



THE CITY OF SAN DIEGO

Date of Notice: April 16, 2021

NOTICE OF PREPARATION FOR AN ENVIRONMENTAL IMPACT REPORT AND PUBLIC NOTICE OF A SCOPING MEETING

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24008542

NOTICE OF PREPARATION: The City of San Diego (City) as the Lead Agency has determined the project described below will require the preparation of an Environmental Impact Report (EIR) in compliance with the California Environmental Quality Act (CEQA), which requires that public agencies consider the potentially significant adverse environmental effects of projects over which they have discretionary approval authority before taking action on those projects (Public Resources Code [PRC] Section 21000 et. seq.). According to California Code of Regulations (CCR) Title 14, Section 15064(f)(1), preparation of an EIR is required whenever a project may result in a significant adverse environmental effect. An EIR is an informational document used to inform public agency decision makers and the general public of the significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

Thereby, this Notice of Preparation of an EIR and Scoping Meeting is publicly noticed and distributed on April 5, 2021. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and placed on the City's CEQA website at: <https://www.sandiego.gov/ceqa> under "Draft Documents For Public Review" tab.

PUBLIC NOTICE OF SCOPING MEETING: Consistent with Section 21083.9 of the CEQA Statutes, a public scoping meeting will be held to solicit comments regarding the scope and analysis of the EIR. [During the current State of Emergency and in the interest of public health and safety, and in accordance with the Office of Planning and Research guidance, the City is not currently conducting in-person scoping meetings. Instead, a pre-recorded presentation is being provided.](#)

Therefore, in lieu of a public scoping meeting to be held in person, a pre-recorded presentation has been made accessible to the public and available for viewing.

HOW TO VIEW THE PRESENTATION: Members of the public will be able to access a link to watch a pre-recorded presentation via livestream at <https://www.sandiego.gov/ceqa/meetings>. The link and pre-recorded presentation will remain available for viewing between April 16, 2021 at 12:00AM through May 16, 2021 at 12:00PM.

HOW TO SUBMIT COMMENTS: Comments on this Notice of Preparation document will be accepted for 30 days following the issuance of this notice and must be received no later than May 16, 2021. When submitting comments, please reference the project name and number (Scripps Mercy Hospital Campus /No. 658548). Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when responding. Upon completion of the scoping process, all public comments will be organized and considered in the preparation of the draft environmental document

Comment letters may be submitted electronically via e-mail at: DSDEAS@sandiego.gov. Due to the COVID-19 pandemic and State orders, non-essential City staff are working remotely. The City requests that all comments be provided electronically, however if a hard copy submittal is necessary, it may be submitted to:

Jamie Kennedy
Development Services Department
1222 First Avenue, MS-501
San Diego, CA 92101

GENERAL PROJECT INFORMATION:

- **Project Name / Number:** Scripps Mercy Hospital Campus / 658548
- **Community Area:** Uptown
- **Council District:** 3

PROJECT DESCRIPTION: The project includes an amendment to Conditional Use Permit (CUP) No. 304755 and an amendment to Site Development Permit (SDP) No. 531932, to deviate from the height requirements in the Community Plan Implementation Overlay Zone-A (CPIOZ-A) of the Uptown Community Plan; a Neighborhood Use Permit (NUP) for a Comprehensive Sign Plan; a Tentative Map (TM) to adjust property lines, a Planned Development Permit (PDP) to deviate from underlying zoning for height and floor area ratio (FAR); Public Utility Easement Vacations, and Public Street Vacation, in order to allow the project demolition and construction on the Scripps Mercy Hospital Campus site. Project demolition would include:

- Facility Building,
- Generator Building and Cooling Tower,
- Behavioral Health Clinic,
- Hospital Building,
- 550 Washington Building,
- 550 Washington Parking Structure,
- Mercy Manor,
- Parking Lot 4.1, and
- Emergency Department.

Project construction would include:

- Hospital I [16 stories, approximately 630,000 square feet (SF)],
- Hospital II (16 stories, approximately 380,000 SF),
- Hospital Support Building (three stories with three levels of parking underground, approximately 65,000 SF),
- Medical Office Building I (six stories with one basement level, approximately 155,000 SF),
- Medical Office Building II (nine stories with five levels of below ground parking, approximately 300,000 SF),
- Central Energy Plant Expansion, and
- Two Utility Yards.

The Cancer Center and associated parking structure, currently under construction, would remain, as well as the College Building, Mercy Gardens, the Chapel, Central Energy Plant, and Parking Lot 12. The 21.07-acre site is designated for Community Commercial and institutional use, and zoned for Community Commercial (CC-3-8, CC-3-9), Residential-Multiple Unit (RM-3-9), and Open Space (OC-1-1, OR-1-1). The project is located in an Airport Influence Area (San Diego International Airport); FAA Part 77 Review Area; Parking Standards Transit Priority Area; Transit Area Overlay Zone; and Transit Priority Area within the CPIOZ-A of the Uptown Community Plan. **The site is not included on any Government Code listing of hazardous waste sites.**

APPLICANT: Scripps Health

RECOMMENDED FINDING: Pursuant to Section 15060(d) of the CEQA Guidelines, it appears the proposed project could result in significant environmental effects in the following areas: **Noise and Cultural Resources.**

AVAILABILITY IN ALTERNATIVE FORMAT: To request this Notice or any additional information in an alternative format, please email the Development Services Department at DSDEASNoticing@sandiego.gov. Your request should include the suggested recommended format that will assist with the review of documents.

ADDITIONAL INFORMATION: For environmental review information, contact Jamie Kennedy at (619) 446-5445. For information regarding public meetings/hearings on this project, contact Development Project Manager Travis Cleveland, at (619) 446-5407. This Notice was published in the SAN DIEGO DAILY TRANSCRIPT and distributed on April 16, 2021.

Raynard Abalos
Deputy Director
Development Services Department

ATTACHMENTS: Distribution List
Figure 1 – Vicinity Map
Figure 2 – Project Location Map and Aerial
Figure 3 – Proposed Site Plan

NOP-Scoping Meeting Distribution:

State of California

Caltrans, District 11 (31)
Cal Recycle (35)
Department of Toxic Substance Control (39)
State Clearinghouse (46)
California Department of Transportation (51A)
California Department of Transportation (51B)
Native American Heritage Commission (56)
California Energy Commission (58)

City of San Diego

Mayor's Office (91)
Councilmember Whitburn, District 3 (MS 10A)
Development Services Department
 Environmental Analysis Section – Jamie Kennedy
 Engineering – Noha Abdelmottaleb
 Geology – Patrick Thomas
 Landscaping – Vanessa Kohakura
 Planning – Philip Lizzi
 Transportation Development – Meghan Cedeno
 Water & Sewer Development – Gary Nguyen
Planning Department
 Long-Range Planning – Michael Prinz
Historical Resources Board (87)
Environmental Services Department (93A)
City Attorney (93C)

Other Interested Organizations, Groups and Individuals

San Diego Association of Governments (108)
Metropolitan Transit Systems (112)
San Diego Gas and Electric (114)
Carmen Lucas (206)
South Coastal Information Center (210)
San Diego Archaeological Center (212)
Save Our Heritage Organization (214)
Ron Christman (215)
Clint Linton (215B)
Frank Brown – Inter-Tribal Cultural Resources Council (216)
Campo Band of Mission Indians (217)
San Diego County Archaeological Society, Inc. (218)
Kumeyaay Cultural Heritage Preservation (223)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (225 A-S)
Native American Heritage Commission(222)
John Stump

Other Interested Organizations, Groups and Individuals (Cont)

Middleton Property Owner's Association (496)

Mission Hills Heritage (497)

Uptown Planners (498)

Hillside Protection Association (501)

Bankers Hill Canyon Association (502)

Allen canyon Committee (504)

UCSD Physical & Community Planning (505)

Scripps Health, Applicant

Karen Ruggels, KLR Planning, Environmental Consultant

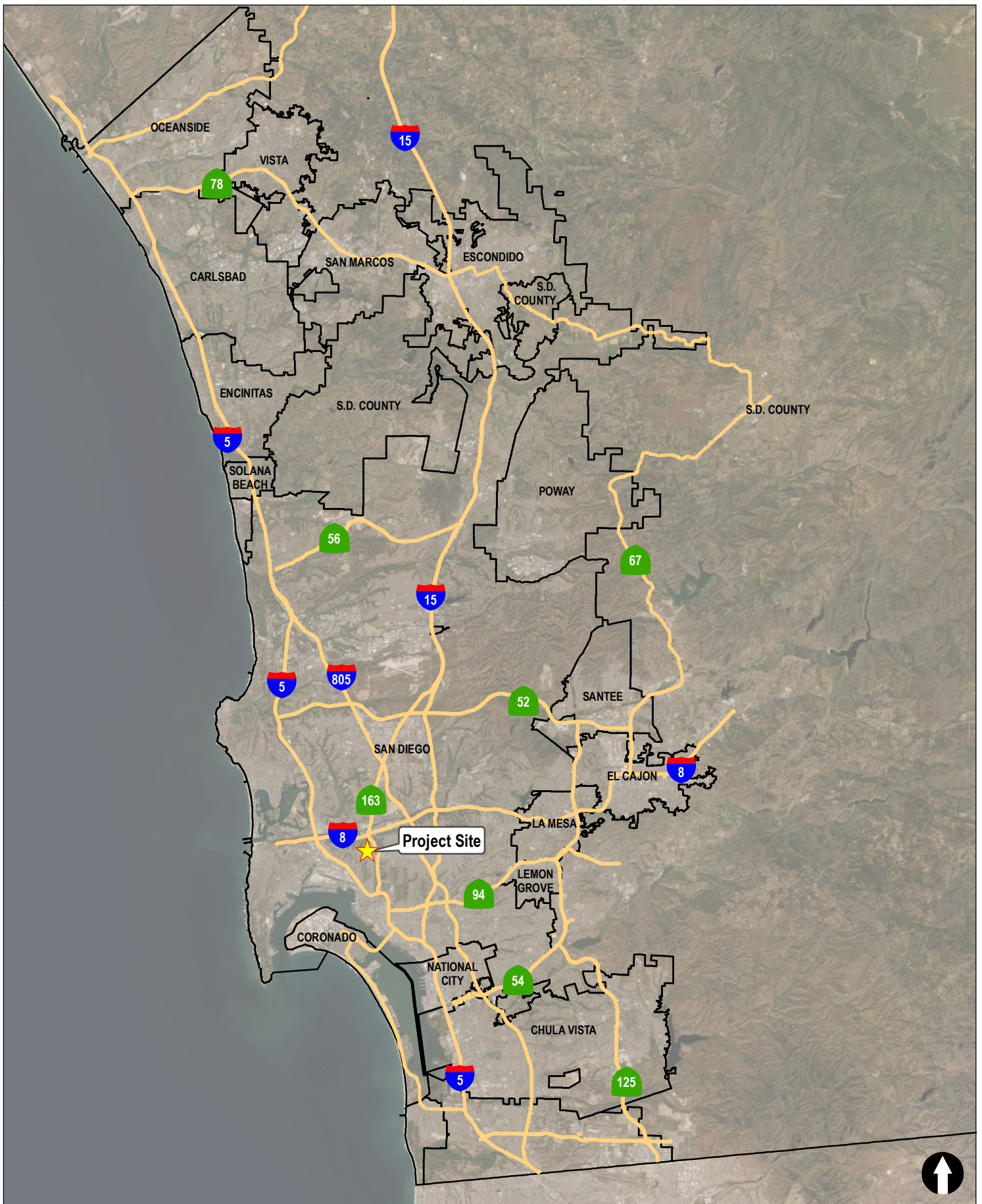



Figure 1
Vicinity Map

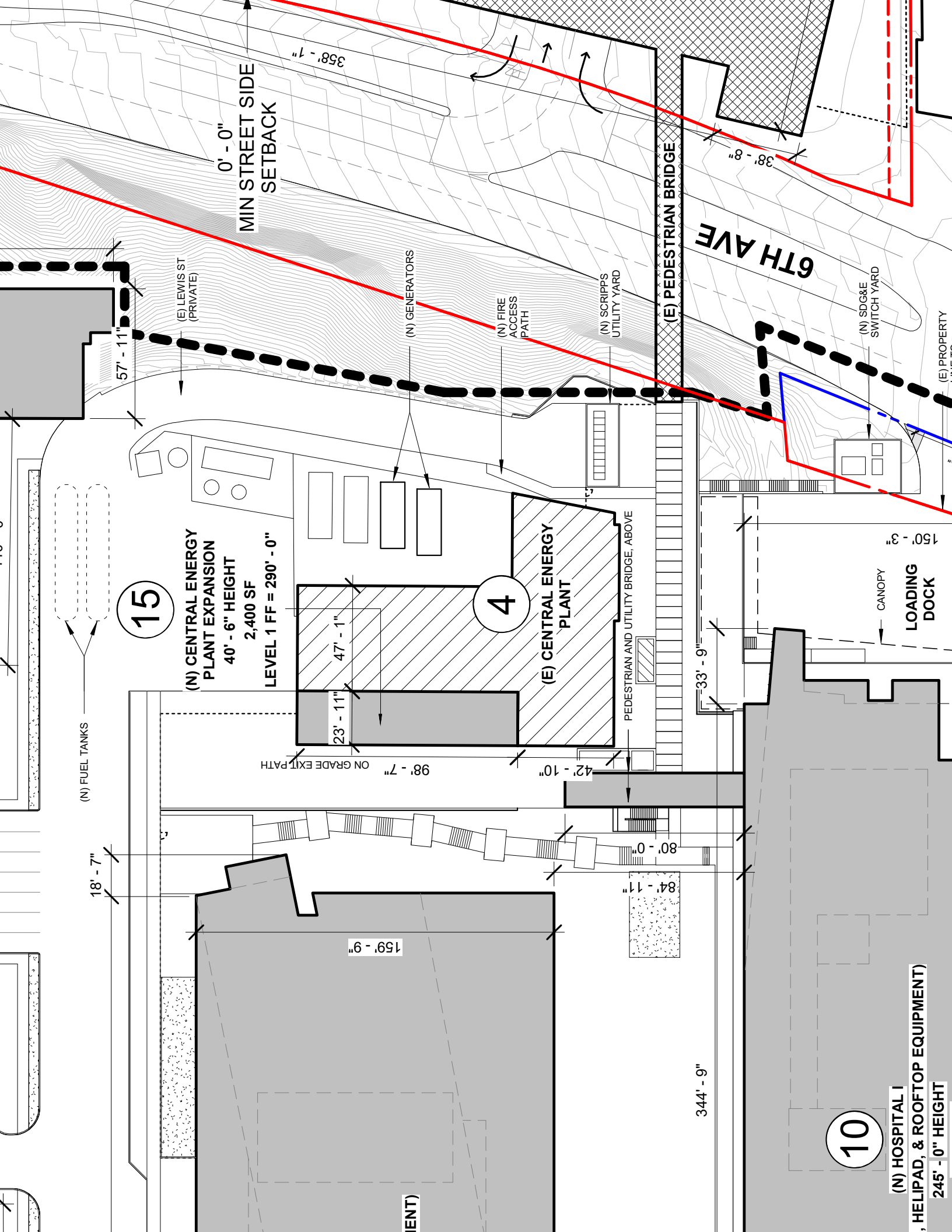
Figure 2
Scripps Mercy Hospital Campus - Project Location Map and Aerial



LEGEND

Project Site







Development Services Department
Land Development Review Division

April 23, 2021

Jeffrey Benson
SCRIPPS HEALTH
10140 Campus Point Court
San Diego, California 92121

**SUBJECT: Scope of Work for an Environmental Impact Report for the Scripps Mercy
Hospital Campus Project, Project No. 658548**

Dear Mr. Benson:

Pursuant to Section 15060(d) of the California Environmental Quality Act (CEQA), the Environmental Analysis Section (EAS) of the City of San Diego Development Services Department has determined that the Scripps Mercy Hospital Campus project (project) may have significant effects on the environment, and the preparation of an Environmental Impact Report (EIR) is required. Staff has determined that a project EIR is the appropriate environmental document for the project.

The purpose of this letter is to identify the issues to be specifically addressed in the EIR. The EIR shall be prepared in accordance with the "City of San Diego Environmental Impact Report Guidelines" (dated December 2005). The project issues to be discussed in the EIR are outlined below. A Notice of Preparation (NOP) will be distributed to the Responsible Agencies and others who may have an interest in the project as required by CEQA Section 15082.

Please note, changes or additions to the scope of work may be required as a result of input received in response to the Notice of Preparation. In addition, the applicant may adjust the project over time, and any such changes would be disclosed within the EIR under the section "History of Project Changes" and accounted for in the EIR impact analysis to the extent required by CEQA.

Each section and issue area of the EIR should provide a descriptive analysis of the project followed by a comprehensive evaluation. The EIR should also include sufficient graphics and tables which, in conjunction with the relevant narrative discussions, provide a complete and meaningful description of all major project features, the environmental impacts of the project, as well as cumulative impacts, mitigation of significant impacts, and alternatives to the project.

PROJECT DESCRIPTION

The project involves a 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, easement and street vacations, and a Planned Development Permit (PDP) for demolition and construction on the Scripps Mercy Hospital Campus site. Demolition would include the Facility Building, Generator Building and Cooling Tower, Behavioral Health Clinic, Hospital Building, 550 Washington Building, 550 Washington Parking Structure, Mercy Manor, Parking Lot 4.1, and Emergency Department. Construction for the project would include Hospital I (16 stories, approximately 630,000 square feet), Hospital II (16 stories, approximately 380,000 square feet), Hospital Support Building (three stories with three levels of parking below ground, approximately 65,000 square feet), Medical Office Building I (six stories with one basement level, approximately 155,000 square feet), Medical Office Building II (nine stories with five levels of below ground parking, approximately 300,000 square feet), Central Energy Plant Expansion, and two Utility Yards.

Discretionary Actions

The following discretionary actions are being requested, which would be processed concurrently:

- Amendment to Conditional Use Permit (CUP) No. 304755
- Amendment to Site Development Permit (SDP) No. 531932
- Planned Development Permit (PDP) to deviate from underlying zoning for height and floor area ratio
- Neighborhood Use Permit (NUP) for a Comprehensive Sign Plan
- Tentative Map (TM) to adjust property lines
- Vacations of Public Rights-of-Way
- Public Utility Vacations/Dedications.

Location of Project

The project site is located on approximately 21.07 acres generally at 4077 Fifth Avenue and is currently developed with the Scripps Mercy Hospital campus buildings, surface and structured parking, internal streets and driveways, and landscaping. In addition to the main hospital campus buildings and parking, the project site includes the Cancer Center and associated parking (4020 Fifth Avenue) and the current surface parking lot located on the east side of Sixth Avenue across from the main hospital campus. The project site is situated north of Washington Street, east of Fourth Avenue, east and west of Sixth Avenue, and south of existing residential development that is located along Arbor Drive.

The project site is located within the Medical Complex neighborhood of the Uptown Community, within the Uptown Community Plan area. The project site's land use designations in the Uptown Community Plan are Community Commercial: 0-109 Du/Ac along Washington Street, Open Space in the far northern portion of the site, and Institutional for the majority of the hospital campus. The City of San Diego General Plan land use designations are Multiple Use along Washington Street; Park, Open Space, and Recreation in the far northern portion of the site; and Institutional and Public and Semi-Public Facilities for the majority of the hospital campus. The zoning designations for the site are CC-3-8 and CC-3-9 on the hospital campus, OC-1-1 and OR-1-1 in the open space areas in the

north and north east, and RM-3-9 along the northern boundary of the site. The project would be consistent with the land use designations and zoning.

The Cancer Center and associated parking structure, currently under construction, would remain, as well as the College Building, Mercy Gardens, the Chapel, Central Energy Plant, and Parking Lot 12. A new parking structure (6th Avenue Parking Structure and Bridge) has been previously approved and will be constructed at the surface parking located on the east side of Sixth Avenue separately and in advance of major construction efforts of the project. This parking structure is part of the existing CUP for the hospital campus, and construction was previously approved under SCR No. 531932.

The project would also involve vacation and dedication of public utility easements and vacation of public street rights-of-way. Storm water easements would be vacated where storm water facilities are removed and dedicated where new storm water facilities are constructed. A portion of Sixth Avenue would be vacated along the westerly side of the street, and four street easements would be vacated at the new parking structure site on the east side of Sixth Avenue.

EIR FORMAT/CONTENT REQUIREMENTS

The EIR serves to inform governmental agencies and the public of a project's environmental impacts. Emphasis in the EIR must be on identifying feasible solutions to environmental impacts. The objective is not to simply describe and document an impact, but to actively create and suggest mitigation measures or project alternatives to substantially reduce the significant adverse environmental impacts. The adequacy of the EIR will depend greatly on the thoroughness of this effort.

The EIR must be written in an objective, clear, and concise manner, utilizing plain language. Each environmental analysis section of the EIR should provide a descriptive setting of the project as it relates to that specific issue area followed by a comprehensive evaluation of the issue area. The use of graphics and tables are encouraged to replace extensive word descriptions and to assist in clarification. Conclusions must be supported with quantitative, as well as qualitative, information, to the extent feasible. **The entire document must be left justified and is required to utilize Open Sans 10 point font.**

I. CERTIFICATION

Prior to the distribution of the draft EIR for public review, Certification pages, which are attached at the front of the draft EIR, will be prepared and provided by EAS to the consultant.

II. TITLE PAGE

The EIR shall include a Title Page that includes the Project Tracking System (PTS) number, State Clearinghouse (SCH) number, and date of publication. **DO NOT include any company logos and applicant's or consultant's names.**

III. TABLE OF CONTENTS

The Table of Contents must list all sections included in the EIR, as well as the Appendices, Tables, and Figures. Immediately following the Table of Contents, a list of acronyms and abbreviations used in the text must be provided.

IV. EXECUTIVE SUMMARY

The consultant will prepare the Executive Summary to be submitted for review with the last internal draft EIR screencheck, unless otherwise determined. The Executive Summary shall have an independent page numbering system (e.g., ES-1, ES-2). In general, the Executive Summary should reflect the EIR outline, but need not contain every element of the EIR. At a minimum, the Executive Summary must include: a brief discussion of the purpose and scope of the EIR; project location and setting; project objectives and a brief project description; impacts determined to be significant (including cumulative); impacts determined to be less than significant; areas of controversy; issues to be resolved by the decision-maker; alternatives; and lastly, a matrix listing the impacts and mitigation measures. Please refer to the Environmental Report Guidelines for further detailed information.

V. INTRODUCTION

The EIR shall introduce the project with a brief discussion on the intended use and purpose of the EIR. This discussion shall focus on the type of analysis that the EIR is providing and provide an explanation of why it is necessary to implement the project. This section shall describe and/or incorporate by reference any previously certified environmental documents that cover the project site including any EIRs. This section shall briefly describe areas where the project is in compliance or non-compliance with assumptions and mitigation contained in these previously certified documents. Additionally, this section shall provide a brief description of any other local, State, and Federal agencies that may be involved in the project review and/or any grant approvals.

VI. ENVIRONMENTAL SETTING

The EIR shall describe the precise location of the project with an emphasis on the physical features of the site and the surrounding areas and present it on a detailed topographic map or aerial photograph and regional map. This section shall also include a map(s) of the specific proposal and discuss the existing conditions on the project site and in the project area. In addition, the section shall provide a local and regional description of the environmental setting of the project, as well as the zoning and General Plan/Community Plan land use designations of the site and its contiguous properties, area topography, drainage characteristics, and vegetation. It shall include any other applicable land use plans such as the City's MSCP/MHPA, environmentally sensitive lands [steep slopes, wetlands, Federal Emergency Management Agency (FEMA), 100-year floodplain and/or floodway that may intersect the project components], and other applicable open space preserves or overlay zones that affect the project site. The section shall include a listing of any open space easements or building restricted easements that exist on the property. A description of other utilities that may be present on or in close proximity to the site and their maintenance accesses shall

also be discussed. Provide a recent aerial photo of the site and surrounding uses, and clearly identify the project location.

VII. PROJECT DESCRIPTION

The EIR shall include a detailed discussion of the goals and objectives of the project, in terms of public benefit (increase in housing supply, employment centers, etc.). Project objectives will be critical in determining the appropriate alternatives for the project, which would avoid or substantially reduce potentially significant impacts. As stated in CEQA Guidelines Section 15124 (b), "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding consideration, if necessary. The statement of objectives should include the underlying purpose of the project."

This section shall describe all discretionary actions needed to implement the project (e.g. CUP amendment, SDP amendment, easements and easement vacations, PDP, NUP, TM, and any other new permits), including all permits required from Federal, State, and local agencies. If other agencies have responsibility for approvals or project review, describe this involvement.

The discussion of the project description shall address the whole of the project. The description of the project shall include all major project features, including development density, grading (cut and fill), relocation of existing facilities, land use, retaining walls, landscaping, drainage design, improvement plans, including any off-site improvements, vehicular access points, and parking areas associated with the project. The project description shall also describe any off-site activities necessary to construct the project and shall address project phasing. The EIR shall include sufficient graphics and tables to provide a complete description of all major project features. Project phasing also should be described in this section.

VIII. HISTORY OF PROJECT CHANGES

This section of the EIR shall outline the history of the project and any physical changes that have been made to the project in response to environmental concerns identified during the review of the project (i.e. in response to City's review of the project, the NOP, public scoping meeting, or during the public review period for the draft EIR).

IX. ENVIRONMENTAL IMPACT ANALYSIS

The City of San Diego is the Lead Agency for this project, and therefore the EIR must represent the independent analyses of the Lead Agency. Accordingly, all impact analysis must be based on the City's "Significance Determination Thresholds" (2020) unless otherwise directed by the City. Below are key environmental issue areas that have been identified for this project, within which the issue statements must be addressed individually. The potential for significant environmental impacts must be thoroughly analyzed. Where there are mitigation measures that can be implemented to avoid or substantially lessen any significant impacts, those should be identified in the EIR.

Discussion of each issue statement shall include an explanation of the existing project site conditions, impact analysis, significance determination, and appropriate mitigation. The impact analysis shall address potential direct, indirect, secondary, and cumulative impacts that could be created through implementation of the project. Lastly, the EIR shall summarize each required technical study or survey report within each respective issue section, and all requested technical reports must be included as the appendices to the EIR and summarized in the text of the document. Furthermore, as required by CEQA Sections 15140 and 15147, please ensure the environmental document is written in plain language and avoids highly technical terminology and analysis.

In each environmental issue section, mitigation measures to avoid or substantially lessen impacts must be clearly identified and discussed. The ultimate outcome after mitigation should also be discussed (i.e., significant but mitigated, significant and unmitigated). If other potentially significant issue areas arise during the detailed environmental investigation of the project, consultation with Development Services Department is required to determine if these areas need to be added to the EIR. As supplementary information is required, the EIR may also need to be expanded.

Land Use

Issue 1: Would the proposal result in a conflict with the environmental goals, objectives, or recommendations of the General/Community Plan in which it is located?

Issue 2: Would the proposal require a deviation or variance, and the deviation or variance would in turn result in a physical impact on the environment?

Issue 3: Would the proposal physically divide an established community?

Issue 4: Would the proposal result in land uses which are not compatible with an adopted Airport Land Use Compatibility Plan (ALUCP) including aircraft noise levels as defined by the plan?

Issue 5: Would the proposal result in the exposure of people to noise levels which exceed the City's adopted noise ordinance or are incompatible with the Noise Compatibility Guidelines (Table NE-3) in the Noise Element of the General Plan?

The section shall provide a discussion of all applicable land use plans to establish a context in which the project is being proposed. Specifically, it shall discuss how the project implements the goals, objectives, and recommendations of the General Plan (including all applicable elements), the Uptown Community Plan, and the Land Development Code. If the project is found to be inconsistent with any adopted land use plans, the EIR would disclose and analyze any physical effects that may result from the inconsistency that could be considered significantly adverse.

The section shall provide a listing of all requested deviation(s)/variance(s). For each requested deviation or variance, provide analysis on whether the requested action would then result in a physical impact on the environment.

An acoustical technical report shall be prepared for the project that conforms to the City's Acoustical Report Guidelines (2005). The project is not located in an area subject to San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP) noise policies.

Transportation/Circulation

- Issue 1:** Would the project or plan/policy conflict with an adopted program, plan, ordinance, or policy addressing the transportation system, including transit, roadways, bicycle, and pedestrian facilities?
- Issue 2:** Would the project or plan/policy result in VMT exceeding thresholds identified in the City of San Diego Transportation Study Manual?
- Issue 3:** Would the project or plan/policy substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersection) or incomplete uses (e.g., farm equipment)?
- Issue 4:** Would the project or plan/policy result in inadequate emergency access?

A Transportation Study analyzing vehicle miles travelled (VMT) is required for the project. The Transportation Study must be prepared consistent with the City's Transportation Study Manual, to the satisfaction of the City Engineer, analyzing the traffic characteristics of the project. This section of the EIR shall summarize the Transportation Study and shall also address the project's walkability, pedestrian linkages, bicycle connectivity, and transit opportunities, taking into consideration applicable General Plan and Community Plan policies that encourage alternative travel modes. The section shall discuss the project location in a Transit Priority Area and identify the Mobility Zone number. Any fire access plan that is prepared for the project shall be referenced in this section.

Visual Quality/Neighborhood Character

- Issue 1:** Would the proposal result in a substantial obstruction of any vista or scenic view form a public viewing area as identified in the community plan?
- Issue 2:** Would the proposal result in the creation of a negative aesthetic site or project?
- Issue 3:** Would the proposal's bulk, scale, materials, or style be incompatible with surrounding development?
- Issue 4:** Would the proposal result in substantial alteration to the existing or planned character of the area, such as could occur with the construction of a subdivision in a previously under developed area? Note: for substantial alteration to occur, new development would have to be of a size, scale or design that would markedly contrast with the character of the surrounding area.
- Issue 5:** Would the proposal result in the loss of any distinctive or landmark tree(s), or stand of mature trees as defined in the community plan? (Normally, the removal of

non-native trees within a wetland as part of a restoration project would not be considered significant.)

Issue 6: Would the proposal result in substantial change in the existing landform?

Issue 7: Would the proposal create substantial light or glare which would adversely affect daytime or nighttime view in the area?

This section should evaluate grading associated with the project and the potential change in the visual environment based on the development. The EIR shall provide an evaluation of the visual quality/neighborhood character changes due to the project. Describe the structures in terms of building mass, bulk, height, and architecture. Describe or state how this complies with or is allowed by the City's standards for the zone (or proposed zone). Also address any zone deviations (such as height) that could result in substantial impacts to the visual environment. Any and all deviations/variances relating to visual quality/neighborhood character and bulk and scale must be discussed in this section. Describe how the character of the surrounding area would be affected with development of the project. The EIR shall also analyze the use of materials that could emit or reflect a significant amount of light or glare and any potential effect on nearby aviation uses. Renderings, cross sections, and/or visual simulations of the project shall be incorporated into the EIR section when possible. Address visual impacts of the project from public vantage points. Visibility of the site from public vantage points should be identified through a photo survey/inventory and/or photo simulations, and any changes in these views should be described.

Air Quality

Issue 1: Would the proposal conflict with or obstruct implementation of the applicable air quality plan?

Issue 2: Would the proposal result in a violation of any air quality standard or contribute substantially to an existing or projected air quality violation?

Issue 3: Would the proposal result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?

Issue 4: Would the proposal expose sensitive receptors to substantial pollutant concentrations?

Issue 5: Would the proposal exceed 100 pounds per day of Particulate Matter (PM)(dust)?

Issue 6: Would the proposal result in creating objectionable odors affecting a substantial number of people?

The construction and operation phases of the project have the potential to affect air quality. Construction can create short-term air quality impacts through equipment use, ground-disturbing activities, architectural coatings, and worker automotive trips. Air quality impacts resulting from the

operation of the project would be primarily generated by increases in automotive trips. An air quality analysis must be prepared which discusses the project's impact on the ability to meet state, regional, and local air quality strategies/standards, as well as any health risks associated with stationary and non-stationary (i.e., vehicular) air emission sources associated with construction and operation of the project. The air quality analysis should address the phased development of the project and take into account projected improvements in air quality as the project builds out.

This section shall describe the project's climatological setting within the San Diego Air Basin and the basin's current attainment levels for State and Federal Ambient Air Quality Standards. This section and technical study shall include: estimates of total-generated air pollutant emissions; a discussion of short- and long-term and cumulative impacts on regional air quality, including construction and operational-related sources of air pollutants; a discussion of potential dust generation during construction; evaluation of the potential for carbon monoxide hot spots (if significant impacts at nearby intersections are identified in the traffic report); and any proposed emissions reduction design features or dust suppression measures that would avoid or lessen emissions or dust-related impacts to sensitive receptors within the area.

The significance of potential air quality impacts shall be assessed, and control strategies identified. The EIR shall analyze the projects' compliance with the State Implementation Plan (SIP), the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Plan (RTIP).

The EIR shall also assess the potential health risks associated with particulate emissions from roadways. If applicable, the air quality analysis shall assess whether the proposed project would allow for future development which would create a significant adverse effect on air quality that could affect public health; therefore, include within the Air Quality Analysis any health risks associated with the project.

Greenhouse Gas Emissions

Issue 1: Would the proposal generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Issue 2: Would the proposal conflict with the City's Climate Action Plan or another applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases?

The City adopted a Climate Action Plan (CAP) that outlines the actions that the City will undertake to achieve its proportional share of State greenhouse gas (GHG) emission reductions. A project's consistency with the Climate Action Plan (CAP) is determined through compliance with the CAP Consistency Checklist, the City's adopted significance threshold for GHG emissions. Projects that are consistent with the CAP as determined through the use of this Checklist may rely on the CAP for the cumulative impacts analysis of GHG emissions.

Projects that are not consistent with the CAP must prepare a comprehensive project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in this Checklist to the extent feasible. Cumulative GHG impacts

would be significant for any project that is not consistent with the CAP. This section shall present an overview of greenhouse gas (GHG) emissions. The EIR shall provide details of the project's consistency with the CAP Consistency Checklist.

Energy

Issue 1: Would the construction and operation of the proposal result in the use of excessive amounts of electrical power?

Issue 2: Would the proposal result in the use of excessive amounts of fuel or other forms of energy (including natural gas, oil, etc.)?

Appendix F of the State CEQA Guidelines requires that potentially significant energy implications of a project shall be considered in an EIR to the extent relevant and applicable to the project. Particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy should be included in this section. The EIR shall address the estimated energy use for the project and assess whether the project would generate a demand for energy (electricity and/or natural gas) that would exceed the planned capacity of the energy suppliers. The section shall describe any proposed measures included as part of the project that would conserve energy and reduce energy consumption, with cross-references to the GHG emissions discussion as appropriate, and shall address all applicable issues described within Appendix F of the CEQA Guidelines.

Noise

Issue 1: Would the proposal result or create a significant increase in the existing ambient noise levels?

Issue 2: Would the proposal result in the exposure of people to noise levels which exceed the City's adopted noise ordinance or are incompatible with Table K-4?

Issue 3: Would the proposal result in the exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan?

Issue 4: Would the proposal result in land uses which are not compatible with aircraft noise levels as defined by an adopted airport Comprehensive Land Use Plan (CLUP)?

An acoustical analysis, prepared in accordance with the City's "Acoustical Report Guidelines," is required to determine what, if any, impacts would occur due to project implementation. The report must determine if the project has the potential to create significant noise impacts. The analysis shall consist of a comparison of the change in noise levels projected along affected roadways (as identified in the traffic study) resulting from project implementation. Include tables within the noise study, which show the existing and future noise levels of dB(A) and any increased noise levels over dB(A) in 3 dB(A) increments along affected roads.

The analysis shall discuss how the project would conform to the City of San Diego Municipal Code Noise and Abatement Control Ordinance §59.5.01. Additionally, construction noise may impact surrounding uses and the EIR shall include a discussion regarding this potential impact. The project includes a proposed modification to the helicopter flight path to address a new heliport for the proposed hospital buildings. The noise analysis shall additionally evaluate the noise impacts of the proposed heliport and flight path revisions.

Historical Resources

Issue 1: Would the proposal result in an alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object, or site?

Issue 2: Would the proposal result in any impact to existing religious or sacred uses within the potential impact area?

Issue 3: Would the proposal result in the disturbance of any human remains, including those interred outside of formal cemeteries?

Historical resources may potentially be directly or indirectly affected by project implementation and shall be discussed in this section of the EIR. A historical resources report shall be prepared, in accordance with the City's Historical Resources Guidelines, which assesses the project's potential to impact historic and/or prehistoric resources. Since demolition is proposed, the EIR shall provide information regarding the age of any existing buildings to be demolished and evidence relative to potential historic significance. Discuss the project's potential to impact existing designated resources on-site, including Historical Resources Board (HRB) #1403 and HRB #397. As appropriate, discuss the project's consistency with the Secretary of Interior Standards for the Treatment of Historic Properties (2017).

This section of the EIR shall also reference the cultural resources report and describe the environmental effects of the construction and use of the project on known archaeological resources, as well as the potential for impacts to unknown subsurface resources. If potentially significant impacts are identified, the EIR shall identify requirements for archaeological monitoring during grading operations and specify mitigation requirements for any discoveries.

Public Utilities

Issue 1: Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts with regard to the following utilities: Natural gas; Water; Sewer; Communication systems; and Solid waste disposal?

Issue 2: Would the proposal use of excessive amounts of water?

Issue 3: Does the proposal propose landscaping which is predominantly non-drought resistant vegetation?

The project would increase the demand on essential public utilities (electrical, natural gas, solar energy, solid waste generation/disposal, water, and sewer) and may require new or expanded infrastructure. This section of the EIR shall analyze the demand and supply relationships of various public utilities and discuss how the project would comply with local, state, and federal regulations for each public utility and identify any conflicts with existing and planned infrastructure. The EIR shall include a discussion of potential impacts to public utilities as a result of the project. A project-specific Waste Management Plan shall be prepared for the project and summarized in this section.

Sewer and/or water studies shall be performed to determine if appropriate sewer/water facilities are available to serve the development. The City of San Diego Public Utilities Department shall prepare a project-specific Water Supply Assessment. Analysis and conclusions of the studies shall be included in the EIR.

X. SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

This section shall discuss the significant unavoidable impacts of the project, including those significant impacts that can be mitigated but not reduced to below a level of significance. Discuss impacts that cannot be reduced to below a level of significance in spite of the applicant's willingness to implement all feasible mitigation measures. Please do not include analysis. State which impacts (if any) cannot be alleviated without imposing an alternative design or location. In such cases, describe why the project has been proposed in spite of the probable significant effects. See CEQA Guidelines Section 15126.2(b).

XI. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

In accordance with CEQA Section 15126.2(c), the EIR shall include a discussion of any significant irreversible environmental changes which would be caused by the action should it be implemented. This section shall address the use of nonrenewable resources during the construction and life of the project. See CEQA Section 15127 for limitations on the requirements for this discussion.

XII. GROWTH INDUCEMENT

The EIR shall address the potential for growth inducement through implementation of the project. The EIR shall discuss the ways in which the project: (1) is directly and indirectly growth inducing (i.e. fostering economic or population growth by land use changes, construction of additional housing, etc.); and (2) if the subsequent consequences (i.e. impacts to existing infrastructure, requirement of new facilities, roadways, etc.) of the growth inducing project would create a significant and/or unavoidable impact, and provide for mitigation or avoidance. Accelerated growth could further strain existing community facilities or encourage activities that could significantly affect the environment. This section need not conclude that growth-inducing impacts (if any) are significant unless the project would induce substantial growth or concentration of population.

XIII. CUMULATIVE IMPACTS

In accordance with CEQA Guidelines Section 15130, potential cumulative impacts shall be discussed in a separate section of the EIR. This section shall include all existing and pending development proposals within the project area, including those undergoing review with the Development Services Department, as well as recent past and reasonably foreseeable future developments and redevelopments in the community, by tiering from the conclusions of the Uptown Community Plan Update Program Environmental Impact Report (September 2016, Project No. 380611, SCH 2013121076). The discussion shall address the potential cumulative effects related to each environmental issue area that should be discussed in the EIR as outlined above.

The EIR shall summarize the overall short-term and long-term impacts this project could have in relation to other planned and proposed projects. When this project is considered with other past, present and reasonably foreseeable probable future projects within close proximity, address whether the project would result in significant environmental changes that are individually limited but cumulatively considerable. If incremental impacts do not rise to the level of cumulatively significant, the draft EIR shall make a statement to that effect.

XIV. EFFECTS FOUND NOT TO BE SIGNIFICANT

A separate section of the EIR shall include a brief discussion of why certain areas were not considered to be potentially significant and were therefore not included in the analysis of the project's impacts on the environment. For the Scripps Mercy Hospital Campus project, these include agricultural resources; mineral resources; geologic conditions; health and safety; paleontological resources; population and housing; biological resources; and public services related to libraries, parks, and schools. If issues related to these areas or other potentially significant issues areas arise during the detailed environmental investigation of the project, consultation with the Environmental Analysis Section (EAS) of the Land Development Review Division is recommended to determine if subsequent issue area discussions need to be added to the EIR. Additionally, as supplementary information is submitted (such as with the technical reports), the EIR may need to be expanded to include these or other additional areas.

XV. ALTERNATIVES

The EIR shall place major attention on reasonable alternatives that avoid or reduce the project's significant environmental impacts while still achieving the stated project objectives. Therefore, a discussion of the project's objectives should be included in this section. The alternatives shall be identified and discussed in detail and shall address all significant impacts. Refer to Section 15364 of the CEQA Guidelines for the CEQA definition of "feasible."

This section shall provide a meaningful evaluation, analysis, and comparison of alternatives' impacts to those of the project (matrix format recommended). These alternatives shall be identified and discussed in detail and shall address all significant impacts. The alternatives analysis shall be conducted with sufficient graphics, narrative and detail to clearly assess the relative level of impacts and feasibility. Issues to consider when assessing "feasibility" are site suitability, economic viability,

availability of infrastructure, General Plan consistency, other regulatory limitations, jurisdictional boundaries and the applicant's control over alternativesites (own, ability to purchase, etc.). The advantages and disadvantages of each alternativewill be compared to the proposed project and reasons for rejecting or recommending the alternative will be discussed in the EIR.

Preceding the detailed alternatives analysis, provide a section entitled "Alternatives Considered but Rejected." This section should include a discussion of preliminary alternatives that were considered but not analyzed in detail. The reasons for rejection mustbe explained in detail and demonstrate to the public the analytical route followed in rejecting certain alternatives.

No Project Alternatives

The No Project Alternative discussion shall compare the environmental effects of approving the project with impacts of not approving the project. In accordance with CEQA Guidelines Section 15126.6(e)(3)(B), the No Project Alternatives shall discuss the existing conditions at the time of the NOP, as well as what would be reasonably expected to occur in the foreseeable future if the proposed project is not approved, based on current zoning, and use designations, and available infrastructure. The No Project/Development Alternative assumesno construction associated with the proposed project, with the project site continuing to function as it does currently. The intent of this alternate is to satisfy CEQA's requirement to address development of the project site in accordance with any approved plans and/or existing zoning.

Other Project Alternatives

In addition to a No Project Alternative, the EIR shall consider other alternatives that are determined through the environmental review process that would mitigate potentially significant environmental impacts. These alternatives must be discussed and/or defined withEAS staff prior to including them in the EIR.

The Alternatives section of the EIR will be based on a description of "reasonable" project alternatives, which are capable of reducing or avoiding potentially significant impacts associated with the proposed project. Site-specific alternatives, if needed, shall be developedin response to the findings of the environmental analyses and the various technical studies and may include alternative project design to mitigate one or more of the identified significant adverse impacts of the proposed project. This may include a reduction in land useintensity, alternative land use plan(s), or feasible design scenarios.

If any of the technical reports prepared for the project identify significant impacts as a resultof project buildout, a Reduced Development Alternative that reduces those impacts shall be presented within the EIR. The Applicant shall work with City staff to determine the development area and intensity that should be considered din this alternative.

If, through the environmental analysis, other alternatives become apparent that would mitigate potential impacts, these should be discussed with EAS staff prior to including them in the Draft EIR. It is important to emphasize that the alternatives section of the EIR shall constitute a major part of

the report. The timely processing of the environmental review will likely be dependent on the thoroughness of effort exhibited in the alternative analysis.

XVI. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation measures shall be clearly identified and discussed, and their effectiveness assessed in each issue section of the EIR. A Mitigation, Monitoring, and Reporting Program (MMRP) for each issue area with significant impacts is mandatory and projected effectiveness must be assessed (i.e., all or some CEQA impacts would be reduced to below a level of significance, etc.). At a minimum, the MMRP should identify: (1) the department responsible for the monitoring; (2) the monitoring and reporting schedule; and (3) the completion requirements. In addition, mitigation measures and the monitoring and reporting program for each impact should also be contained (verbatim) to be included within the EIR in a separate section and a duplicate separate copy (Word version) must also be provided to EAS.

XVII. REFERENCES

Materials must be reasonably accessible. Use the most up-to-date possible and reference source documents.

XVIII. INDIVIDUALS AND AGENCIES CONSULTED

List those consulted in preparation of the EIR, including City and consulting staff members, titles, and affiliations. Seek out parties who would normally be expected to be a responsible agency or have an interest in the project.

APPENDICES

Include the NOP and comments received regarding the NOP and Scoping Letter. Include all accepted technical studies in PDF format.

CONCLUSION

If other potentially significant issue areas arise during detailed environmental investigation of the project, consultation with EAS staff is required to determine if these other areas need to be addressed in the EIR. Should the project description be revised, an additional scope of work may be required. Furthermore, as the project design progresses and supplementary information becomes available, the EIR may need to be expanded to include additional issue areas.

It is important to note that timely processing of your project will be contingent in large part on your selection of a well-qualified consultant. Prior to starting work on the EIR, a meeting between the consultant and EAS will be required to discuss and clarify the scope of work. Until the screencheck for the draft EIR is submitted, which addresses all of the above issues, the environmental processing timeline will be held in abeyance.

Page 16 of 16
Mr. Jeffrey Benson
April 23, 2021

Should you have any questions, please contact the environmental analyst, Jamie Kennedy at (619) 446-5445. For general questions regarding the project, please contact Travis Cleveland, Development Project Manager, at (619) 446-5407.

Sincerely,



Jamie Kennedy, Senior Planner
Development Services Department

cc: Anna McPherson, Program Manager, Development Services Department
Travis Cleveland, Development Services Department
Robin Madaffer, San Diego Land Lawyers, Inc.
Karen L. Ruggels, K L R PLANNING, Consultant

California Department of Transportation

DISTRICT 11
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SAN DIEGO, CA 92110
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May 13, 2021

11-SD-163
PM 2.989
Scripps Mercy Hospital Campus
NOP/SCH# 2021040374

Ms. Jamie Kennedy
Senior Planner
City of San Diego, Development Services Department
1222 First Avenue, MS-501
San Diego, CA 92101

Dear Ms. Jamie Kennedy:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Scripps Mercy Hospital Campus for the Notice of Preparation (NOP) located near State Route 163 (SR-163). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

Traffic Impact Study

- Provide the Transportation Impact Analysis (TIA) with Synchro files that were submitted to the City of San Diego for this development. Caltrans needs to review it for safety concerns.
- There is a safety concern at the left turn pocket from the SB SR-163 Sixth Avenue/University Avenue exit ramp left turn lane into the new proposed parking structure. If the Transportation Impact Analysis does not include the queuing of the mentioned left turn lane, provide a traffic analysis/report showing the 95th percentile queue length of the left turn pocket with the additional volumes of the proposed parking structure. The 95th percentile queue of the left turn pocket is necessary to assure the existing length of the pocket is sufficient to accommodate the additional volumes entering the parking structure. If either the TIA or the traffic analysis/report shows that the 95th queue length of the left

turn pocket exceeds the existing left turn pocket length, provide alternatives on how to resolve the safety issue.

- If any improvements within Caltrans Right-of-Way (R/W) are proposed, they must all comply with the Caltrans Highway Design Manual guidelines and standards. Provide proposed improvement plans for review.
- All pedestrian facilities that are within Caltrans R/W will need to comply with Caltrans Design Information Bulletin (DIB) 82-06.
- In accordance with Senate Bill (SB) 743, a Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) should be provided for this project. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.¹
- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.
- Please include the intersections of SR-163/Sixth Avenue and SR-163/Washington Avenue in the TIS.

Hydrology and Drainage Studies

- Provide preliminary site and grading plans.
- Provide Hydrology and Hydraulic Study for the proposed and existing conditions.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of San Diego is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

¹ California Governor's Office of Planning and Research (OPR) 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable “smart growth” type land use planning and policies.

Caltrans requests that the City continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Traffic Control Plan/Hauling

The California Department of Transportation (Caltrans) has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway network. Additional information is provided online at:

<http://www.dot.ca.gov/trafficops/permits/index.html>

A Traffic Control Plan is to be submitted to Caltrans District 11, including the interchanges at SR-163/Sixth Avenue and SR-163/Washington Avenue, at least 30 days prior to the start of any construction. Traffic shall not be unreasonably delayed. The plan shall also outline suggested detours to use during closures, including routes and signage.

Potential impacts to the highway facilities (SR-163) and traveling public from the detour, demolition and other construction activities should be discussed and addressed before work begins.

Noise

In accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of SR-163.

Glare

The proximity of the project site to SR-163 raises some concerns regarding potential glare that could pose a potential risk to motorists traveling on SR-163. The project's potential glare characteristics should be considered as part of the City's Permit approval. Caltrans would want to ensure that all lighting, including reflected sunlight and reflected night lighting, within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling on SR-163.

Environmental

The project presented appears to be adjacent to Caltrans R/W. Should elements of the project and/or mitigation measures change to effect Caltrans R/W, we would then have discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. Please contact us as we would appreciate meeting with you to discuss the elements of the Environmental Clearance documents that Caltrans will use for our subsequent environmental compliance.

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the MND/EIR that Caltrans will use for our subsequent environmental compliance.

For any proposed changes to the Sixth Avenue/Washington on-ramp and/or Sixth Avenue/Washington Separation Bridge, Caltrans must be consulted and a report prepared and submitted to Caltrans for review by the State Historic Preservation Office (SHPO).

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. If a Caltrans permit is required, include any CEQA determinations or exemptions as part of the permit application package. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

Mitigation

Mitigation measures to State facilities should be included in TIS/TIA. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any "fair share" monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

Right-of-Way

Please see attached R/W map. Please ensure compliance with Business and Professions Code paragraph 8771 on monument perpetuation requirements during construction. If any grading or construction will occur in Caltrans' R/W, please obtain a permit to perform work. Please note existing sewer easement across property of proposed parking structure, shown on our R/W Map as recorded in DB 1586-281.

Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.

Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

Ms. Jamie Kennedy, Senior Planner
May 13, 2021
Page 6

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Charlie Lecourtois, IGR Coordinator, at (619) 985-4766 or by e-mail sent to Charlie.Lecourtois@dot.ca.gov.

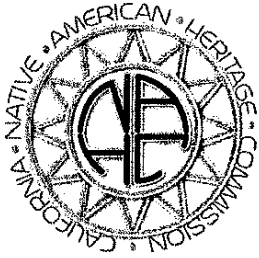
Early coordination with Caltrans and the City of San Diego is strongly advised.

Sincerely,

Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development and Intergovernmental Review

Attachments



NATIVE AMERICAN HERITAGE COMMISSION

April 20, 2021

Jamie Kennedy
Development Services Department
1222 First Avenue, MS-501
San Diego, CA 92101

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Meri Lopez-Keller
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PARLIAMENTARIAN
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Apache

COMMISSIONER
**Julie Tumamall-
Stenslie**
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
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COMMISSIONER
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EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2021040374, Scripps Mercy Hospital Campus Project, San Diego County

Dear Ms. Kennedy:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse



San Diego County Archaeological Society, Inc.

Environmental Review Committee

23 April 2021

To: Ms. Jamie Kennedy
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Notice of Preparation of a Draft Environmental Impact Report
Scripps Mercy Hospital Campus
Project No. 658548

Dear Ms. Kennedy:

Thank you for the Notice of Preparation for the subject project, received by this Society last week.

We are pleased to note the inclusion of historical resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the notice of availability of the DEIR, and its cultural resources technical report(s).

SDCAS appreciates being included in the City's environmental review process for this project.

Sincerely,

A handwritten signature in black ink that reads "James W. Royle, Jr." in a cursive style.

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File