a)(3))

Because the project has the potential to cause one or more significant environmental effects, the City must make findings with respect to the alternatives to the project considered in the Final EIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the project’s significant environmental effects while achieving most of its objectives (listed in Section 2.3, above, and Section 3.1.2 of the Final EIR).

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, and pursuant to Public Resource Code § 21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings with respect to the alternatives identified in the Final EIR (Project No. 658548/SCH No. 2021040374):

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the

mitigation measures or alternatives identified in the Final EIR (Project No. 658548/SCH No. 2021040374) as described below.

"Feasible" is defined in Section 15364 of the CEQA Guidelines to mean *capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors*. The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. This finding is appropriate with respect to the project because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

5.4.1 Alternative 1 – No Project/No Build

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a "no project" alternative, along with its impacts. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Specifically, Section 15126.6(e)(3)(B) requires that an EIR for a development project on an identifiable property address the no project alternative as circumstances under which the project does not proceed. In other words, the No Project/No Build alternative assumes that the project site would not be developed with the project.

Under the No Project/No Build alternative, the project would not be implemented on the site. None of the improvements or redevelopment associated with the project would occur. Instead, the site would remain as it exists currently, with the Scripps Mercy Hospital in operation. The No Project/No Build alternative would result in no changes to the current site conditions. The project would not be implemented, and the Scripps Mercy Hospital Campus would remain in operation as it does today.

5.4.1.1 Potentially Significant Effects

The No Project/No Build alternative would result in no changes to the current site conditions. The project would not be implemented, and the property would remain as it is today. When compared to the project, the No Project/No Build alternative would avoid the significant unmitigated operational noise impact associated with the project. The No Project/No Build alternative would also avoid mitigable impacts to health risk associated with air quality and construction noise impacts. This alternative would result in the same level of less-than-significant impact or no impact as the project relative to land use, transportation and circulation, visual effects and neighborhood character, public utilities, and public services and facilities.

5.4.1.2 Finding and Supporting Facts

The No Project/No Build alternative would not meet any of the project objectives. Most importantly, the No Project/No Build alternative would not meet the seismic safety requirements of Senate Bill 1953 by replacing the non-conforming existing hospital buildings on the campus by 2030 while maintaining existing health care operations in the community. This alternative would also not replace aging buildings and utilities infrastructure through redevelopment of the Scripps Mercy Hospital Campus in a manner that promotes community wellness, healthcare, and technology in both its facilities and its site development. The No Project/No Build alternative would not result in maximizing development intensity on the project site to allow for the optimal expansion of services to meet the needs of the community by providing patient centered, personalized, private care in the appropriate setting. A new MOB, which would house ambulatory services and programs designed to support hospital-based programs in a lower cost environment and provide growth opportunities as well as flexibility in meeting evolving outpatient needs, would not be constructed. The work environment for employees would not be enhanced and there would be no increase in employment opportunities with the expanded services offered as part of the project.

From a design perspective, the No Project/No Build alternative would not promote a welcoming patient experience by ensuring ease of access and wayfinding efficiency and by establishing the medical campus as a destination for healthcare within the community and would not further an integrated campus of programs, facilities, and operations that serve the current community health care needs. Additionally, access to and circulation within the medical campus would not be improved and new parking structures, transit, and passenger drop-off and pick-up areas would not be aligned in a way that allows for intuitive vehicular, biking, and patient-oriented access. The campus entry would not be enhanced for patients, visitors, and employees, as well as the surrounding community; nor would facility supply delivery and support services access be re-oriented in a manner that allows the campus design to focus on the patient, visitors, and staff for enhanced delivery of health care services.

Furthermore, the No Project/No Build alternative would not be feasible. State law and seismic building codes require modifications to the hospital and associated buildings in order to meet HCAI requirements by January 1, 2030.

Finding: The No Project/No Build alternative is rejected because specific economic, social, or other considerations, including matters of public policy, make this alternative infeasible.

Rationale: The No Project/No Build alternative is rejected because it would not feasibly accomplish the basic objectives of the project.

Reference: Final EIR § 10.5.1.

5.4.2 Replace Hospital Buildings Only Alternative

The Replace Existing Hospital Buildings Only alternative would demolish and reconstruct the central portion of the campus as two new hospitals and HSB in a manner that meets the requirements of Senate Bill 1953. The Behavioral Health Building and the 550 Washington Building would be demolished to allow for construction of Hospital I and the HSB. The existing Emergency Department and Scripps Mercy Hospital would then be demolished, and Hospital II would be constructed. This would allow for the existing Scripps Mercy Hospital to remain in operation while Hospital I is being constructed. All other portions of the campus would remain as they are today. Like the project, overall bed count would not change from what exists today. The MOB proposed as part of the project would not be developed under this alternative. Instead, the location of the MOB would remain a parking structure.

5.4.2.1 Potentially Significant Effects

The Replace Existing Hospital Buildings Only alternative would avoid significant and unmitigated operational noise impacts associated with the project, as this alternative would result in a decrease in trips. However, like the project, this alternative would result in significant noise impacts associated with construction and significant air quality health risk impacts associated with diesel emissions and would require mitigation measures as presented in Chapter 5.0, *Environmental Analysis*, of the Final EIR. This alternative would result in the same level of less than significant impact or no impact as the project relative to land use, transportation and circulation, visual effects and neighborhood character, public utilities, and public services and facilities.

5.4.2.2 Finding and Supporting Facts

While the Replace Existing Hospital Buildings Only alternative would meet the project's primary objective to replace existing hospital buildings on the campus in accordance with seismic safety requirements of Senate Bill 1953 by 2030, this alternative would not meet any of the project's other objectives. Specifically, this alternative would not result in replacing aging buildings and utilities infrastructure through redevelopment of the Scripps Mercy Hospital Campus in a manner that promotes community wellness, healthcare, and technology in both its facilities and its site development and would not maximize development intensity on the project site to allow for the optimal expansion of services to meet the needs of the community by providing patient centered, personalized, private care in the appropriate setting. The work environment on only a portion of the campus would be upgraded and enhanced. Due to the reduced intensity of this alternative increase employment opportunities associated with expanded services offered would not occur. Because a wholesale redesign of the medical campus would not occur, improvements to the patient experience by ensuring ease of access and wayfinding efficiency and by establishing the medical campus as a destination for healthcare within the community would also not occur and there would not be an

opportunity to fully integrate into the community a campus of programs, facilities, and operations that serve the current community health care needs. A new MOB to house ambulatory services and programs designed to support hospital-based programs in a lower cost environment and provide growth opportunities, as well as flexibility in meeting evolving outpatient needs, would also not occur under this alternative. Additionally, access to and circulation within the medical campus would not be improved and new parking structures, transit, and passenger drop-off and pick-up areas would not be aligned in a way that allows for intuitive vehicular, biking, and patient-oriented access. The campus entry would not be enhanced for patients, visitors, and employees, as well as the surrounding community; nor would facility supply delivery and support services access be re-oriented in a manner that allows the campus design to focus on the patient, visitors and staff for enhanced delivery of health care services.

Finding: The Replace Existing Hospital Buildings Only alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

Rationale: The Replace Existing Hospital Buildings Only alternative is rejected because it would not feasibly accomplish the basic objectives of the project.

Reference: Final EIR § 10.5.2.

6.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081(b) of CEQA and Sections 15093 and 15043(b) of the State CEQA Guidelines, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide benefits, of a proposed project against its unavoidable significant environmental impacts when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the project against potential unavoidable significant impacts to Land Use (Operational Noise) and Noise (Operational) associated with the project and has examined alternatives to the project that could avoid these significant impacts and has rejected them as infeasible, finding that none of them would fully meet the basic project objectives.

Each of the separate benefits of the project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all potential unavoidable significant environmental impacts identified in these findings. Any one of the reasons set forth below is sufficient to justify approval of the project. Substantial evidence supports the various benefits and such evidence can be found whether in the preceding section, which are by reference in this section, the Final EIR, or in documents that comprise the Records of Proceedings in this matter.

Having considered the entire administrative record on the project, and (i) made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project, adopting all feasible mitigation measures; (ii) examined a reasonable range of alternatives to the project and, based on this examination, determined that all those alternatives are either environmentally inferior, fail to meet the basic project objectives, or are not feasible, and therefore should be rejected; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of the project against the project's significant and unavoidable effects, the City hereby finds that the following economic, legal, social, technological, or other benefits, including region-wide benefits, of the project outweigh the potential unavoidable adverse environmental impacts and render those potential adverse environmental impacts acceptable based upon the following considerations, set forth below.

6.1 Considerations

6.1.2 Meets State Mandate to Upgrade Facilities to Seismicity Standards

The Scripps Mercy Hospital Campy project will upgrade the existing hospital to meet State seismic standards, as mandated by Senate Bill 1953. In so doing, the project provides two new hospitals and other buildings designed to provide service of state-of-the art technologies innovative care.

The Uptown community and the City as a whole will have an increase in medical needs throughout the coming years. With the scarcity of property available in the City, the ability to construct new up-to-date medical facilities is limited. Redeveloping the existing medical campus to the full extent – constructing modern buildings in a manner that meets the State’s seismic requirements and providing much needed services – will serve the growing needs of the population through the efficient use of the property at a time when more cost-effective healthcare is needed.

6.1.2 Projected to Serve Anticipated Regional Growth

According to SANDAG’s growth projections, the San Diego region is forecasted to grow to 3.9 million by 2030. The approximately 21-acre project site provides land for a central hospital solution of adequate acreage, with favorable zoning and General Plan land use designation, and appropriate geographic access for a large contingent of Scripps members and employees/care providers. Further, the project provides new facilities that allow for the provision of quality care and superior service, address capacity issues including availability of inpatient beds and operating rooms, and decrease emergency department visit wait times.

6.1.3 Consistent with Community Plan and Zoning

The Uptown Community Plan provides a long-range guide for the future physical development of the community. The Land Use Element of the Uptown Community Plan guides the future growth and development of Uptown through the distribution of land uses and the application of a range of land use designations. The project is consistent with the goals and polices of this element and allows for continued operation of the Scripps Mercy Hospital, as well as the intensification of those existing hospital uses within the current campus footprint. Redevelopment on-site will be compatible in design with the surrounding neighborhood, including residential and open space areas, and will contribute to the mixed-use nature of the adjacent Hillcrest neighborhood. The project also improves pedestrian connectivity through the provision of contiguous and non-contiguous sidewalks with landscaping to include street trees and by providing bicycle improvements along Washington Street and Fifth Avenue.

The project has been designed to comply with the regulations of the Land Development Code (LDC) to the extent possible; however, implementation of the project in a manner that maximizes efficiency

of the site requires deviations for building height, floor area ratio, and driveway widths. The deviations are necessary to allow the site to be developed consistent with the intent of the Uptown Community Plan. Each of the requested deviations relate directly to the design of the project, the property configuration, efficient and maximum use of the site area, and the surrounding development. The deviations result in a more desirable project that efficiently utilizes the site, provides a more cohesive community appearance, allows for adequate site circulation, and improves overall functionality of the project. Other than the requested deviations, the project meets all applicable regulations and development standards in effect for this site per the LDC. Project deviations do not result in significant environment impacts.

6.1.4 Compatible with Community Character

The project contributes to the distinctive character of the Medical Complex neighborhood of the Uptown community through redevelopment with statement architecture, enhanced landscaping, and gateway design components that further contribute to the distinctive character of this neighborhood. Because redevelopment will occur within an existing campus, new buildings have been designed to relate to those remaining on campus, as well as within the surroundings. Building entries will be prominent, visible, and in a location that provides logical and convenient access. Landscape materials and design unify the campus landscape to provide a sense of cohesiveness and clarify and simplify wayfinding and improve overall visitor experience.

6.1.5 Creates Temporary (construction) and Permanent Employee

The project is projected to create 900 temporary construction/trade jobs.

6.1.6 Facilitates Conservation Goals

Implementation of the project will further the City of San Diego General Plan's Conservation Element, as well as several climate change related policies aimed at reducing GHG emissions. The project establishes the following goals and strategies:

- A. Building/parking structure integrated photovoltaic and solar panels
- B. Recycled use of demolition and construction waste
- C. Incorporate nature and LED lighting to maintain Circadian rhythm
- D. Natural ventilation strategies
- E. Chilled beams in office and lab spaces
- F. Roof mounted photovoltaic system
- G. Transportation Management Plan including bicycle storage, showers, and changing stations, preferred parking for carpools, vanpools, and electric vehicles
- H. Landscapes with Southern California native, drought-tolerant species

- I. Reduced overall water usage
- J. Reclaimed water for landscape irrigation
- K. Water efficient sterilizers

6.1.7 Implements the City's Climate Action Plan

The City's CAP is a proactive step toward addressing and reducing the City's GHG emissions. The CAP provides a road map for the City to collaborate with communities in assessing vulnerability to future climate change, developing overarching adaptation strategies and implementing measures to enhance resilience. Compliance with the CAP is determined via the CAP Consistency Checklist, which evaluates such factors as land use consistency, energy and water efficiency of buildings; clean and renewable energy; and bicycling, walking, transit, and land use.

The project is consistent with the CAP and facilitates San Diego's goals of addressing climate change. The project incorporates a Transportation Demand Management (TDM) plan that encourages staff and visitors to use alternative forms of transportation other than single-occupancy vehicles and to shift vehicle trips out of the peak hour. The following TDM plan will be provided:

- The project would upgrade the existing bus stop on Washington Street and Fifth Avenue (Stop ID 11243). The project would add a shelter and maps/wayfinding signs.
- The project would provide transit information in the hospital and MOB lobbies.
- The project would provide a 30 percent subsidy (which is approximately \$1 per day per employee for the current monthly pass of \$72) towards transit passes for MTS Bus, Trolley or COASTER trains for employees who request them to promote transit usage. Additionally, the project would allow transit passes to be purchased on a pre-tax basis through convenient payroll deduction.

The project consolidates medical office space/uses and hospital care space/uses into a single campus, thereby potentially reducing impacts on existing roadways. Furthermore, the project consolidates medical office spaces/uses and hospital care space/uses into a single campus in order to cut down on vehicular trips to and from multiple health care provider sites.

The project includes improvements to facilitate the movement of motorists, bicyclists, and pedestrians within the site and provide connections to the surrounding areas. Project improvements relevant to reducing traffic hazards include:

- Construct half-width improvements to Washington Street to include a 14-foot-wide parkway with contiguous sidewalk that along the project frontage on the north side of Washington Street fronting the HSB. Due to utility and landscape conflicts, the street trees will be located within 10 feet of the right-of-way.

- On the east side of Fifth Avenue between Fifth Avenue and Washington Street, construct a 10-foot-wide parkway with a five-foot-wide landscape buffer and a five-foot-wide non-contiguous sidewalk.
- On the north side of Fifth Avenue between Fourth Avenue and Fifth Avenue, construct a 10-foot-wide parkway with a five-foot-wide contiguous sidewalk and a five-foot-wide landscape buffer.
- On the east side of Fourth Avenue between Lewis Street and Fifth Avenue, construct a 14-foot-wide parkway, which will include an eight-foot-wide landscape buffer and six-foot-wide non-contiguous sidewalk.
- On the east side of Fourth Avenue between Lewis Street and the MOB frontage, construct a 14-foot-wide parkway, which includes an eight-foot-wide landscape buffer and six-foot-wide non-contiguous sidewalk
- Construct half-width improvements along Washington Street frontage to implement the ultimate classification of a four-lane Major with buffered Class II bicycle lanes per the Uptown Community Plan. As part of this improvement, the project will stripe a buffered bike lane on the north side of Washington Street along the project frontage.

6.1.8 Reduces Vehicle Miles Traveled

By facilitating easier and improved access to the campus for pedestrians and bicyclists, the project promotes alternative means of travel, which results in a reduction in vehicle miles traveled. Additionally, with a fully integrated medical campus that provides a range of medical care and services in one location, the project allows for combined visits for patients that would otherwise need to travel to multiple locations for specific services, further supporting reduced vehicle miles traveled.

6.2 CONCLUSION

For the foregoing reasons, the City Council finds in accordance with Public Resources Code 21081(b) and 21085.5 and CEQA Guidelines 15093 and 15043, that the project's adverse, unavoidable environmental impacts are outweighed by the noted benefits, any of which individually would be sufficient to reach the conclusion that overriding findings justify the significant, unmitigated effects that were found. Therefore, the City Council has adopted this Statement of Overriding Considerations.

FEB 05 2024

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4 - vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 05 2024

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

315331

Resolution Number R-_____