City of Stockton

CEQA Findings of Fact
and
Statement of Overriding Considerations
for the

St. Joseph's Medical Center
Hospital Expansion Project

SCH# 2021120439

September, 2023

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Introduction

The City of Stockton ("City"), as lead agency, prepared a Draft Environmental Impact Report ("Draft EIR" or "DEIR") for the St. Joseph's Medical Center Expansion Project (""Project"). In its entirety, the documents consist of the April 17, 2023 Draft EIR and all appendices thereto including the Notice of Preparation ("NOP"), and the ___ 2023 Final EIR ("FEIR") (State Clearinghouse No. 2021120439). Where referenced in this document, the FEIR consists of both the Draft and Final Environmental Impact Reports (CEQA Guidelines, Sec. 15132, 15362, subd. (b)). As described in the FEIR, the applicants for the Project propose to construct a new acute care hospital tower, a new on-site parking structure, and either renovate or construct new hospital support buildings. The Project is implemented by means of a Master Development Plan ("MDP"), which sets forth the Site Plan and standards for development, design, site improvements Including landscaping and lighting), heliports, circulation and traffic control, parking space allocation, drainage requirements, utility infrastructure, signage, demolition of buildings, and use of modular structures. Where standards deviate from the City's Municipal Code, those deviations are identified. Otherwise, the Project is consistent with all applicable local, state, and federal requirements. These findings, as well as the accompanying statement of overriding considerations, have been prepared in accordance with the California Environmental Quality Act ("CEQA") (Pub. Resources Code, Sec. 21000 et seq) and its implementing guidelines ("CEQA Guidelines") (Cal. Code Regs, tit. 14, Sec 15000 et seq).

Acronyms and Abbreviations

The acronyms and abbreviations included in these Findings are the same as are found on page ACR-1 et seq. in the DEIR.

Project Description

Location

The main project expansion site includes the existing 18.7-acre St. Joseph's Medical Center of Stockton ("St. Joseph's" or "Medical Center") campus which is generally bounded by E. Cleveland Street to the north, E. Harding Way to the south, N. California Street to the west, and Cemetery Lane to the east in the City of Stockton. The campus is approximately 1.3 miles north of State Route 4, 2.3 miles west of State Route 99, and 2.6 miles east of Interstate 5. Adjacent land uses include commercial uses located to the west and south. The San Joaquin Catholic Cemetery borders the site to the east and County and City facilities (which include County medical clinics, a County behavioral health center, and City fire station) border the site to the south. Land uses to the west and north (across N. California Avenue and E. Cleveland Way) include residential and commercial uses. There are no residential uses immediately adjacent to the Medical Center campus. However, some residential uses are immediately adjacent to the additional off-campus properties that are within the scope of the MDP. The off-campus properties are within a 0.2-mile radius of the Medical Center campus.

Overview

Port City Operating Company, LLC, doing business as St. Joseph's Medical Center of Stockton, is the applicant for this project, which includes preparation of the MDP that establishes the foundation for the hospital expansion and provides a single, unified concept for future growth of the Medical Center campus. The MDP will serve as the primary land use and regulatory document establishing the vision, standards, and strategies to guide development of the Medical Center.

The MDP is intended to provide flexibility and simplify the City's review of subsequent development and minor modifications by establishing a Site Master Plan, development standards, and design guidelines, to guide, manage, administer, and monitor future development accompanied by a Development Agreement ("DA"), as well as other related project approvals.

The City's Envision Stockton 2040 General Plan ("General Plan") designates the Medical Center campus as Administrative Professional and Commercial. Some of the off-campus properties have a General Plan designation of Medium Density Residential. A majority of the Medical Center campus properties are zoned Commercial, Office (CO); a portion of the Medical Center campus, located south of E. Maple Street is zoned Commercial, General (CG) and the parcels between Chestnut Street and McCloud Avenue are zoned CO and Residential, Medium (RM), and the parcel at 2510 N. California Street is zoned CO. The Medical Center, as a medical-related facility, is a permitted use within the CO and CG zoning designations with a Commission Use Permit.

The MDP includes a Site Master Plan which depicts a new hospital building ("Acute Care Hospital Tower"), a new multistory Parking Structure, construction of a new Central Utility Plant, expansion of the existing Generator building and other required support facilities within the Medical Center campus boundaries, as well removal of existing buildings to accommodate the project. Support facilities may include modular buildings on or proximate to the campus, medical offices, and temporary off-site parking facilities and a shuttle service for the benefit of employees, visitors and construction workers during the construction activities. Development of the proposed project would occur over a span of five (5) phases ("Initial Expansion" phase) with a Future Expansion phase likely to include lands in the project vicinity. A detailed overview of all aspects of the proposed project are presented in Chapter 2 of the DEIR.

Project Description

The MDP is described in the Overview section immediately above. To accommodate the Project, up to eight (8) existing buildings would be removed, along with a surface parking lot and possibly a portion of the North Wing building. Five of the buildings to be removed are over fifty (50) years of age and required a Certificate of Appropriateness from the Cultural Heritage Board for their removal, which approval was granted.

The MDP includes a near-term expansion of the Medical Center that would occur mostly within the existing campus boundaries, with some temporary and modular structures and temporary parking located off-campus, on adjacent or near- adjacent properties. Development of the proposed project would occur as follows:

- the "Initial Expansion" phase (phases 1-4, which would include building demolition and site preparation in Phase 1),
- a future "Phase 5 Expansion," which is expected to occur on land within the Medical Center campus, and
- a "Future Expansion" phase that would likely require additional nearby lands.

The MDP also factors in administrative flexibility to allow St. Joseph's the ability to accommodate, over the life of the Plan, changes to federal and state regulations (for example, seismic retrofit requirements), evolving medical services and technology, project budgets and schedules, and community and regional medical needs. Two (2) options (Option A and Option B) are presented in the MDP, involving the locations of the Central Utility Plant and Plant Maintenance building. Option A includes placing the new Central Utility Plant building at the northeast corner of the Acute Care Hospital Tower and relocating the new Plant Maintenance building at the corner of E.

Cleveland Street and Cemetery Lane. Option B places the new Central Utility Plant building at the corner of E. Cleveland Street and Cemetery Lane with no change to the existing Plant Maintenance building. In response to comments received on the DEIR, the applicant also included in the MDP two Parking Structure Options. Parking Structure Option A allows up to nine (9) elevated tiers and 1,980 spaces. Parking Structure Option B allows up to six (6) elevated tiers and 1,400 spaces.

The Initial Expansion, anticipated to be built over four (4) phases, would include removal of existing buildings and other site preparation work, construction of a new Acute Care Hospital Tower, along with a new multistory Parking Structure, Central Utility Plant, Plant Maintenance building, and other required support facilities on and off the existing Medical Center campus. New on-site water and sewer infrastructure is anticipated to serve the new buildings. Chapter 2 of the DEIR provides more details specific to the various project elements.

Project Objectives

Project objectives facilitate analysis of reasonable alternatives to the proposed project. Reasonable alternatives must be analyzed in accordance with Section 15126.6 of the CEQA Guidelines.

The applicant's vision is to be known as the premier health care delivery network and teaching institution for the Northern San Joaquin Valley. The Project as proposed by the applicant would achieve the following objectives:

- Provide a broad range of healthcare services to Stockton and the surrounding Northern San Joaquin Valley to further establish St. Joseph's Medical Center of Stockton as a regional provider of health care services.
- Expand and modernize existing medical facilities to meet current patient needs and the anticipated growth in the Northern San Joaquin Valley.
- Broaden the established medical learning environment that serves as a premier teaching institution for the Northern San Joaquin Valley that will support historical and anticipated shortages of medical professionals in the region.
- Address seismic requirements imposed by Senate Bill 1953.[1]
- Provide additional capacity for acute care treatment for patients of all income levels and all payer sources in Stockton and the surrounding northern San Joaquin valley.
- Enhance building capacity for utilization of technology in the provision of health care services.
- Modernize and upgrade the existing Medical Center to meet seismic retrofit requirements as set forth in Senate Bill 1953 and do so without the temporary loss of use of patient beds.
- Improve flexibility of patient bed arrangements to meet surges in need for medical care such as was experienced with the COVID-19 Pandemic.
- Increase quantity and quality of space for graduate educational services with the goal of retaining physicians and other medical professional and technical staff trained at the Medical Center in Stockton and the surrounding northern San Joaquin valley.
- Improve quantity, quality, and proximity of parking for patients, visitors, and staff.

[1] Senate Bill 1953 was signed into law in September 1994. It amended the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 and was added to Section 130060 of the Health and Safety Code.

- Locate new buildings within a reasonable proximity to the existing medical center facilities to facilitate easy access for patients, visitors, and staff.
- Change internal site circulation to enhance emergency access for ambulances and patients transported by other third parties, focus non-patient access to the rear of the Medical Center, and complement City objectives of increasing reliance upon bicycle travel both around and into the site.
- Update existing utility connections to accommodate enhanced medical services and provide sufficient emergency back-up for expanded capacity.
- Create both short-term construction jobs related to development, including grading, infrastructure and building construction, and permanent employment-generating uses, consistent with City objectives for creation of employment opportunities for residents.
- Implement a Site Master Plan that maximizes the use and redevelopment of underutilized property to provide new opportunities for the construction of modernized, acute care facilities.
- Provide options for additional helicopter landing and parking to improve access for patients transported by helicopter to the expanded and relocated emergency facilities, and to accommodate a future trauma center designation should regional needs arise in the future.
- Maximize the efficient use of existing and very limited available land and buildings while replacement and modernization of some buildings is underway.

City Approvals

The City has identified the following immediate discretionary approvals required for the Project:

- Certification of the Environmental Impact Report,
- Adoption of the Mitigation Monitoring and Reporting Program, Statement of Overriding Considerations, and Findings of Fact,
- Adoption of the Master Development Plan (for all aspects of the comprehensive application, including, deviations from the City Municipal Code),
- Adoption by Ordinance of a Development Agreement,
- Commission Use Permit for the Medical Center Expansion,
- Amendment to Use Permit No. S27-86 (dated June 16, 1986, and July 18, 1986) related to Heliports,
- Demolition Permits for Up to Eight Structures, including Five that are older than 50 years[2] requiring a Certificate of Appropriateness; and
- Term of Temporary Activity Permits for Parking and Modular Structures.

Future discretionary approvals will include a Tentative Parcel Map to be processed by a separate application.

Future ministerial (administrative) approvals will include without limitation:

- Final Site Plan for permanent and modular structures,
- Parcel mergers and lot line adjustments,
- Demolition Permits,
- Administrative Permit for removal of existing surface parking,

[2] The City determined, based upon the environmental analysis in Section 4.4 of the EIR and Appendix E to the EIR, that there is no historical significance to any structures proposed for demolition. The Cultural Heritage Board, after consideration of information presented in a hearing held on August 2, 2023, issued a Certificate of Appropriateness for the demolition of identified buildings.

- Temporary Use Permits (for both modular structures and parking) and Building Permits, and
- Other administrative actions, as may be required.

Other Agency Actions or Approvals

The term "responsible agency" includes all state, regional, and local public agencies other than the lead agency that may have discretionary approvals associated with the implementation of some aspect of the Project (CEQA Guidelines Sec. 15381). In order to carry out the Project, these responsible agencies may have review and approval roles related to the Project:

- California Water Service – approval of the Water Supply Assessment (approved October 26, 2022)
- California Department of Health Care Access and Information (HCAI) – approval of architectural, structural and design elements for all buildings and facilities
- San Joaquin Valley Air Pollution Control District
- Central Valley Regional Water Quality Control Board

Environmental Review Process

The proposed Project was reviewed in the DEIR in accordance with the significance criteria developed by the City based on questions presented in Appendix G, "Environmental Checklist Form," of the CEQA Guidelines and the results of the Initial Study conducted for the project pursuant to CEQA Guidelines Sections 15063 and 15365. The combination of significance criteria and the results of the Initial Study were used to determine whether the Project would have significant impacts in the absence of mitigation measures. The Initial Study is included in Appendix B of the DEIR.

Notice of Preparation

In accordance with Section 15082 of the CEQA Guidelines, the City prepared and circulated a Notice of Preparation (NOP) for the Project on December 17, 2021, for a 30-day review period ending on January 18, 2022. Pursuant to CEQA Guidelines sections 15023, subdivision (c), and 15087, subdivision (f), the State Clearinghouse in the Office of Planning and Research is responsible for distributing environmental documents to State agencies, departments, boards, and commissions for review and comment. The City followed required procedures with regard to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The State Clearinghouse was obligated to make, and did make, that information available to interested agencies for review and comment. The NOP was received by the State Clearinghouse (SCH#2021120439) on December 17, 2021, and was made available for a 30-day public review period ending on January 18, 2022. The City also held a public scoping meeting on January 10, 2022, to receive comments on the NOP and discuss the scope of the DEIR. The NOP, the comments received on the NOP, and the full comments received at the scoping meeting are included in Appendix A of the DEIR.

Draft EIR

The following environmental issues were addressed in the EIR:

- Air Quality
- Aesthetics
- Biological Resources

- Cultural and Tribal Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Noise
- Public Utilities
- Transportation and Circulation

The City distributed the DEIR for public and agency review on April 17, 2023. A public review period of 45 days was provided for the DEIR, ending on June 1, 2023 (DEIR Notice of Availability, p. 1). This period satisfied the requirement of a 45-day review period as set forth in Section 15105(a) of the CEQA Guidelines.

Final EIR

The Final EIR was issued in September of 2023. The FEIR includes comments received related to the DEIR, responses to significant environmental issues raised in the comments, revisions to the text of the DEIR as necessary for clarification and to address changes to the Project, and the Mitigation Monitoring and Reporting Program ("MMRP").

Certification of the Final EIR

On September 21, 2023, the Planning Commission for the City held a public hearing on the Project, the discretionary approvals identified above, and the FEIR. At the conclusion of the hearing the Planning Commission adopted resolutions recommending certification of the FEIR as adequate and complete and recommending approval of the Project and each of the other discretionary approvals. On September 26, 2023, the City Council for the City held a public hearing on the FEIR and the Project. At the conclusion of the hearing, the City Council adopted resolutions (1) certifying the FEIR as adequate and complete and (2) approving the Project and each of the other discretionary approvals. To support such approval, the City Council makes the following Findings of Fact and Statement of Overriding Considerations (collectively the "Findings"). These Findings contain the City Council's written analysis and conclusions regarding the Project's environmental effects, mitigation measures, and alternatives to the Project. These Findings are based upon the entire record of proceedings for the FEIR, as described below.

Record of Proceedings

In accordance with Public Resources Code section 21167.6, subdivision (e), the record of proceedings for the City's decision on the Project include the following documents:

- The Notice of Preparation dated December 17, 2021, and all other public notices issued by the City in conjunction with the Project, including the Notices of Completion and Availability issued on April 17, 2023, providing notice that the DEIR had been completed and was available for public review and comment;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The DEIR for the Project, including the technical appendices;
- All comments submitted by agencies or members of the public during the comment period on the DEIR;
- All comments and correspondence submitted to the City with respect to the Project, in

addition to timely comments on the DEIR;
- The FEIR for the Project, including comments received on the DEIR, responses to those comments, revisions to the DEIR and appendices (September 2023);
- All documents cited or referenced in the Draft and Final EIRs;
- The Mitigation Monitoring and Reporting Program ("MMRP") for the Project;
- All findings and resolutions adopted by the City in connection with the Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents in the City's possession relating to the Project prepared by the City, consultants to the City, and responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's actions on the Project; All documents submitted to the City by other public agencies or members of the public in connection with the Project, through the close of the City Council public hearing on September 26, 2023;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;
- The City's General Plan and all environmental documents prepared in connection with the adoption of the General Plan;
- Provisions of the City's Zoning Code cited in materials prepared by or submitted to the City;
- Any and all resolutions adopted by the City regarding the Project, and all staff reports, analyses and summaries related to the adoption of those resolutions;
- Any documents expressly cited in these findings, in addition to those cited above;
- Any other materials required to be in the record of proceedings by Public Resources Code section 21167.6, subdivision (e) and any other applicable law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public normal business hours at the City of Stockton Community Development Department, 345 N. El Dorado Street, Stockton, California, 95202. The custodian of these documents is the Community Development Director.

Preparation and Consideration of the FEIR and Independent Judgment Findings

The City Council finds, with respect to the City's preparation, review and consideration of the FEIR, that:

- The City prepared the DEIR, with the assistance of various consultants, with input from the applicant, and under the supervision and at the direction of the City of Stockton Community Development Department.
- The City circulated the DEIR for review by responsible agencies, trustee agencies, and the public and submitted it to the State Clearinghouse for review and comment by state agencies.
- The City, with the assistance of various consultants, prepared the FEIR, and the FEIR has been completed in compliance with CEQA. The FEIR is adequate under CEQA to address the potential environmental impacts of the Project.
- The Project will have significant, unavoidable impacts as described and discussed in the FEIR.
- The FEIR has been presented to the City Council and separately to the Planning Commission. Both the City Council and the Planning Commission have independently reviewed and considered information contained in the FEIR.
- The FEIR reflects the independent judgment of the City.

By these Findings, the City ratifies, adopts and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the FEIR, except as may be specifically described in these Findings.

Consistency with Applicable Plans

The DEIR evaluates the Project to determine whether it is consistent with applicable plans, policies, and regulations. In this case, the relevant plans, policies and regulations are the City's General Plan and Municipal Code, including the Zoning Ordinance.

As noted in the DEIR and elsewhere in these Findings, the City's General Plan designates the Medical Center campus as Administrative Professional and Commercial. Some of the off-campus properties have a General Plan designation of Medium Density Residential. A majority of the Medical Center campus properties are zoned Commercial, Office (CO); a portion of the Medical Center campus, located south of E. Maple Street is zoned Commercial, General (CG) and the parcels between Chestnut Street and McCloud Avenue are zoned CO and Residential, Medium (RM), and the parcel at 2510 N. California Street is zoned CO. The Medical Center is an allowed use within the CO and CG zoning designations.

The Project does not require any General Plan amendments or rezoning. The Project is consistent with the 2040 General Plan Land Use Map designations of Administrative Professional and Commercial and also existing zoning designations of Commercial Office (CO) and Commercial, General (CG). Off-campus properties within the Master Development Plan are designated by the General Plan as Administrative Professional and Medium Density Residential. Proposed and continuing uses for the off-campus properties are consistent with the General Plan designations and also existing zoning designations of CO and RM.

As described in detail in the Master Development Plan, the proposed Medical Center expansion will also advance several policies in the General Plan, as follows:

- Policy LU-4.1 "Encourage large scale development proposals in appropriate locations that include significant numbers of higher-wage jobs and local revenue generation…." and Action LU-4.1B (specifically referencing businesses in health care);
- Policy LU-4.2 "Attract employment- and tax-generating businesses that support the economic diversity of the city."
- Policy LU-6.2 "Prioritize development and redevelopment of vacant, underutilized and blighted infill areas."
- Goal CH (Community Health)-2: Restored Communities "Restore disadvantaged communities to help them become more vibrant and cohesive neighborhoods with high-quality affordable housing, a range of employment options, enhanced social and health services, and active public spaces."
- Action CH-2.1C: "Develop incentives to promote reuse of distressed areas, such as through re-zoning, permit streamlining, density bonuses, and other appropriate tools."
- Policy CH-2.2: "Stimulate investment through partnerships with private property owners, neighborhood groups, health and housing advocates, nongovernmental organizations, and other community supporters."
- Action CH-2.2A: "….Encourage private investment in older neighborhoods. Cooperate in joint public-private partnerships to invest in older neighborhoods."
- Action CH-2.2D: "Collaborate with non-profit partners and San Joaquin Public Health Services to attract medical clinics, mental health facilities, and pharmacies in areas that

lack access to health care."

- Policy CH-3.3: "Ensure that Stockton youth and adults have access to the services and resources they need to enhance and renew their vocational and professional skills for job readiness and retention."

The EIR also evaluated whether the project as proposed would be consistent with the City of Stockton Bicycle Master Plan (2017), which incorporates N. California Street as a roadway that will implement additional bike lanes and a reduction of lanes devoted to vehicle travel. The traffic level of service analysis and circulation analysis concluded that the project as proposed is consistent with this Bicycle Master Plan.

Findings Required Under CEQA

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" This statutory command is known as the "substantive mandate" of CEQA. (See *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105, 134 (*Mountain Lion Foundation*).) Public Resource Code section 21002 also states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

The substantive mandate of CEQA is effectuated through the requirements (i) that EIRs include mitigation measures and alternatives that would substantially lessen or avoid significant environmental effects and (ii) that, at the time of project approval, agency decisionmakers adopt what are commonly called "CEQA Findings," which describe the disposition of all significant effects identified in EIRs. The statutory provision that requires such findings is Public Resources Code section 21081, subdivision (a). The parallel sections in the CEQA Guidelines include sections 15091, 15093, and 15043.

The DEIR and FEIR satisfy the first of these two (2) requirements. Detailed analyses of the potential significant environmental impacts and the proposed mitigation measures for the Project are set forth in Chapter 4 of the DEIR, with corrections and revisions as set forth in Chapter 3 of the FEIR. The DEIR also evaluated the Project's potential environmental impacts related to potential growth-inducing and cumulative impacts. Chapter 6 addresses alternatives that could reduce the severity of the significant environmental impacts that would occur under the Project.

In adopting the CEQA Findings set forth herein, in satisfaction of the second requirement, the City Council relies on the conclusions in the DEIR, as incorporated into the FEIR, in assessing and determining whether (i) changes or alterations can be required, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effects identified in the DEIR and FEIR; and (ii) specific economic, legal, social, technological, or other considerations make it infeasible to substantially lessen or avoid the remaining significant impacts, as further described in the Statement of Overriding Considerations below.

"[T]he purpose of the statutory requirement for findings is to ensure that the decision[-]making agency actually considers alternatives and mitigation measures." (*Resource Defense Fund v. Local Agency Formation Commission of Santa Cruz County* (1987) 191 Cal.App.3d 886, 896.) "The requirement ensures there is evidence of the public agency's actual consideration of alternatives and mitigation measures, and reveals to citizens the analytical process by which the

public agency arrived at its decision." (*Mountain Lion Foundation*, *supra*, 16 Cal. 4th at p. 134.) "Under CEQA, the public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives and mitigation measures." (*Ibid.*)

CEQA Guidelines section 15091 provides as follows:

"(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:

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.

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.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR."

Accordingly, for each significant impact identified herein, a finding has been made as to one or more of the following, as appropriate, in accordance with State CEQA Guidelines section 15091:

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 FEIR;

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; and/or

Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the FEIR.

A narrative of supporting facts follows the appropriate finding. The findings identify significant impacts that, even after the imposition of all feasible proposed mitigation measures, will remain significant and unavoidable. As explained in more detail below, an agency decision-making body (here, the City Council) may not approve a project with significant unavoidable environmental effects without adopting a Statement of Overriding Considerations, as required by sections 15092 and 15093 of the CEQA Guidelines.

As noted above, the substantive mandate of CEQA requires agencies to substantially lessen or avoid significant environmental effects where feasible. CEQA Guidelines section 15364 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.".

"'Feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors."

(*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 [upholding CEQA findings rejecting alternatives in reliance on applicant's project objectives]; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 1001 (CNPS) [*"*an alternative 'may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record'"], quoting Kostka & Zischke, Practice Under the Cal. Environmental Quality Act [Cont.Ed.Bar 2d ed. 2009] (*Kostka)*, § 17.30, p. 825); *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315 [court upholds agency action where alternative selected "entirely fulfill" a particular project objective and "would be 'substantially less effective' in meeting" the lead agency's "goals"]; *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 (*Bay-Delta*) ["a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal"]; and *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*) [court upholds finding rejecting lower density housing alternative as infeasible, citing city council's conclusion that the fact that "'the houses would be necessarily more expensive than those of the proposed project' and would defeat the project objective of providing the 'the least expensive single-family housing for the vicinity'"].)

A proposed mitigation measure or alternative is not feasible if the mitigation measure or alternative is not legally permissible. (See *Kenneth Mebane Ranches v. Superior Court* (1992) 10 Cal.App.4th 276, 289-292 [flood control district lacked the statutory authority to purchase property outside its boundaries for rare plant mitigation]; *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 356-360 [payment of fair share fees to mitigate off-site transportation impacts was not legally infeasible]; and *Sequoyah Hills Homeowners Assn.v. City of Oakland* (1993) 23 Cal. App. 4th 704, 715 [city council "found that requiring a decrease in project density would be *legally* infeasible in that it would be prohibited by Government Code section 65589.5, subdivision (j)"] (original italics).)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from the other context in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen". The CEQA Guidelines therefore equate "mitigating" with "substantially lessening". Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code section 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 519-521 (*Laurel Hills*), in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the

significant impacts in question to less than significant.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid(ed) or substantially lessen(ed)," these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant.

Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the Draft and Final EIR.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency decision-maker, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency decision-maker found that the project's "benefits" outweigh its "unavoidable adverse environmental effects" and on that basis consider the adverse environmental effects acceptable" under CEQA (CEQA Guidelines sections 15093 and 15043(d). See also Pub. Resources Code section 21080(b).) The California Supreme Court has stated, "(t)he wisdom of approving [any] development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore, balanced." *(Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.)

These findings constitute the City Council's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the FEIR are feasible and have not been modified, superseded or withdrawn, the City will implement these measures consistent with its decision to approve the Project.

Certifications

The City Council certifies that it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to making the following certifications and findings.

Pursuant to CEQA Guidelines section 15090, the City Council certifies that the Final EIR has been completed in compliance with CEQA and the State CEQA Guidelines. The City Council certifies the Final EIR for the actions described in these Findings and in the Final EIR.

The City Council further certifies that the Final EIR reflects the City's independent judgment and analysis.

These Findings constitute the City Council's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these Findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City Council hereby adopts the measures and binds the City and project applicants to implement these measures as conditions of Project approval.

In adopting these mitigation measures, the City Council intends to adopt each of the mitigation

measures proposed in the Final EIR, unless expressly noted otherwise. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from these Findings, said mitigation measure is hereby adopted and incorporated in the Findings below by reference. The City Council's Statement of Overriding Considerations for the Project is included herein below.

Mitigation Monitoring and Reporting Program

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project and is being approved by the City Council by the same resolution that is adopting these Findings. The City will use the Mitigation Monitoring and Reporting Program to track compliance with Project mitigation measures. The Mitigation Monitoring and Reporting Program will remain available for public review during the compliance period. The Final Mitigation Monitoring and Reporting Program is attached to and incorporated into the FEIR document and is approved in conjunction with certification of the FEIR and adoption of these Findings.

Findings Regarding Those Impacts Which Are Less Than Significant or Less Than Cumulatively Considerable

Under CEQA, no mitigation measures are required for impacts that are less than significant (Pub. Resources Code, Section 21002; CEQA Guidelines, Section 15126.4, subd. (a)(3), 15091.). The presentation of each potential impact is repeated herein verbatim from the Summary of Impacts and Mitigation Measures on pages ES-1 through ES-32 in the DEIR. Based on substantial evidence in the whole of the administrative record for the Project, including more specifically the FEIR, the City finds that implementation of the Project will not result in significant impacts in the following areas and that these potential impact areas, therefore, do not require mitigation:

Air Quality:

4.1-1 The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.
4.1-2 The proposed project would not 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.
4.1-4 The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.
4.1-5 The proposed project would not result in increased emissions of criteria pollutants in the SJVAB.

Aesthetics:

4.2-2 The proposed project would not result in a significant cumulative impact related to aesthetics or visual resources.

Biological Resources:

4.3-2 The proposed project would not substantially interfere with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
4.3-3 The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

4.3-4 The proposed project would not substantially reduce the habitat of a fish or wildlife species or cause a fish or wildlife population to drop below self-sustaining levels.
4.3-5 The proposed project would not result in a significant cumulative impact related to biological resources.

Cultural and Tribal Cultural Resources:

4.4-1 The proposed project would not cause a substantial change in the significance of a historical resource.
4.4-5 The proposed project, in conjunction with, past, present, and reasonably foreseeable probable future projects would not have a cumulative impact on archeological resources, tribal cultural resources and human remains.

Energy:

4.5-1 The proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.
4.5-2 The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.
4.5-3 Buildout of the proposed project and additional forecasted growth in the PG&E service area would not cumulatively increase the demand for electricity and natural gas supplies and infrastructure capacity.

Geology and Soils:

4.6-1 The proposed project would not expose people or structures to potentially substantial adverse events, including the risk of loss, injury, or death involving rupture of a known earthquake fault.
4.6-2 The proposed project would not expose people or structures to potentially substantial adverse events, including the risk of loss, injury, or death involving strong seismic ground shaking.
4.6-3 The proposed project would not expose people or structures to potentially substantial adverse events, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.
4.6-4 The proposed project would not expose people or structures to potentially substantial adverse events, including the risk of loss, injury, or death involving landslides.
4.6-5 The proposed project would not result in substantial soil erosion or the loss of topsoil.
4.6-6 The proposed project would be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
4.6-7 The proposed project would not be located on expansive soil that would create substantial risks to life or property.

Hazards and Hazardous Materials:

4.8-2 The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
4.8-3 The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school.
4.8-4 The proposed project site is not included on a list of hazardous material sites compiled

pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.
4.8-5 The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
4.8-6 The proposed project, when combined with past, present and reasonably foreseeable future projects, would not contribute to a cumulative increase in the potential exposure of people to hazards associated with the use and transport of hazardous materials.

Noise:

4.9-2 The proposed project would not result in the generation of excessive groundborne vibration or groundborne noise levels during construction.
4.9-3 The proposed project would not contribute to an increase in cumulative traffic noise exposing project residents to increased noise and exceed City standards.

Public Utilities:

4.10-1 The proposed project would not require the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities resulting in environmental effects.
4.10-2 The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
4.10-3 The proposed project would not result in a determination by the wastewater treatment provider that it does not have adequate capacity to serve the project's projected demand in addition to existing commitments.
4.10-4 The proposed project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
4.10-5 The proposed project would comply with all federal, state, and local management and reduction statutes and regulations related to solid waste.
4.10-6 The proposed project, when combined with past, present and reasonably foreseeable future projects, would not result in cumulatively considerable impacts related to utilities and service systems.

Transportation and Circulation:

4.11-2 The proposed project would not conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).
4.11-3 The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
4.11-4 The proposed project would not result in inadequate emergency access.
4.11-5 The proposed project would not result in a conflict with or be inconsistent with CEQA Guidelines section 15064.3(b) under cumulative conditions.

Findings Regarding Potentially Significant Impacts Which Are Mitigated to a Less Than Significant Level

The DEIR identified the potentially significant environmental impacts (or effects) that the Project could cause and/or contribute toward. A detailed analysis of potential environmental impacts and proposed mitigation measures was set forth in Chapter 4 (Sections 4.1 through 4.11) of the DEIR,

and the applicable responses to comments on the DEIR was presented in the FEIR. The DEIR evaluated the Project's potential environmental impacts to all resource areas. The Project's potential growth-inducing and cumulative impacts were also evaluated, as well as alternatives to the Project. Some of the Project's significant impacts can be fully avoided through adoption of feasible mitigation measures.

The City's findings with respect to the Project's significant impacts and mitigation measures are set forth in the FEIR and in these Findings. In making these Findings, the City Council ratifies, adopts and incorporates the analysis and explanation in the FEIR, and ratifies, adopts and incorporates into these Findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

The descriptions of potentially significant impacts are repeated herein verbatim from the Summary of Impacts and Mitigation Measures on pages ES-1 through ES-32 in the DEIR.

Air Quality:

4.1-3 The proposed project would not expose sensitive receptors to substantial pollutant concentrations.

Mitigation

MM 4.1-1: Construction Health Effects
Prior to the commencement of construction activities, the applicant shall require its construction contractor to demonstrate that project-generated construction emissions do not exceed the applicable San Joaquin Valley Air Pollution Control District (SJVAPCD) cancer risk thresholds. Compliance with this performance standard shall be achieved through the use of California Air Resources Board (CARB)- certified Tier 4 Final engines for all diesel-powered equipment pieces that are 50 horsepower or greater to the extent such Tier 4 engines are commercially available.

In the event of changed circumstances (e.g., changes in the availability of specific types of construction equipment), the applicant may submit a request to the Office of Statewide Planning and Development Facilities Development Division ("Facilities Division") for approval of a different method of achieving project-generated construction emissions that fall below the applicable SJVAPCD cancer risk threshold. Documentation shall be provided to the Facilities Division demonstrating that project-generated construction emissions do not exceed the applicable SJVAPCD cancer risk threshold with the alternate construction methods.

This shall be demonstrated using industry-standard emission estimation methodologies. If the documentation successfully demonstrates that project-generated construction emissions remain below the applicable SJVAPCD cancer risk threshold, then the Facilities Division may approve the alternate construction methods, at the Director's discretion.

Required construction equipment fleet and methodologies approved by the Facilities Division shall be included in the contract specifications for the applicant's construction contractor.

Biological Resources:

4.3-1 The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local

or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, nor substantially reduce the number or restrict the range of a rare or endangered plant or animal.

Mitigation: No mitigation required. Conditions of Approval (COA) are listed below.

COA-1: Preconstruction Nesting Bird Surveys
If vegetation removal and initial ground-disturbing activities would occur during the nesting season (March 1 – July 31) of common bird species potentially nesting on the project site, surveys for active nests shall be conducted as described below.
(a) A qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to vegetation or tree removal or ground-disturbing activities. The survey shall be conducted in suitable nesting habitat both within the limits of construction as well as within 250 feet of the limits of construction. If suitable nest habitat within 250 feet of the limits of construction occurs beyond the project boundary into adjacent privately held lands, then the survey shall only be conducted within habitat up to the project site boundary. This includes trees and shrubs adjacent to the site within that buffer distance. If vegetation removal or ground-disturbance activities are delayed, additional nest surveys shall be conducted such that no more than 14 days elapse between the survey and vegetation removal or ground-disturbance activities.
(b) If any active nests are observed during the pre-construction surveys, a qualified biologist shall establish a suitable avoidance buffer from the active nest and construction activities. The buffer distance shall be determined based on factors such as the species of bird; the presence/absence of visual barriers between the disturbance and the nest; type, intensity and extent of the disturbance; timing relative to the nesting cycle; and anticipated construction schedule. Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist.
(c) If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest shall be halted until the qualified biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the birds have fledged and/or full-time monitoring by a qualified biologist during construction activities conducted in close proximity to the nest. The buffer distance shall be determined based on the same factors set forth in paragraph b.

COA-2: Preconstruction Roosting Bat Surveys
To ensure compliance with California Fish and Game Code section 4150, if tree removal and building demolition will occur during peak bat activity periods (March 1–April 30 and August 1–October 31) when juvenile or overwintering bat species known to occur in the project region may be present, the following will be conducted to ensure protection of potentially occurring bats and their roosts on the project site. Additionally, and to the extent practicable, construction activities shall be restricted to daylight hours to reduce indirect and direct disturbance to roosting and foraging bat species.
A pre-construction bat survey shall be conducted within 30 days of the removal of any trees or buildings. The survey shall include a visual inspection of potential roosting
features (bats need not be present) and presence of guano in the construction footprint and within 50 feet of the footprint. If bats are found within the vacant buildings, or if individual bats are located within tree bark or tree crevices of trees to be removed, the individuals shall be evicted under the direction of a qualified biologist to ensure their protection and to avoid unnecessary harm.

<u>Cultural and Tribal Resources</u>:

4.4-2 The proposed project could cause a substantial adverse change in the significance of an historical resource of an archaeological nature or a unique archaeological resource.

Mitigation

MM 4.4-2: Unknown Subsurface Resources
Prior to construction, construction personnel shall receive brief "tailgate" training by a qualified archaeologist in the identification of archaeological resources and protocol for notification should such resources be discovered during construction work. Such tailgate training shall include discussion of the criteria that cause archaeological resources to qualify as either unique archaeological resources under Public Resources Code Section 21083.2, subdivision (g), or a historical resource of an archaeological nature under CEQA Guidelines Section 15064.5, subdivision (1)(a).

In the event archaeological resources (e.g., sites, features, or artifacts) are exposed during construction activities, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find (i.e., determine whether the resources qualify as unique archaeological resources or historical resources of an archaeological nature) and determine whether or not additional study is warranted. Upon such a work stoppage, the City of Stockton's Community Development Director (CDD) shall be notified immediately.

If it is determined that unique archaeological resources or historical resources of an archaeological nature are present, the qualified archaeologist shall develop mitigation or treatment measures for consideration and approval by the City's CDD. Mitigation shall be developed and implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), preservation in place may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If approved by the City's CDD, such measures shall be implemented and completed prior to commencing further work for which grading or building permits were issued, unless otherwise directed by the City's CDD. Avoidance or preservation of unique archaeological resources or historical resources of an archaeological nature shall not be required where such avoidance or preservation in place would preclude the construction of important structures or infrastructure or require exorbitant expenditures, as determined by the City's CDD. Where avoidance or preservation are not appropriate for these reasons, the professional archaeologist, in consultation with the City's CDD, shall prepare a detailed recommended treatment plan for consideration and approval by the City's CDD, which may include data recovery. If employed, data recovery strategies for unique archaeological resources that do not also qualify as historical resources of an archaeological nature shall follow the applicable requirements and limitations set forth in Public Resources Code Section 21083.2. Data recovery will normally consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of recovering important scientific data contained within the unique archaeological resource or historical resource of an archaeological nature. The data recovery plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. If data recovery is determined by the City's CDD to not be appropriate, then an equally effective treatment intended to address the specific themes or research questions of significance associated with the data of that cultural resource

shall be proposed, approved by the City's CDD, and implemented. Work may not resume within the no-work radius until the City's CDD, in consultation with the professional archaeologist, determines that the site either: (1) does not contain unique archaeological resources or historical resources of an archaeological nature; or (2) that the preservation and/or treatment measures have been completed to the satisfaction of the City's CDD.

4.4-3 The proposed project could potentially damage human remains during construction activities.

Mitigation

MM 4.4-3: Treatment of Human Remains
If human remains are discovered at any project construction site(s) during any phase of construction, all ground-disturbing activity within 50 feet of the remains shall be halted immediately, and the City of Stockton (City), the San Joaquin County coroner, and a qualified professional archaeologist shall be notified immediately. This boundary may be adjusted to meet the demands of ongoing work, so long as the location of all potential remains are effectively protected. The coroner shall examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands, in accordance with Section 7050(b) of the Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified by phone within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The Most Likely Descendent shall provide recommendations for management of these remains within 48 hours of being provided access to this site, or as otherwise agreed upon by the lando w n e r and the City.

The City shall be responsible for approval of recommended mitigation as it deems appropriate, taking into account the provisions of state law, as set forth in CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Section 5097.98 through Section 5097.994, as applicable. The applicant may choose to retain a Secretary of the Interior qualified archaeologist to review recommendations and to facilitate communication concerning human remains between the landowner and the Most Likely Descendant. If a find is archaeological in nature, Mitigation Measure 4.4-2 outlines required strategies for management.

4.4-4 The proposed project could cause an adverse change in the significance of a tribal cultural resource.

Mitigation

MM 4.4-4: Tribal Cultural Resources
To minimize the potential for destruction of or damage to existing or previously undiscovered burials, archaeological and tribal cultural resources and to identify any such resources at the earliest possible time during project-related earthmoving activities, the project applicant and its construction contractor(s) will implement the following measures:

Paid Native American monitors, compensated by the project applicant, from culturally affiliated Native American Tribes shall be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American representatives from cultural affiliated Native American Tribes act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin.

Consulting tribes and their designated Native American monitors and/or representatives shall have the authority to identify sites or objects of significance to Native Americans and to request that work be temporarily stopped, diverted or slowed if such sites or objects are identified within the direct impact area. Native American representatives shall be the primary consulted authority on Tribal Cultural Resources and shall recommend appropriate treatment of such sites or objects. All management strategies shall be in compliance with regulatory conditions and be implemented in coordination with mitigation pertaining to cultural resources and human remains (see mitigation measures 4.4-2 and 4.4-3).

Geology and Soils:

4.6-8 The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Mitigation

MM 4.6-8: Unanticipated Paleontological Discovery

(a) Prior to construction, construction personnel shall receive brief "tailgate" training by a qualified archaeologist in the identification of paleontological resources and protocol for notification should such resources be discovered during construction work.

(b) If buried paleontological resources are inadvertently discovered during ground-disturbing activities, work shall stop within 50 feet of the find. Work shall not continue at the discovery site until a qualified paleontologist can examine the find to determine whether it includes or constitutes a unique paleontological resource and, if it is, formulate mitigation recommendations for consideration and approval by the City's Community Development Director (CDD). A unique paleontological resource means a paleontological resource about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one of the two following criteria: (1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or (2) has a special and particular quality such as being the oldest of its type or the best available example of its type. Mitigation options shall include preserving the resource in place or recovering data and creating documentation for transmission to the University of California Museum of Paleontology or another institution of higher education with an established paleontological department or program.

(b)

Avoidance or preservation in place of unique paleontological resources shall not be required where such avoidance or preservation would preclude the construction of important structures or infrastructure or require exorbitant expenditures, as determined by the City's CDD.

4.6-9 The proposed project would not contribute to a cumulatively significant impact related to loss of paleontological resources.

Mitigation: See MM 4.6-8.

Hazards and Hazardous Materials:

4.8-1 The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Mitigation

MM 4.8-1: Lead-based Paint Abatement
Prior to demolition permit issuance, the project applicant or their contractor shall retain a certified abatement contractor to prepare an abatement work plan in compliance with state and federal regulations for removal of lead-based paint identified on the outside doors of the McCloud and Main Hospital Wing buildings and include a monitoring plan to be conducted by a qualified consultant during abatement activities to ensure compliance with the work plan requirements and abatement contractor specifications. In addition, a certified contractor shall collect soil samples in the locations identified in the Phase 2 ESA to be tested to ensure any soil exported off-site or stockpiled soil on-site does not exceed 50 mg/kg. Demolition plans and contract specifications shall incorporate any necessary abatement measures for the removal of materials containing lead-based paint to the satisfaction of the City's Community Development Department.

Noise:

4.9-1 The proposed project could result in generation of a temporary or permanent increase in ambient noise levels in the vicinity of the project substantially above levels without the project or in excess of standards established in the City's general plan or noise ordinance, or applicable standards of other agencies.

Mitigation

MM 4.9-1: Construction Noise
Construction operations performed between 6:30 a.m. and 7:00 a.m. Monday through Friday, weekends and holidays shall comply with the following requirements:
Equipment shall be operated to minimize banging, clattering, buzzing, and other annoying types of noises, especially near residential and other noise sensitive areas prior to work commencing between 6:30 a.m. and 7:00 a.m. Monday through Friday, weekends and holidays.
To the extent feasible, configure the construction site in a manner that keeps noisier equipment and activities as far as possible from noise sensitive locations and nearby buildings.
All auditory back-up alarms shall be disarmed and not reactivated until 7:00 a.m. on weekdays, weekends and holidays.
Signal persons and strobe lights must be used during periods when the back-up alarms are disarmed.
Schedule high noise-producing activities, such as demolition or grading operations/equipment, to only occur between the hours of 7:00 a.m. and 4:00 p.m., weekdays, weekends and holidays, to minimize potential disruption to sensitive uses.
Minimize noise-intensive activities/operations between 6:30 a.m. and 7:00 a.m., weekdays, weekends and holidays by doing the following:
Plan noisier operations during times of highest ambient noise levels (i.e., daytime hours, 7:00 a.m. to 4:00 p.m.).
Keep noise levels relatively uniform; avoid excessive and impulsive noises.
Turn off idling equipment.

MM 4.9-2: Central Utility Plant Operational Noise
Central Utility Plant operational noise levels shall be minimized through project site design, including the construction of localized barriers, and the use of acoustical absorption materials, as outlined below.
All mechanical equipment with the potential to generate excessive noise levels shall be fitted with intake and exhaust silencers, or acoustical enclosures sufficient to reduce noise levels to comply

with City of Stockton noise standards.
Mechanical equipment with the potential to generate excessive noise levels shall be located within the Central Utility Plant building wherever possible. Building penetrations such as fresh air intakes shall be fitted with acoustical louvers.
Noise generating equipment not located within the Central Utility Plant building or within adjacent service yards shall be shielded from direct line-of-sight to nearby noise-sensitive uses (approximately 475 feet to the west and 1,000 feet to the east) through the use of localized noise barriers, rooftop parapets, sound rated mechanical screens or intervening structures.
The Central Utility Plant and other mechanical equipment shall be located a sufficient distance from nearby noise sensitive receptors (approximately 475 feet to the west and 1,000 feet to the east), so that mitigated noise levels do not exceed City of Stockton noise level performance standards.

MM 4.9-3: Parking Structure ADA Ingress and Egress Notification System
The Parking Structure ADA ingress and egress notification system shall be minimized through project site design, including the selection of equipment capable of complying with the City of Stockton noise standards, equipment location, construction of localized acoustic screens, and providing documentation of compliance with the City of Stockton noise standards.
During equipment specification and selection processes, an auditory notification system capable of either being able to achieve compliance with City noise standards based on the equipment configuration; or,
Equipment selection shall place considerable deference to state-of-the-art equipment offering the best available acoustical performance (i.e., equipment configurable to produce the lowest acoustic energy as possible, while still achieving the necessary levels for appropriate notification).
For equipment specified or selected for inclusion in the Parking Structure ingress and egress notification system that is not capable of being configured and installed in a manner to inherently achieve compliance with the City of Stockton noise standards, documentation shall be provided to the City demonstrating compliance with the City of Stockton noise standards at the nearby noise-sensitive receptors.
Demonstration of compliance may be provided through substantial reference sound level data from the equipment supplier/manufacturer, or through consultation with a qualified acoustical consultant.
Should it be necessary to retain a qualified acoustical consultant to demonstrate compliance with the City noise standards, or if the manufacturer reference sound level data is deemed incomplete or insufficient, a qualified acoustical consultant shall be retained at the applicants expense to evaluate the manufacturer reference noise level data, demonstrate and provide documentation to the City that the sound levels produced by the notification system shall comply with City noise standards.
Should manufacturer sound level data not fully demonstrate compliance with the City noise standards, or if a supplemental analysis is performed post-construction, the sound level testing shall be performed by a qualified acoustical consultant or City Code Enforcement Officer familiar with and capable of documenting the notification system sound levels through the use of a precision integrating sound level meter or measurement platform that meets or exceeds the ANSI standards for type 1 or 2 sound level meters.

<u>Transportation and Circulation</u>:

4.11-1 The proposed project could conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Mitigation

MM 4.11-1: Traffic Signal
Prior to obtaining a Certificate of Occupancy, the project applicant shall coordinate with the City of Stockton on the design, construction, and implementation of a new traffic signal at the intersection of Cemetery Lane/E. Harding Way. The project applicant shall be fully responsible for the installation of the signal which would accommodate the expected future traffic demand, improve pedestrian safety, and improve emergency access via integrated traffic signal pre-emption for the adjacent Stockton Fire Station No. 9.

Based on the analysis presented in the DEIR and the FEIR, other substantial evidence in the whole of the record, and the standards of significance presented in the DEIR and the FEIR, the City Council finds that the Project's potential impact in each of the topic areas described in this section of these Findings would be significant in the absence of feasible mitigation measures. The City Council finds that the mitigation measures presented in the DEIR, the FEIR and in this section of these Findings reduce the potentially significant impacts to a less-than-significant level.

Findings Regarding Significant and Unavoidable Impacts

As noted elsewhere in these Findings, the DEIR identified the potentially significant environmental impacts (or effects) that the Project could cause and/or contribute toward. A detailed analysis of potential environmental impacts and proposed mitigation measures was set forth in Chapter 4 (Sections 4.1 through 4.11) of the DEIR, and the applicable responses to comments on the DEIR were presented in the FEIR. Although some of the Project's potentially significant impacts can be fully avoided or reduced to a less-than-significant level through adoption of feasible mitigation measures, other impacts cannot be reduced to a less-than-significant level even after adoption of feasible mitigation measures. These impacts are deemed to be significant and unavoidable.

Aesthetics

4.2-1 The proposed project would conflict with applicable zoning and other regulations governing scenic quality.

Mitigation: None available.

Greenhouse Gas Emissions

4.7-1 The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Mitigation

MM 4.7-1:

- The following GHG emission reduction measures shall be implemented: Structural support and the installation of solar panels shall be included in the Request for Proposal for the design and construction of the Parking Structure. If the proposals indicate that installation of a PV solar energy is feasible, as defined by CEQA Guidelines section 15364, St. Joseph's Medical Center (SJMC) shall contract for their installation. SJMC shall then ensure that all equipment is timely ordered and that the system is installed when the City has approved building permits and the necessary equipment has arrived. SJMC shall ensure that PV solar energy system commences operation when it has received

permission to operate the utility. SJMC shall ensure that the system is maintained at not less than 80 percent of the rated power for 20 years and at the end of the 20-year period it shall install a new PV solar system, or continue to maintain the existing system, at the same standards, for the life of the parking structure. Nothing in this measure is intended to discourage or limit the efforts of SJMC to explore serving SJMC power needs through PV solar energy systems or other renewable energy sources in other locations.

- The Parking Structure shall meet the minimum requirements of the 2022 California Green Building Standards Code ("State CalGreen") 5.106.5.3 (Electric vehicle (EV) charging), i.e., 20% of parking structure spaces EV capable; 25% of preceding number EVCS with charging equipment (EVSE) actually installed, with the installation of EVSE, but not the installation of required EV capable equipment, subject to the exceptions stated in Cal Green section 5.106.5.3(1)(a)-(c); or unless otherwise authorized by CalGreen Section 5.106.5.3.2 as to both EV capable and EVSE.
- Long-term bicycle storage facilities such as bicycle lockers, pedestal posts, and rental bicycle lockers shall be provided. Installation of bicycle charging stations shall be managed through the TDM Plan presented in Mitigation Measure 4.7-2, second bullet point.
- Include the installation of both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to the California Air Resources Board (CARB), San Joaquin Valley Air Pollution Control District (SJVAPCD), and the building manager.
- Run conduit to designated locations for future electric truck charging stations at delivery dock locations.
- Post signs at every truck exit driveway providing directional information to the nearest truck route.
- Include exterior outlets on all buildings to allow the use of electrically powered landscape equipment and the use of gas-powered landscape maintenance equipment shall be prohibited on site.
- Require the use of energy-efficient lighting LED for all street, parking, and building lighting. This reduces the amount of electricity consumed for outdoor lighting.
- Encourage telecommuting and alternative work schedules for those employees for whom remote work is acceptable.

MM 4.7-2:
The project applicant shall prepare a campus-wide Transportation Demand Management (TDM) Plan. The TDM Plan shall include a variety of trip reduction strategies to increase opportunities for transit, bicycling and walking and to incentivize ridesharing and carpooling to reduce single-occupancy vehicle trips. The TDM Plan shall have as a goal to achieve at least a five percent reduction in employee vehicle miles traveled (VMT) compared with baseline VMT as projected to exist without the TDM Plan. The TDM Plan shall be published on both visitor and patient portions of the St. Joseph's public webpage, with focus on improving content to better publicize alternative transportation options to the public no later than the issuance of the demolition permit for the first phase of the project, and shall be updated prior to the approval of the certificates of occupancy for facilities included in each subsequent phase. The following programs are proposed in the context of St. Joseph's Hospital, only, and within the context of reasonably available programs for a not-for-profit medical center with a high percentage of lower income patients. The TDM Plan shall include, at a minimum, the measures set forth below, even if they result in more than the goal of a five percent reduction in employee VMT.

Expand upon existing alternative transportation programs through the following:

1. increase prime spaces for carpool parking based on current demand (i.e., 8) to projected future demand (i.e, 16). Review annually and increase as necessary to ensure sufficient spaces for carpools;
2. evaluate use of electrical vehicle charging stations (for bicycles and vehicles) prior to the certificate of occupancy for each phase to determine if demand has exceeded supply and identify in the TDM Plan the timeline for phased increases to electric charging stations when needed with the goal that supply remains slightly larger than demand to help incentivize electric vehicle purchases;
3. establish an incentives-based commuter program to encourage employees to carpool and take alternative modes of travel to the hospital (see, e.g., subparagraphs a, e, and f)
4. increase availability and access to bicycle parking facilities; review annually and increase as necessary to ensure sufficient spaces for bicycles;
5. provide a free or low-cost ride home in cases of emergency for employees who use alternative transportation, such as carpooling, vanpooling, public transit, bicycling, and walking;
6. provide a transit bus pass to participating employees who agree to commute by transit rather than by single occupancy vehicle;
7. engage with Regional Transit to enhance bus schedules and “VanGo” (i.e., dial-a-ride) services to the Medical Center and support these enhanced services to Regional Transit staff and/or Board of Directors;
8. through the wayfinding and signage program, include directions for employees, patients, and visitors to identify locations for carpool, bicycles, shuttles, and bus stops;
9. provide shuttle service during construction to transport employees or visitors from off-site parking locations to the Medical Center;
10. rotate existing Medical Center fleet (consisting of automobiles and service vans) with electric vehicles on a standardized replacement schedule with details specified in the TDM Plan (e.g., the earlier of a need for a repair that is not cost effective given the age of a vehicle or, alternatively, a mileage threshold), and which includes consideration of commercial availability, cost, the general driving range for a vehicle, and the availability of EV charging stations for vehicles with longer driving ranges, as well as other reasonable limitations as set forth in the TDM Plan;
11. add TDM Plan information to both visitor and patient portions of the St. Joseph’s public webpage, with focus on improving content to better publicize alternative transportation options to the public;
12. provide information to employees about TDM Plan programs through (1) internal newsletter and (2) communication boards in employee gathering rooms (e.g., cafeteria, break rooms);

13. set a reasonable goal for reduced single occupancy employee vehicle trips to and from the Medical Center and report progress towards that goal as part of the Development Agreement reports based on results of good faith surveys of employees.

SJMC will provide public notice via the St. Joseph's web page of the availability of a draft TDM Plan, a link on that web page to the draft TDM Plan, and a reasonable period of time for interested members of the public to comment on the draft TDM Plan before it is finalized

In the event that the measures set forth above are insufficient to achieve the goal of a five percent (5%) reduction in employee vehicle miles traveled (VMT) compared with baseline VMT as projected to exist without the TDM Plan, the applicant shall consider additional feasible measures sufficient to make up the shortfall or, in the alternative, shall find means of reducing GHG emissions in amounts commensurate with GHG emissions associated with the VMT shortfall.

MM 4.7-3:
In order to reduce the remaining greenhouse gas (GHG) emissions to 0.50 metric tons of carbon dioxide equivalent (MT CO2e)/service population/per year, the applicant shall pursue feasible measures that contribute to an off-site GHG emissions reduction program or involve the payment of GHG offset fees. Such measures shall be included within a greenhouse gas emissions report ("emissions report") prepared by the Applicant for each phase of the project resulting in an increase in operational GHG emissions over baseline levels. The measures or offsets required in such phase-specific emissions report shall be limited to what is necessary for that phase to achieve its proportional share of the emissions reductions needed to achieve the overall efficiency threshold for the project as a whole (0.50 metric tons of carbon dioxide equivalent (MT CO2e)/service population/per year). Any GHG offsets or GHG- mitigation credits included within such emissions report must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2), which are defined for purposes of this mitigation measure as follows:

- Real—Represent reductions actually achieved (not based on maximum permit levels).
- Additional/surplus—Not already planned or required by regulation or policy (i.e., not double counted).
- Quantifiable—Readily accounted for through process information and other reliable data.
- Enforceable—Acquired through legally binding commitments/agreements.
- Validated—Verified through accurate means by a reliable third party.
- Permanent—Will remain as GHG reductions in perpetuity

Such offsets, as included in a phase-specific emissions report as noted above, shall be based on protocols consistent with the criteria set forth Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and shall not include offsets originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City of Stockton in consultation with the San Joaquin Valley Air Pollution Control District's (SJVAPCD). Offsets for GHG emissions originating from outside the United States shall not be permitted. Such GHG offsets or GHG mitigation credits must be purchased through one of the following:

- a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard;

- any registry approved by CARB to act as a registry under the California Cap and Trade program;
- the California Air Pollution Control Officers Association (CAPCOA) GHG Rx program; or
- any GHG offset or GHG mitigation program adopted the SJVAPCD.

For purposes of the preparation of such an emissions report, what is "feasible," as that word is used in the phrase "feasible measures that contribute to an off-site GHG emissions reduction program or involve the payment of GHG offset fees," is a function of the technical viability and overall cost of carbon offsets, and, specifically, whether such offsets (i) are reasonably commercially available, (ii) would be prohibitively expensive for the nonprofit applicant in light of the financial challenges of providing health care services, (iii) would materially increase the cost of the health care provided by the applicant, or (iv) would render the overall project or phase of the project economically infeasible within the meaning of CEQA case law such as *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 598-601 [proposal may be infeasible if "the marginal costs … are so great that a reasonably prudent property owner would not proceed with" the proposal].)

The City may not issue a building permit for a project phase requiring an emissions report until the City's Community Development Director has approved the emissions report for that phase. The Community Development Director may utilize outside expertise in reviewing and approving the emissions report.

If the applicant submits a proposed phase-specific report that does not meet the performance standard of 0.50 metric tons of carbon dioxide equivalent (MT CO2e)/service population/year for that phase because the applicant believes that obtaining all of the offsets required to meet that level of reduction is infeasible, the applicant shall so inform the City's Community Development Director in a feasibility report submitted in connection with the proposed emissions report.

The feasibility report shall state in writing the applicant's reasons for concluding that the acquisition of some or all of the ostensibly required carbon offsets is infeasible. The Community Development Director shall relieve the applicant of its ostensible obligation to provide such offsets if he or she finds that the applicant's conclusions on the issue of feasibility are supported by substantial evidence and conform to the definition of "feasible" set forth above.

If the Community Development Director determines that the feasibility report is not supported by substantial evidence and the applicant cannot be relieved of its ostensible obligation to provide offsets, he or she may approve the emissions report with some or all of the contested offsets despite the applicant's objections. The applicant may withdraw both its proposed emissions report and its request for a building permit for the phase rather than proceed with what the applicant considers to be an infeasible emissions report. Under such a circumstance, the applicant may choose to prepare a modified emissions report or a modified feasibility report, leading to subsequent consideration by the City's Community Development Director of the modified emissions report or the same emissions report with an updated feasibility report.

Following Community Development Director approval of a phase-specific emissions report acceptable to the applicant, the document shall be posted in a prominent place on the City's website, along with notice to the public that any interested party may file an Appeal pursuant to Stockton Municipal Code (SMC) Section 16.100. The emissions report approval and notice of the right to appeal shall be included within that portion of the City's website devoted to activities of

the Community Development Department. Consistent with SMC 16.100.020, the Planning Commission's decision may be appealed to the City Council. The decision of the City Council shall be final in accordance with SMC 16.100.040(J)(2). Council has the option of affirming, reversing, adding additional conditions to address an issue, or referring back to the Planning Commission or Director pursuant to SMC 16.100.040(G).

After the approval of a phase-specific emissions report but before the issuance of a certificate of occupancy for that phase, the applicant shall demonstrate compliance with the emissions report through the submission of phase-specific reports to the Community Development Director that identify the offsite measures and/or carbon offsets that have been implemented or obtained. The Community Development Director may utilize outside expertise in reviewing and approving the phase-specific compliance report. The reports shall include: (i) the applicable protocol(s) associated with the carbon offsets, (ii) the third-party confirmation/verification reports affiliated with the carbon offset projects, (iii) the unique serial numbers assigned by the registry(ies) to the carbon offsets to be retired to ensure that the offsets cannot be further used in any manner, and (iv) the locational attributes of the carbon offsets.

4.7-2 The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Mitigation: See MMs 4.7-1 and 4.7-2.

4.7-3 The proposed project would result in cumulatively considerable impacts with regard to greenhouse gas emissions.

Mitigation: See MMs 4.7-1 and 4.7-2.

Findings Related to Mitigation of Significant and Unavoidable Impacts

The City Council finds that the mitigation measures presented above, and related to Aesthetic impacts and Greenhouse Gas Emissions impacts, are required of the Project, but have significant and unavoidable impacts. The City Council further finds that the above measures are appropriate and feasible and would substantially reduce but not avoid the potentially significant adverse environmental effects of the Project. No additional feasible mitigation measures are available to reduce these impacts to a less-than-significant level (Public Resources Code, Section 21002; CEQA Guidelines, Sections 15091, 15126.4 (a)(2)).

The City Council has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. To the extent that these adverse impacts will not be avoided or eliminated, the City Council finds that specific economic, social, and other considerations set forth in the Statement of Overriding Considerations support approval of the Project.

Findings Related to Project Alternatives

As required by CEQA Guidelines section 15126.6, the DEIR included an evaluation of a range of reasonable potentially feasible alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. The EIR also included the mandatory No

Project Alternative.

The City Council makes the findings set forth below to support its rejection of (i) an alternative that was considered and eliminated from further analysis and (ii) the two (2) alternatives that were fully analyzed in the DEIR, in addition to the No Project Alternative.

Section 15091(a)(3) of the State CEQA Guidelines describes that one of the findings that a lead agency can make concerning significant project impacts is that specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the EIR.

With respect to project alternatives, "[t]he issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR and (2) during the agency's later consideration of whether to approve the project." (*CNPS*, *supra*, 177 Cal.App.4th at p. 981, citing *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489 (*Mira Mar*).) "But 'differing factors come into play at each stage.'" (*CNPS*, *supra*, 177 Cal.App.4th at p. 981, citing *Kostka,* § 15.9, p. 740.) "For the first phase—inclusion in the EIR—the standard is whether the alternative is *potentially* feasible." (*CNPS*, *supra*, 177 Cal.App.4th at p. 981, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489; CEQA Guidelines, § 15126.6, subd. (a).) "By contrast, at the second phase—the final decision on project approval—the decision-making body evaluates whether the alternatives are *actually* feasible." (*CNPS*, *supra*, 177 Cal.App.4th at p. 981, citing CEQA Guidelines, § 15091, subd. (a)(3).) "At that juncture, the decisionmakers may reject as infeasible alternatives that were identified in the EIR as potentially feasible." (*CNPS*, *supra*, 177 Cal.App.4th at p. 981, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489.)

"While it is up to the EIR preparer to identify alternatives as potentially feasible, the decision making body 'may or may not reject those alternatives as being infeasible' when it comes to project approval." (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, quoting *Sierra Club v. County of Napa*, *supra*, 121 Cal.App.4th at p. 1504.) "Rejection by the decision makers does not undermine the validity of the EIR's alternatives analysis." (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489.) "Like mitigation measures, potentially feasible alternatives 'are suggestions which may or may not be adopted by the decisionmakers.'" (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, quoting *No Slo Transit, Inc. v. City of Long Beach* (1987) 197 Cal.App.3d 241, 256.)

"When it comes time to decide on project approval, the public agency's decision making body evaluates whether the alternatives are *actually* feasible." (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489, and CEQA Guidelines, § 15091, subd. (a)(3).) "While staff may draft the necessary findings, the decision making body is responsible for the ultimate determination of feasibility, which cannot be delegated." (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, citing CEQA Guidelines, §§ 15025, subd. (b)(2), § 15091, subd. (a)(3).) "At this final stage of project approval, the agency considers whether "[s]pecific economic, legal, social, technological, or other considerations ... make infeasible the mitigation measures or alternatives identified in the environmental impact report." (*CNPS*, *supra*, 177 Cal.App.4th at p. 1000, citing Pub. Resources Code, § 21081, subd. (a)(3).) "Broader considerations of policy thus come into play when the decision-making body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives." (*CNPS*, *supra*, 177 Cal.App.4th at p. 1000.) Thus, "it does not subvert the CEQA environmental review process for the ultimate decision maker to reject as infeasible alternatives identified in the EIR." (*Ibid*.)

As explained earlier, at the decision-making stage "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant

economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego*, *supra*, 133 Cal.App.3d at p. 417; *CNPS*, *supra*, 177 Cal.App.4th at p. 1001; *San Diego Citizenry Group v. County of San Diego*, *supra*, 219 Cal.App.4th at p. 17.) Relatedly, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sierra Club v. County of Napa*, *supra*, 121 Cal.App.4th at pp. 1506-1509; *CNPS*, *supra*, 177 Cal. App. 4th 957, 1001; *Citizens for Open Government v. City of Lodi*, *supra*, 296 Cal.App.4th at pp. 314-315; *Sequoyah Hills*, *supra*, 23 Cal.App.4th at p. 715; and *Bay-Delta*, *supra*, 43 Cal.4th at pp. 1165, 1166.) In addition, a proposed alternative may also be *legally infeasible*. (*Sequoyah Hills*, *supra*, 23 Cal.App.4th at p. 715.)

In preparing the EIR, City staff screened the alternatives for technical, logistical, and financial feasibility, but the alternatives were not evaluated for all economic, legal, social or other considerations that make up the broader definition of "feasibility" in Section 15091(a)(3). Consistent with CEQA, moreover, staff gave primary consideration to alternatives that could reduce significant impacts while still meeting most of the basic project objectives. Any alternative that would have impacts identical to or more severe than the proposed project, or that would not meet any or most of the project objectives, were dismissed from further consideration.

For the reasons discussed above, the use of the term "infeasible" in the findings below concerning the alternatives is more expansive than references to "potentially feasible" or "feasible" in the EIR's discussion of alternatives, which was limited to technical, logistical and financial feasibility. An alternative may have been determined to be technically, logistically, and financially "feasible" by City staff in the EIR and still ultimately be concluded by the City Council, as the ultimate decisionmaker on the Project, to meet the definition of "infeasibility" per Section 15091(a)(3) as interpreted in case law, when all considerations are taken into account, as discussed above.

Alternatives Considered and Rejected as Infeasible

The following alternatives were considered on pages 6-3 and 6-4 of the DEIR, but were not evaluated in detail for the reasons presented herein.

Section 15126.6(c) of the CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected as infeasible for detailed study and briefly explain the reasons underlying the lead agency's determination. Furthermore, Section 15126(f)(1) states that "among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries…and whether the proponent can reasonably acquire or control or otherwise have access to the alternative site. No one of these factors established a fixed limit on the scope of reasonable alternatives."

An off-site alternative for a new hospital facility separate and distinct from St. Joseph's was rejected as infeasible because the Project's proposed MDP includes the existing Medical Center campus which provides various medical buildings that function as a unit. Development of new components such as the Parking Structure and new Acute Care Hospital Tower on off-site parcels would greatly affect accessibility and site connectivity. In addition, the applicant does not own any other offsite property large enough that would be feasible for this project and cannot "reasonably acquire, control or otherwise have access to [an] alternative site" (refer to CEQA Guidelines Section 15126[f][1]).

Similarly, an alternative proposal to build a separate satellite campus rather than expanding the existing Medical Center campus was rejected as infeasible because of the lack of property under the ownership of the applicant; lack of connectivity to the existing medical center facilities and services; and environmental impacts and associated costs would likely be greater and more severe than the proposed project as discussed hereafter. Building a second campus would require new infrastructure and utility connections, and other public and private services that may not be available at another site in addition to the potential loss of biological or cultural resources. It is likely that a second campus would require at least a partial duplication of services with those of the existing Medical Center campus for core and support functions, such as administrative staff. As such, it can be reasonably assumed that this alternative would significantly increase staffing requirements and costs in order to provide healthcare services to the community at the level now provided. This alternative would also increase vehicle miles traveled from the travel of staff, residents, and patients between the two (2) campuses.

An alternative proposal to eliminate the multi-story Parking Structure from the project was rejected as infeasible because without additional parking, the Medical Center would not be able to accommodate the anticipated need for expanded medical services resulting in more visitors, patients, and staff. It is likely that off-site parcels would be required to accommodate parking needs, as well as a shuttle service to the main Medical Center campus. This alternative would also require the elimination or relocation of the proposed heliport(s), which would affect the Medical Center's ability to provide timely emergency medical care.

Project Alternatives Selected for Analysis

CEQA Guidelines section 15126.6(f)(2) describes conditions under which consideration of alternative project locations are appropriate. The key question to be considered is whether or not any of the significant effects of the Project would be avoided or substantially lessened by putting the Project in another location and whether the proposed Project, placed at an alternative location, is environmentally superior to the proposed Project. Only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in an EIR.

The City's CEQA consultant considered alternative locations early in the Draft EIR preparation process. The City's consultant's key considerations in identifying an alternative location were as follows:

- Is there an alternative location where significant effects of the Project would be avoided or substantially lessened?
- Is there a site available within the City with the appropriate size, site configuration, and location characteristics such that it would meet the basic Project objectives?

The consideration of alternative locations for the Project included a review of previous land use planning and environmental documents in Stockton, including the General Plan. The City found that there are no potential alternative locations within the City with the appropriate size and characteristics that would meet the Project objectives.

It is also noted that the Project site has been identified as a site for urban development in the General Plan. As noted previously, the City's General Plan designates the Medical Center campus as Administrative Professional and Commercial, both of which allow medical uses. Off-campus properties within the MDP are designated in the General Plan as Administrative

Professional and Medium Density Residential, both of which allow the proposed and continuing uses. In addition, the applicant lacks ownership or control of any alternative sites. “Among the factors that may be taken into account when addressing the feasibility of alternatives are … whether the proponent can reasonably acquire, control or otherwise have access to the alternative site[.]” (CEQA Guidelines, § 15126.6, subd. (f)(1).)

Project Alternatives

Alternative 1: No Project Alternative

Alternative 1 is discussed in further detail on pages 6-4 and 6-5 of the DEIR.

Description

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a “No Project Alternative,” which is intended to allow decision-makers the ability to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The No Project Alternative considers the effects of forgoing the project entirely and leaving the project site in its current condition. Under this alternative, the existing Medical Center would not be expanded or upgraded in any way and a MDP would not be prepared for the campus. No new buildings would be constructed, no existing buildings would be demolished or modernized, and the Medical Center would continue to provide the same amount of healthcare services as current conditions without the ability to expand the delivery of those services to accommodate population growth.

Comparative Analysis of Environmental Effects

The No Project (No Development) Alternative would produce no changes on the project site because the site would remain in its current condition, effectively eliminating the project impacts discussed in chapter 4 of this Draft EIR and the Initial Study (see Appendix B). Under the No Project (No Development) Alternative, there would be no new project construction or operational activities and no new vehicle trips. No building demolition, construction, or ground disturbance would occur so there would be no changes to cultural resources, visual conditions, biological resources, ambient noise, or effects to other existing resources in the project area. There would be no air emissions or GHG emissions associated with construction and operation activities. No new utilities, or services would be needed to serve new buildings or land uses. All impacts that would occur from the proposed project would be avoided under this Alternative, including the significant impact resulting from conflict with regulations governing scenic quality and GHG emissions.

Relationship of Alternative 1 to Project Objectives

The No Project (No Development) Alternative would fail to achieve the proposed project objectives presented above and in the DEIR (Chapter 2, Project Description). Because no development to expand the medical center would occur, Alternative 1 would achieve none of the project objectives, including the provision of additional capacity for acute care treatment, meeting seismic retrofit requirements, improved ability to meet surges in need for medical care, and enhanced emergency access. A complete list of objectives that would not be achieved under this No Project (No Development) alternative includes:

- Provide a broad range of healthcare services to Stockton and the surrounding Northern San Joaquin Valley to further establish St. Joseph's Medical Center of Stockton as a regional provider of health care services.
- Expand and modernize existing medical facilities to meet current patient needs and the anticipated growth in the Northern San Joaquin Valley.
- Broaden the established medical learning environment that serves as a premier teaching institution for the Northern San Joaquin Valley that will support historical and anticipated shortages of medical professionals in the region.
- Address seismic requirements imposed by Senate Bill 1953.
- Provide additional capacity for acute care treatment for patients of all income levels and all payer sources in Stockton and the surrounding northern San Joaquin valley.
- Enhance building capacity for utilization of technology in the provision of health care services.
- Modernize and upgrade the existing Medical Center to meet seismic retrofit requirements as set forth in Senate Bill 1953 and do so without the temporary loss of use of patient beds.
- Improve flexibility of patient bed arrangements to meet surges in need for medical care such as was experienced with the COVID-19 Pandemic.
- Increase quantity and quality of space for graduate educational services with the goal of retaining physicians and other medical professional and technical staff trained at the Medical Center in Stockton and the surrounding northern San Joaquin valley.
- Improve quantity, quality, and proximity of parking for patients, visitors, and staff.
- Locate new buildings within a reasonable proximity to the existing medical center facilities to facilitate easy access for patients, visitors, and staff.
- Change internal site circulation to enhance emergency access for ambulances and patients transported by other third parties, focus non-patient access to the rear of the Medical Center, and complement City objectives of increasing reliance upon bicycle travel both around and into the site.
- Update existing utility connections to accommodate enhanced medical services and provide sufficient emergency back-up for expanded capacity.
- Create both short-term construction jobs related to development, including grading, infrastructure and building construction, and permanent employment-generating uses, consistent with City objectives for creation of employment opportunities for residents.
- Implement a Site Master Plan that maximizes the use and redevelopment of underutilized property to provide new opportunities for the construction of modernized, acute care facilities.
- Provide options for additional helicopter landing and parking to improve access for patients transported by helicopter to the expanded and relocated emergency facilities, and to accommodate a future trauma center designation should regional needs arise in the future.
- Maximize the efficient use of existing and very limited available land and buildings while replacement and modernization of some buildings is underway.

For the foregoing reasons, the City Council concludes, in its discretion, that the No Project Alternative, by failing to meet any project objectives, would be inconsistent with the Goals, Objectives, and Policies within the City of Stockton's General Plan. The Council therefore rejects the No Project Alternative as infeasible. (See City of Del Mar v. City of San Diego, supra, 133 Cal.App.3d at p. 417; CNPS, supra, 177 Cal.App.4th at p. 1001; San Diego Citizenry Group v. County of San Diego, supra, 219 Cal.App.4th at p. 17; Sierra Club v. County of Napa, supra, 121

Cal.App.4th at pp. 1506-1509; CNPS, supra, 177 Cal. App. 4th 957, 1001; Citizens for Open Government v. City of Lodi, supra, 296 Cal.App.4th at pp. 314-315; Sequoyah Hills, supra, 23 Cal.App.4th at p. 715; and Bay-Delta, supra, 43 Cal.4th at pp. 1165, 1166.) Stated another way, specific economic, legal, social, technological, or other considerations make infeasible the No Project Alternative identified in the Final EIR.

Alternative 2: Reduced Expansion

Alternative 2 is discussed in further detail on pages 6-5 through 6-10 of the DEIR.

Description

This alternative would reduce the scope of expansion of the Medical Center as compared to the proposed project. The Reduced Expansion Alternative (Alternative 2) would still include a new multistory Parking Structure, Acute Care Hospital Tower, replacement of the existing Central Utility Plant, and expansion of the existing Generator building and other required support facilities, including temporary uses and facilities (i.e., heliports), within the Medical Center campus. However, the overall level of development would be less than the proposed project. The new Acute Care Hospital Tower would be reduced in height to approximately 80 feet (ft) as compared to 115 ft. under the proposed project and have an approximate building area of 215,000 square feet (sf), as compared to 331,000 sf under the proposed project. The new Parking Structure would be reduced in height to 75 feet tall, compared to 115 ft under the proposed project, and would have an approximate building area of approximately 525,000 sf, as compared to up to 800,000 sf under the proposed project. The Parking Structure would still be designed to accommodate new heliport options as described under the proposed project. The new Parking Structure would provide 580 fewer parking spaces than the proposed project for a total of 1,400 spaces. The new Central Utility Plant would be located at the corner of E. Cleveland Street and Cemetery Lane and would be reduced to 20,000 sf, compared to 30,000 sf under the proposed project. No replacement or changes to the existing Plant Maintenance building would occur.

Additionally, Alternative 2 would not include the future Phase 5 Expansion that would expand the new Acute Care Hospital Tower and provide for additional parking. Since there would be no further expansion of the Acute Care Hospital Tower, this alternative would provide 144 new inpatient beds, compared to 194 new beds under the proposed project. Table 6-1 summarizes the project components under Alternative 2 as compared to the proposed project. This alternative would still expand the Medical Center and its ability to deliver healthcare services to the community, albeit to a lesser extent as compared to the proposed project.

The Alternatives analysis assumes that all applicable mitigation measures proposed for the project would still apply to this alternative.

Comparative Analysis of Environmental Effects

Under the Reduced Expansion Alternative, there would be a smaller development footprint that would accommodate 50 fewer inpatient beds and 580 fewer parking spaces compared to the proposed project. This reduced scope of development would result in impacts that are somewhat less severe or similar to those of the proposed project. A comparison between the environmental effects of the proposed project and of the Reduced Scope Alternative is included below.

Impacts Identified as Being the Same as or Similar to the Proposed Project

This alternative would have the same or similar impacts as the proposed project regarding biological resources, cultural and tribal cultural resources, and geology and soils (including paleontological resources). Because development in the project area would occur in the same area as the proposed project and would generally result in the same area or disturbance, there would be similar potential for impacts to biological resources during construction, as well cultural and tribal cultural resources or paleontological resources during ground-disturbing construction activities. To prevent impacts to biological resources, Alternative 2 would still require compliance with the project's conditions of approval (COA) including COA-1 for preconstruction nesting bird surveys and COA-2 for preconstruction roosting bat surveys. Additionally, while there is low potential for encountering intact cultural deposits, tribal cultural resources, buried human remains, or paleontological resources, this alternative would be required to comply with Mitigation Measures 4.4-2, 4.4-3, 4.4-4, and 4.6-8, the same as the proposed Project.

The proposed Project determined that there would be a significant impact associated with the presence of lead- based paints on the outside doors of the Main Hospital Wing and McCloud Building, which would be demolished to accommodate the new Acute Care Hospital Tower. Mitigation Measure 4.8-1 would require an abatement work plan and a monitoring plan for the lead-based paint during building demolition. The Reduced Expansion Alternative would still require demolition of these two buildings to accommodate the new Acute Care Hospital Tower and would require compliance with Mitigation Measure 4.8-1 to reduce the impact to a less-than-significant level. There would be no change to the severity of the impact as compared to the proposed Project.

Impacts Identified as Being Less Severe than the Proposed Project

The Reduced Expansion Alternative would reduce the severity of impacts related to air quality, aesthetics, energy, GHG emissions, noise, public utilities, and transportation.

This Alternative 2 would reduce pollutant emissions and energy associated with construction and operation, since new buildings would be reduced in size; several components including the Phase 5 expansion would not be included; and fewer new patients, staff, and visitors would be accommodated at the Medical Center. As discussed in Sections 4.1 Air Quality and 4.5 Energy of the Draft EIR, proposed project impacts regarding the potential to conflict with air quality plans, increase criteria pollutants, increase exposure of sensitive receptors to substantial pollutants (with Mitigation Measure 4.1-1), contribute to cumulative air quality impacts, increase in energy consumption, and conflict with energy plans would all be less than significant. Alternative 2 would not reduce these impacts such that there would be no impact but would lessen the intensity of these less-than-significant impacts because the scope of the project is reduced.

As discussed in Section 4.2, Aesthetics, the proposed project would result in a significant and unavoidable impact regarding conflict with regulations governing scenic quality. This is because the approval of the project's MDP would allow for buildings that are substantially taller than normally allowed by the zoning development standards provided in Title 16 of the City's Development Code. Specifically, this would allow for the Acute Care Hospital Tower and the Parking Structure to be up to 115 feet tall, greater than the height limit of 75 feet for hospitals within parcels zoned for Office Commercial/General Commercial. Under Alternative 2, the MDP would still allow for a deviation from the City's established height limit, but this would be limited to the proposed 80-foot-tall Acute Care Hospital Tower, which would only be 5 feet taller than what is allowed under the Development Code. The Parking Structure would be 75 feet tall to the top of parking deck parapet, which would comply with the existing height limit. Therefore, while Alternative 2 would still require a variance to allow for a taller building because it would exceed the City's building height limit adopted for the

purpose of protecting scenic quality, it would be to a lesser extent than the proposed project.

As discussed in Section 4.7, Greenhouse Gas Emissions, the proposed project would result in significant and unavoidable impacts regarding the generation of GHG emissions and conflict with applicable plans or regulations adopted for the purpose of reducing GHG emissions. These significant and unavoidable impacts are due to the estimated annual operational GHG emissions of 24 MT CO2e/service population/per year, which is greater than the project-specific efficiency threshold of 0.50 MT CO2e/service population/per year. The Reduced Scope Alternative would reduce operational GHG emissions due to the reduced size and scale of new components as well as a reduction in the overall number of new patients and staff. However, this alternative is not substantially less intense than the proposed project, such that operational GHG emissions would be significantly less than the proposed project and would meet the efficiency threshold of 0.50 MT CO2e/service population/per year. While there would be a reduction in the amount of GHG emissions produced from project operations, the alternative would still result in significant and unavoidable project-level and cumulative GHG impacts. Mitigation Measures 4.7-1 and 4.7-2 would still be required to implement GHG emissions reduction measures and to contribute to an off-site GHG emissions reduction program or the payment of GHG offset fees to help reduce the impact.

Under this Alternative 2, impacts related to noise would continue to be less than significant with mitigation, but these impacts would be less severe compared to the proposed project. Project construction activities are anticipated to start at 6:30 a.m. which would be outside the allowable hours of construction under the City's Municipal Code which is 7:00 a.m., and nighttime operation of the proposed Central Utility Plant may exceed the City's nighttime noise standard at nearby noise-sensitive receptors. While impacts under this alternative may be reduced from the proposed project because of a reduction in the amount of construction and potential for smaller noise-generating equipment to be housed at the Central Utility Plant, this alternative is still anticipated to require compliance with Mitigation Measure 4.9-1 to address construction noise and Mitigation Measure 4.9-2 to minimize operational noise levels from the Central Utility Plant.

As discussed in Section 4.10, Public Utilities, the proposed project would increase operational water demand by 243.6 acre-feet per year (AFY) or 79,357,944 gallons per year (GPY). This water demand does not include water used for construction which would be needed for dust control and other construction needs, since this water demand would be relatively low compared to what full buildout operational demand would be and is considered negligible. Alternative 2 would reduce water and wastewater demand compared to the proposed project, primarily resulting from removal of Phase 5 from the project which would result in 50 fewer new inpatient beds. The Water Supply Assessment (WSA) prepared for the project (included under Appendix H) assumes that each new bed would demand 350 gallons of water per day (GPD). Therefore, with 50 fewer inpatient beds, there would be a reduction in water demand of 23,100 GPD or 8,316,000 gallons per year (GPY). Alternative 2 would also reduce the size of buildings, which would reduce water needed for construction, although this would be negligible compared to operational demand and is therefore not quantified. Alternative 2 would not reduce water demand such that there would be no impact but, would lessen the intensity of this less-than-significant impact.

Similarly, the reduction in 50 inpatient beds would also reduce wastewater demand compared to the proposed project. According to Appendix H, each new bed would generate an average of 500 GPD of wastewater. Therefore, 50 fewer inpatient beds would result in a reduction of 25,000 GPD of wastewater compared to the proposed project. Wastewater impacts would still be less than significant but would be less severe than the proposed project.

The project's increase in demand for solid waste disposal is also addressed in Section 4.10 of this Draft EIR. The amount of operational solid waste generated by the project is based on CalRecycle guidance for hospital land uses, which is 16 pounds per day per bed. Therefore, 50 fewer inpatient beds under Alternative 2 would result in 800 fewer pounds of solid waste per day. For construction, the amount of waste and debris produced is estimated to be 3.89 pounds per sf of construction and 155 pounds per sf of demolition, based on guidance from the US Environmental Protection Agency. As shown in Table 6-1, Alternative 2 would result in approximately 767,000 sf of construction. Demolition would be the same with the exception of the 8,962 sf Plant Maintenance building, which would remain in place, for a total of 81,106 sf of demolition. This would result in 2,983,630 pounds (1,492 tons) of construction waste and 12,571,430 pounds (6,286 tons) of demolition waste, compared to 2,599 tons of construction waste and 6,980 tons of demolition waste for the proposed project. Solid waste impacts would still be less than significant but would be less severe than the proposed project.

As discussed in Section 4.11, Transportation and Circulation, the proposed project would warrant a new traffic signal at the Cemetery Lane/E. Harding Way intersection to ensure pedestrian safety and emergency access would not be affected. Under this alternative, the proposed project would accommodate 50 fewer inpatient beds which would reduce trip generation from the project. This reduction would help to reduce project traffic at the Cemetery Lane/E. Harding Way intersection by approximately 10 project trips. This reduction in traffic would result in the intersection not meeting the peak hour signal warrant, below the 100 vehicles per hour approach threshold for minor street approaches. The new traffic signal would not be warranted under this alternative and therefore this impact would be less than significant without requiring mitigation.

Impacts Identified as Being More Severe than the Proposed Project

There would be no impacts identified as being more severe than the proposed Project.

Relationship of Alternative 2 to Project Objectives

The Reduced Expansion Alternative would fully achieve the following project objectives:

- Locate new buildings within a reasonable proximity to the existing medical center facilities to facilitate easy access for patients, visitors, and staff.
- Modernize and upgrade the existing Medical Center to meet seismic retrofit requirements as set forth in Senate Bill 1953 and do so without the temporary loss of use of patient beds.
- Change internal site circulation to enhance emergency access for ambulances and patients transported by other third parties, focus non-patient access to the rear of the Medical Center, and complement City objectives of increasing reliance upon bicycle travel both around and into the site.
- Update existing utility connections to accommodate enhanced medical services and provide sufficient emergency back-up for expanded capacity.
- Provide options for additional helicopter landing and parking to improve access for patients transported by helicopter to the expanded and relocated emergency facilities, and to accommodate a future trauma center designation should regional needs arise in the future.
- Maximize the efficient use of existing and very limited available land and buildings while replacement and modernization of some buildings are underway.

The following project objectives would be achieved, but would be less effective than the proposed

project due to reduced capacity, parking, and staffing compared to the proposed project:

- Provide additional capacity for acute care treatment for patients of all income levels and all payer sources in Stockton and the surrounding northern San Joaquin valley.
- Enhance building capacity for utilization of technology in the provision of health care services.
- Improve flexibility of patient bed arrangements to meet surges in need for medical care such as was experienced with the COVID-19 Pandemic.
- Increase quantity and quality of space for graduate educational services with the goal of retaining physicians and other medical professional and technical staff trained at the Medical Center in Stockton and the surrounding northern San Joaquin valley.
- Improve quantity, quality, and proximity of parking for patients, visitors, and staff.
- Create both short-term construction jobs related to development, including grading, infrastructure and building construction, and permanent employment-generating uses, consistent with City objectives for creation of employment opportunities for residents.
- Implement a Site Master Plan that maximizes the use and redevelopment of underutilized property to provide new opportunities for the construction of modernized, acute care facilities.

There are no project objectives that Alternative 2 would fail to achieve. This alternative would meet all project objectives, although the reduction in capacity, parking, and overall scope of the project would result in this alternative being less effective in achieving seven (7) of these objectives. Building modernizations, seismic upgrades, heliport options, and the general location of new components would remain the same.

Table 6-1 of the Draft EIR provides a summary of the project components of Alternative 2 and is incorporated by this reference into these Findings.

As explained below, the City Council concludes, in its discretion, that the Reduced Expansion Alternative, by failing to meet key project objectives to the same extent as the proposed project, would represent an undesirable policy outcome. The Council therefore rejects the Reduced Expansion Alternative as infeasible. (See City of Del Mar v. City of San Diego, supra, 133 Cal.App.3d at p. 417; CNPS, supra, 177 Cal.App.4th at p. 1001; San Diego Citizenry Group v. County of San Diego, supra, 219 Cal.App.4th at p. 17; Sierra Club v. County of Napa, supra, 121 Cal.App.4th at pp. 1506-1509; CNPS, supra, 177 Cal. App. 4th 957, 1001; Citizens for Open Government v. City of Lodi, supra, 296 Cal.App.4th at pp. 314-315 [court upholds agency action where alternative selected “entirely fulfill” a particular project objective and “would be ‘substantially less effective’ in meeting” the lead agency’s “goals”]; Sequoyah Hills, supra, 23 Cal.App.4th at p. 715; and Bay-Delta, supra, 43 Cal.4th at pp. 1165, 1166.)

Here, it is important to the City Council, as policymaker for the City, that the project as approved provide the maximum commercially available level of health care services and teaching capacity. It is also important to the Council that the modernized and expanded facility be able, to the maximum level commercially available, to respond to health care emergencies such as COVID-19 and periods of increased health care demand. The reduction in scale and capacity associated with Alternative 2 would represent a reduced level of health care services available to the citizens of Stockton and San Joaquin County, including low-income patients for whom the applicant will provide subsidized services. The Council also desires to have the largest commercially available teaching facility as part of the project. Such a facility will enhance the local community and economy by attracting talented future physicians who may ultimately choose to reside and work permanently in Stockton and San Joaquin County. A smaller facility would translate into both

reduced health care services and a smaller teaching program.

The project as proposed by the applicant reflects the judgment of its financial and health care planners regarding the optimal size of a modernized facility at the subject property, accounting for consumer demand, local demographics, market considerations, and state and federal health care policies. The applicant operates within a challenging sector of the economy and must carefully balance numerous competing financial and policy considerations. The City Council does not lightly second-guess the balance struck by a sophisticated market participant such as the applicant. The City Council sees no persuasive reason to impose on the applicant a project configuration substantially smaller than what the applicant proposes. A local agency decision-making body "may approve a developer's choice of a project once its significant adverse environmental effects have been reduced to an acceptable level that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise acceptable." (Laurel Hills, supra, 83 Cal.App.3d at p. 521.)

Stated another way, the foregoing specific economic, social, and other considerations make infeasible the Reduced Capacity Alternative identified in the Final EIR.

Alternative 3: Reduced Parking Alternative

Alternative 3 is discussed in further detail on pages 6-10 through 6-14 of the DEIR.

This alternative would reduce the scope of the proposed new Parking Structure compared to the proposed project. The Reduced Parking Alternative (Alternative 3) would include all elements under the proposed project but would reduce the size and capacity of the new Parking Structure. The Parking Structure would be approximately 65 ft tall, compared to 115 ft under the proposed project, and would have an approximate building area of approximately 450,000 sf reduced from up to 800,000 sf. The Parking Structure would provide 780 fewer parking spaces than the proposed project for a total of approximately 1,200 spaces. Similar to the proposed project, this alternative would still include options for new heliport facilities to be located on the roof of the Parking Structure. All other components would the same as the proposed project, including the Phase 5 Expansion which would further expand the Acute Care Hospital Tower and potentially add new parking in the future (for a parking ratio of up to 3.6 stalls per bed).

Table 6-2 of the Draft EIR summarizes the project components under the Reduced Parking Alternative and is incorporated by this reference into these Findings.

Comparative Analysis of Environmental Effects

The Reduced Parking Alternative would primarily address conflicts with regulations adopted for protecting scenic quality, as well as the concern raised during the NOP scoping period regarding the height and size of the Parking Structure. Less construction associated with the Parking Structure would also result in some reduction of air pollutants and GHG emissions compared to the proposed project. The alternatives analysis assumes that all applicable mitigation measures for the proposed project would also apply to this alternative.

Impacts Identified as Being the Same as or Similar to the Proposed Project

This alternative would have the same or similar impacts as the proposed Project regarding

biological resources, cultural and tribal cultural resources, and geology and soils (including paleontological resources), for the same reasons presented in the analysis for Alternative 2. Building demolition and new development would occur in the same area of disturbance as the proposed project, and Alternative 3 would require the same ground-disturbing activities that may result in unanticipated discovery of buried resources or human remains. To prevent impacts to biological resources, the Reduced Parking Alternative would require compliance with COA-1 for preconstruction nesting bird surveys and COA-2 for preconstruction roosting bat surveys. Additionally, the project would comply with Mitigation Measures 4.4-2, 4.4-3, 4.4-4, and 4.6-8 to address cultural and tribal cultural resources, human remains, and paleontological resources, the same as the proposed project.

Alternative 3 would also require demolition of the Main Hospital Wing and McCloud Building to accommodate the new Acute Care Hospital Tower, which may pose a risk of exposure to lead-based paints from the doors of those buildings. The same as the proposed project, Mitigation Measure 4.8-1 would require an abatement work plan and a monitoring plan for the lead-based paint during building demolition. There would be no change to impact severity under this alternative compared to the proposed project.

Because the Reduced Parking Alternative would not result in a reduction of inpatient beds, it is anticipated that public utilities and transportation impacts would remain the same as the proposed project. As discussed in Section 4.10, Public Utilities, the proposed project would be served by existing utilities and impacts would be less than significant. The majority of wastewater and water demand would come from operation of the Medical Center, which would remain the same under Alternative 3 as the proposed project, rather than from construction of the Parking Structure. Water and wastewater demand from construction would be negligible compared to operational demand and is therefore not quantified. Impacts to storm drainage and telecommunications would remain less than significant, the same as the proposed project. Additionally, since Alternative 3 would not reduce the number of inpatient beds, it is expected that no significant reduction in traffic would occur that would reduce the need for the new traffic signal at Cemetery Lane/E. Harding Way as described under Mitigation Measure 4.11-1. This mitigation would still be required for transportation impacts to be less than significant, the same as the proposed project.

As discussed in Section 4.7, Greenhouse Gas Emissions, the proposed project would result in significant and unavoidable impacts regarding the generation of GHG emissions and would conflict with applicable plans or regulations adopted for the purpose of reducing GHG emissions due to the estimated annual operational GHG emissions of 24 MT CO2e/service population/per year. These emissions would be greater than the project-specific efficiency threshold of 0.50 MT CO2e/service population/per year. As shown in Table 6-2, Alternative 3 would only reduce the Parking Structure by 350,000 sf; there would be little to no changes in the operation of the Parking Structure. The Reduced Parking Alternative would result in a slight reduction in construction emissions due to the smaller structure but would have a negligible reduction in operation emissions. Other project components would remain the same as the proposed project; therefore, there would still be significant and unavoidable project-level and cumulative GHG impacts under Alternative 3. Mitigation Measures 4.7-1 and 4.7-2 would still be required to implement GHG emissions reduction measures and to contribute to an off-site GHG emissions reduction program or the payment of GHG offset fees.

Impacts Identified as Being Less Severe than the Proposed Project

The Reduced Parking Alternative would reduce the severity of impacts related to air quality, aesthetics, energy, and noise.

This alternative would result in some reduction of air pollutant emissions and energy associated with construction of the Parking Structure, since it would be reduced in size to nearly half the size of the proposed project. As discussed in Sections 4.1 Air Quality and 4.5 Energy of this Draft EIR, proposed project impacts regarding conflicts with air quality plans, increase in criteria pollutants, exposure of sensitive receptors to substantial pollutants (with Mitigation Measure 4.1-1), cumulative air quality impacts, consumption of energy, and conflict with energy plans would all be less than significant. Alternative 3 would not eliminate these impacts such that there would be no impact but would lessen the intensity of these less-than-significant impacts as compared to the proposed project.

As discussed in Section 4.2, Aesthetics, the proposed Project would result in a significant and unavoidable impact regarding conflicts with regulations governing scenic quality because of the deviation from the City's Development Code that establishes height limits for parcels zoned for Office Commercial/General Commercial. Under the Reduced Parking Alternative, the Parking Structure would be 65 feet in height, approximately 10 feet lower than the normally allowable maximum height of 75 feet. However, since the Acute Care Hospital Tower would remain 115 feet tall the same as under the proposed project, Alternative 3 would still result in a significant impact resulting from exceeding the City's building height limit adopted for the purpose of protecting scenic quality, the same as the proposed project.

As previously described, the amount of waste and debris produced is estimated to be 3.89 pounds per sf of construction and 155 pounds per sf of demolition, based on guidance from the US Environmental Protection Agency. As shown in Table 6-2, Alternative 3 would result in approximately 986,000 sf of construction. This would result in 3,835,540 pounds (1,918 tons) of construction waste, compared to 2,599 tons of construction waste under the proposed project. Demolition waste would be the same as the proposed project (6,980 tons). Alternative 3 would not eliminate the solid waste impact such that there would be no impact but would lessen the intensity of this less-than-significant impact compared to the proposed project.

Under Alternative 3, impacts related to noise would continue to be less than significant with mitigation, but these impacts would be less severe compared to the proposed project. Project construction activities are still anticipated to take place between 6:30 a.m. and 7:00 a.m. which would be outside the allowable hours of construction under the City's Municipal Code, and nighttime operation of the proposed Central Utility Plant may exceed the City's nighttime noise standard at nearby noise-sensitive receptors. Noise impacts from construction of the Parking Structure would be slightly reduced because construction activities would take less time compared to the project. However, this alternative would still require compliance with Mitigation Measure 4.9-1 to address construction noise outside of allowable hours and Mitigation Measure 4.9-2 to minimize operational noise levels from the Central Utility Plant, which would not change under this alternative.

Impacts Identified as Being More Severe than the Proposed Project

There would be no impacts identified as being more severe than the proposed Project.

Relationship of Alternative 3 to Project Objectives

The Reduced Parking Alternative would fully achieve the following project objectives:

- Locate new buildings within a reasonable proximity to the existing medical center facilities

to facilitate easy access for patients, visitors, and staff.
- Modernize and upgrade the existing Medical Center to meet seismic retrofit requirements as set forth in Senate Bill 1953 and do so without the temporary loss of use of patient beds.
- Change internal site circulation to enhance emergency access for ambulances and patients transported by other third parties, focus non-patient access to the rear of the Medical Center, and complement City objectives of increasing reliance upon bicycle travel both around and into the site.
- Update existing utility connections to accommodate enhanced medical services and provide sufficient emergency back-up for expanded capacity.
- Provide options for additional helicopter landing and parking to improve access for patients transported by helicopter to the expanded and relocated emergency facilities, and to accommodate a future trauma center designation should regional needs arise in the future.
- Maximize the efficient use of existing and very limited available land and buildings while replacement and modernization of some buildings are underway.
- Provide additional capacity for acute care treatment for patients of all income levels and all payer sources in Stockton and the surrounding northern San Joaquin valley.
- Enhance building capacity for utilization of technology in the provision of health care services.
- Increase quantity and quality of space for graduate educational services with the goal of retaining physicians and other medical professional and technical staff trained at the Medical Center in Stockton and the surrounding northern San Joaquin valley.
- Implement a Site Master Plan that maximizes the use and redevelopment of underutilized property to provide new opportunities for the construction of modernized, acute care facilities.
- Improve flexibility of patient bed arrangements to meet surges in need for medical care such as was experienced with the COVID-19 Pandemic.

The following Project objectives would be achieved, but would be less effective than the proposed Project due to reduced parking and construction employees required to construct the Parking Structure compared to the proposed project:

- Improve quantity, quality, and proximity of parking for patients, visitors, and staff.
- Create both short-term construction jobs related to development, including grading, infrastructure and building construction, and permanent employment-generating uses, consistent with City objectives for creation of employment opportunities for residents.

There are no project objectives that Alternative 3 would fail to achieve. This alternative would meet all of the project objectives, although the reduction of the Parking Structure would result in this alternative being less effective in achieving two (2) of these objectives. All other components, including building modernization, seismic upgrades, heliport options, and the general location of new components would remain the same as the proposed project.

As explained below, the City Council concludes, in its discretion, that the Reduced Parking Alternative, by failing to meet a key project objective to the same extent as the proposed project, would represent an undesirable policy outcome. The Council therefore rejects the Reduced Parking Alternative as infeasible. (See City of Del Mar v. City of San Diego, supra, 133 Cal.App.3d at p. 417; CNPS, supra, 177 Cal.App.4th at p. 1001; San Diego Citizenry Group v. County of San Diego, supra, 219 Cal.App.4th at p. 17; Sierra Club v. County of Napa, supra, 121 Cal.App.4th at pp. 1506-1509; CNPS, supra, 177 Cal. App. 4th 957, 1001; Citizens for Open Government v. City of Lodi, supra, 296 Cal.App.4th at pp. 314-315 [court upholds agency action where alternative

selected "entirely fulfill" a particular project objective and "would be 'substantially less effective' in meeting" the lead agency's "goals"]; Sequoyah Hills, supra, 23 Cal.App.4th at p. 715; and Bay-Delta, supra, 43 Cal.4th at pp. 1165, 1166.)

Here, it is important to the City Council, as policymaker for the City, that the project as approved provide for a sufficient amount of hospital visitors, including patients and their families, as reasonably determined by the applicant. The Council is aware that the Sierra Club, in its own correspondence, and correspondence from its legal counsel, has advocated Alternative 3. But the Council respectfully disagrees. While the City Council applauds the Sierra Club's concerns about air pollution and greenhouse gas emissions, the Council does not believe that it is realistic to expect a hospital to generate the kind of transit ridership, or pedestrian or bicycle travel, that might be expected of other types of land uses. Many visitors will be patients, who will be feeling ill and might be contagious, and might be in a hurry due to pain of other symptoms. Such persons ought not to be forced to use more time-consuming transit options, where they might infect others if their illness is contagious. Nor should such persons be required to park at more distant locations that would require walking greater distances to their appointments. The applicant is also interested in making parking convenient for family members and friends who may visit sick patients or drive them to and from the hospital facility.

The project as proposed by the applicant reflects the judgment of its financial and health care planners regarding the optimal amount and location of parking for its visitors. The applicant is an experienced hospital operator that knows its business and the kinds of people who will visit and work within its facility. A local agency decision-making body "may approve a developer's choice of a project once its significant adverse environmental effects have been reduced to an acceptable level that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise acceptable." (Laurel Hills, supra, 83 Cal.App.3d at p. 521.)

Stated another way, the foregoing specific economic, social, and other considerations make infeasible the Reduced Parking Alternative identified in the Final EIR.

Summary Matrix of Alternatives

A matrix displaying the major characteristics and significant environmental effects of each Alternative is provided in Table 6-3 of the DEIR to summarize the comparison of each Alternative with the proposed project. The summary is described on pages 6-14 through 6-16 in the DEIR. The environmental topics that had significant impacts (significant and unavoidable, or requiring mitigation to reduce the impact to a less-than-significant level) include those specific impacts within the table, while the environmental topics with no significant impacts are summarized.

Table 6-3. Summary of Project and Alternatives Impacts and Mitigation Measures

Environmental Impact[1]	Proposed Project	Alternative 1: No Project	Alternative 2: Reduced Scope	Alternative 3: Reduced Parking
4.1 Air Quality				
4.1-3 The proposed project could expose sensitive receptors to substantial pollutant concentrations.	LTS with MM 4.1-1	NI▼	LTS with MM 4.1-1▼	LTS with MM 4.1-1▼
4.2 Aesthetics				

4.2-1 The proposed project would conflict with applicable zoning and other regulations governing scenic quality.	SU	NI▼	SU▼	SU▼
4.3 Biological Resources				
Biological Resources (general)	LTS	NI▼	LTS (–)	LTS (–)
4.4 Cultural and Tribal Cultural Resources				
4.4-2 The proposed project could cause a substantial adverse change in the significance of an historical resource of an archaeological nature or a unique archaeological resource.	LTS with MM 4.4-2	NI▼	LTS with MM 4.4-2(–)	LTS with MM 4.4-2(–)
4.4-3 The proposed project could potentially damage human remains during construction activities.	LTS with MM 4.4-3	NI▼	LTS with MM 4.4-3(–)	LTS with MM 4.4-3(–)
4.4-4 The proposed project could cause an adverse change in the significance of a tribal cultural resource.	LTS with MM 4.4-3	NI▼	LTS with MM 4.4-3(–)	LTS with MM 4.4-3(–)
4.5 Energy				
Energy (general)	LTS	NI▼	LTS▼	LTS▼
4.6 Geology and Soils				
4.6-8 The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	LTS with MM 4.6-8	NI▼	LTS with MM 4.6-8(–)	LTS with MM 4.6-8(–)
4.6-9 The proposed project would not contribute to a cumulatively significant impact related to loss of paleontological resources.	LTS with MM 4.6-8	NI▼	LTS with MM 4.6-8(–)	LTS with MM 4.6-8(–)
4.7 Greenhouse Gas Emissions				
4.7-1 The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	SU with MM 4.7-1 and 4.7-2	NI▼	SU with MM 4.7-1 and 4.7-2▼	SU with MM 4.7-1 and 4.7-2(–)
4.7-2 The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	SU with MM 4.7-1 and 4.7-2	NI▼	SU with MM 4.7-1 and 4.7-2▼	SU with MM 4.7-1 and 4.7-2(–)
4.7-3 The proposed project would result in cumulatively considerable impacts with regard to greenhouse gas emissions.	SU with MM 4.7-1 and 4.7-2	NI▼	SU with MM 4.7-1 and 4.7-2▼	SU with MM 4.7-1 and 4.7-2(–)
4.8 Hazards and Hazardous Materials				
4.8-1 The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	LTS with MM 4.8-1	NI▼	LTS with MM 4.8-1(–)	LTS with MM 4.8-1(–)
4.9 Noise				

4.9-1 The proposed project could result in generation of a temporary or permanent increase in ambient noise levels in the vicinity of the project substantially above levels without the project or in excess of standards established in the City's general plan or noise ordinance, or applicable standards of other agencies.	LTS with MM 4.9-1, 4.9-2 and 4.9-3	NI▼	LTS with MM 4.9-1, 4.9-2 and 4.9-3▼	LTS with MM 4.9-1, 4.9-2 and 4.9-3▼
4.10 Public Utilities				
Public Utilities (general)	LTS	NI▼	LTS▼	LTS(–) / ▼[2]
4.11 Transportation and Circulation				
4.11-1 The proposed project could conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	LTS with MM 4.11-1	NI▼	LTS▼	LTS with MM 4.11-1(–)

Notes:
▲ Alternative is likely to result in greater impacts to issue when compared to proposed project. (–) Alternative is likely to result in similar impacts to issue when compared to proposed project.
▼ Alternative is likely to result in reduced impacts to issue when compared to proposed project. NI = No impact
LTS = Less-than-significant impact
SU = Significant and unavoidable impact MM = Mitigation Measure
1 The environmental topics that had significant impacts (significant and unavoidable, or requiring mitigation to reduce the impact to a less-than-significant level) include those specific impacts within the table, while the environmental topics with no significant impacts are summarized.
2 Under Alternative 3, only the solid waste impact from the Public Utilities section would be reduced in severity. All other utilities impacts would remain the same or similar to the proposed project.

Environmentally Superior Alternative

As indicated in Table 6-3, the No Project Alternative would result in the least environmental impacts and would be the environmentally superior alternative because it would avoid all impacts associated with the proposed project for all resource areas. However, section 15126.6(e)(2) of the CEQA Guidelines states that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Based on the analysis provided, the environmentally superior alternative would be the Reduced Development Alternative, or Alternative 2 because it would reduce the transportation impact from the proposed project to a less- than-significant impact with no mitigation required and would reduce impact severity (but would not change impact determinations) in the topics of air quality, aesthetics, energy, GHG emissions, noise, and public utilities. Alternative 2 would reduce impacts regarding aesthetics and GHG emissions; however, it is important to note that these impacts would still remain significant and unavoidable under this alternative the same as the proposed project. Comparably, the Reduced Parking Alternative (Alternative 3) would not remove mitigation required to address the transportation impact and would result in fewer reductions to GHG emissions and demand for water, wastewater and solid waste disposal compared to Alternative 2.

Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the

City adopts and makes the following Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project, as discussed above, and the anticipated economic, social and other benefits of the Project.

The City finds and determines that: (i) the majority of the potentially significant impacts of the Project will be reduced to acceptable levels by the mitigation measures recommended in these Findings; (ii) the City's approval of the Project as proposed will result in certain significant adverse environmental effects that cannot be avoided even with the incorporation of all feasible mitigation measures into the Project; and (iii) there are no other feasible mitigation measures or other feasible Project alternatives that would further mitigate or avoid the remaining significant environmental effects. As presented above, the significant effects that have not been mitigated to a less-than-significant level and are therefore considered significant and unavoidable are: 1) Aesthetics and 2) Greenhouse Gas Emissions.

In light of the environmental, social, economic, and other considerations set forth below related to this Project, the City Council chooses to approve the Project because, in its view, the economic, social, technological, and other benefits resulting from the Project substantially outweigh the Project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in the City Council's judgment, the benefits of the Project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the Project can be found in the preceding Findings, in the Project itself, and in the record of proceedings as defined herein, including the City's General Plan and pertinent sections of the City's Municipal Code. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval. Thus, if a court were to find that any particular benefit is not supported by substantial evidence, the City Council would rely on whatever benefit(s) that the court did find were supported by substantial evidence.

The City finds that the Project would have the following economic, social, technological, and environmental benefits:

- *Continued Provision of Health Care Services to the Community.*

  The Envision Stockton 2040 General Plan acknowledges and expressly contemplates continued population growth within the City and the Sphere of Influence. The St. Joseph's Medical Center is one of only two hospitals serving the community. The Project will expand the Medical Center's ability to continue to provide health care services to the community's growing population base. The Project will afford community residents the opportunity to avoid the time, personal energy, transportation energy, and expense of seeking health care services, including specialty surgeries and similar treatments, outside of the local community.

- *Continued Delivery of Health Care Services to Disadvantaged Communities and Residents without Health Insurance.*

  The Medical Center has provided health care services for many years to disadvantaged communities and those residents not having health insurance. The ability to continue that mission will be enhanced by the construction and staffing of the Project.

- *Expanded Capacity to Deliver Acute Care Treatment.*

The Medical Center expansion will add capacity to deliver acute care treatment to patients across all income levels and all payor sources in the Stockton community and the region.

- *Train and Retain Medical Professionals and Technical Staff in the Local Community.*

The residency programs at the Medical Center for doctors, other skilled medical professionals and technical staff will be expanded to include additional specialties. The Project will improve the opportunities for graduate residents to stay in the local community and provide health care services here rather than moving away to other locales, helping to alleviate the historical and anticipated shortages of medical professionals in the Stockton community and the region.

- *Create Job Opportunities for Local Residents and Companies.*

The Project will create opportunities for local construction trades to provide jobs for local residents, rather than defaulting to securing work elsewhere in the Central Valley and the Bay Area. Near-term construction jobs related to the expansion, including grading, infrastructure and building construction will be one result, as will permanent job generating uses, consistent with City objectives to create more jobs for residents.

- *Consistency with the General Plan.*

The Project is consistent with many of the policies expressed in the General Plan as noted elsewhere in these Findings under “Consistency with Applicable Plans.” Of particular note, the Project is consistent with Policy LU-4.1, which states “Encourage large scale development proposals in appropriate locations that include significant numbers of higher-wage jobs and local revenue generation.” In addition, the Project is consistent with Policy LU-4.1B, which expressly references businesses in the health care sector.

- *Consistency with the Municipal Code.*

The existing use of the Medical Center site is consistent with the provisions of the Municipal Code, and the intended uses as described in the Project’s Master Development Plan are also consistent with the Municipal Code. No rezoning requests are included in the MDP or otherwise required for approval of the Project.

- *Consistency with Smart Growth Principles.*

Intensifying the use of the existing Medical Center site, rather than attempting to replicate the Medical Center in another location or build a satellite campus, is consistent with the Smart Growth principle of infill development. Expanding the medical center facilities within the existing site will also avoid the adverse environmental impacts associated with replicating the medical center in another location or building a satellite campus.

Conclusion

The City Council has balanced these benefits and considerations against the potentially significant unavoidable environmental effects of the Project and has concluded that the impacts are outweighed by these benefits, among others. After balancing environmental impacts against Project benefits, the City Council has concluded that the benefits the City will derive from the Project, as compared to existing and planned future conditions, outweigh the risks. The City

Council believes the Project benefits outlined above override the significant and unavoidable environmental costs associated with the Project.

In sum, the City Council adopts the mitigation measures in the FEIR, adopts the final Mitigation Monitoring and Reporting Plan, and approves the Project, after finding that any residual or remaining effects on the environment resulting from the Project, identified as significant and unavoidable in the preceding Findings of Fact, are acceptable due to the benefits articulated in the Statement of Overriding Considerations set forth in immediately preceding section.

EXHIBIT 2 - Findings, SOC, & MMRP

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MITIGATION MONITORING AND REPORTING PROGRAM

Project:	St. Joseph's Medical Center Hospital Expansion Project (SCH #2021120439)
Date:	September 2023

1 Introduction

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the St. Joseph's Medical Center Hospital Expansion Project ("proposed project"). This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." A MMRP is required for the proposed project because the Draft Environmental Impact Report (EIR) has identified significant adverse impacts, and measures have been identified to mitigate those impacts. The MMRP also incorporates revisions made to the mitigation measures in the Final EIR and Errata to the Final EIR.

2 Format of Mitigation Monitoring Matrix

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in the Final EIR and as amended by the Errata to the Final EIR. The City of Stockton will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the proposed project. The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures**: The mitigation measures are taken from the Draft EIR in the same order that they appear in that document and incorporate revisions made in the Final EIR.
- **Monitoring Responsibility**: Identifies the agency that is responsible for mitigation monitoring.
- **Mitigation Timing**: Identifies at which stage of the project mitigation must be completed.
- **Compliance Verification**: This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
4.1 Air Quality				
4.1-3 The proposed project would not expose sensitive receptors to substantial pollutant concentrations.	**MM 4.1-1: Construction Health Effects** Prior to the commencement of construction activities, the applicant shall require its construction contractor to demonstrate that project-generated construction emissions do not exceed the applicable San Joaquin Valley Air Pollution Control District (SJVAPCD) cancer risk thresholds. Compliance with this performance standard shall be achieved through the use of California Air Resources Board (CARB)-certified Tier 4 Final engines for all diesel-powered equipment pieces that are 50 horsepower or greater. In the event of changed circumstances (e.g., changes in the availability of specific types of construction equipment), the applicant may submit a request to the Office of Statewide Planning and Development Facilities Development Division for approval of a different method of achieving project-generated construction emissions that fall below the applicable SJVAPCD cancer risk threshold. Documentation shall be provided to the Office of Statewide Planning and Development Facilities Development Division demonstrating that project-generated construction emissions do not exceed the applicable SJVAPCD cancer risk threshold with the alternate construction methods. (This shall be demonstrated using industry-standard emission estimation methodologies.) If the documentation successfully demonstrates that project-generated construction emissions remain below the applicable SJVAPCD cancer risk threshold,	City of Stockton Community Development Department, SJVAPCD	Prior to commencement of project construction activities	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	then the Facilities Development Division may approve the alternate construction methods, at the Director's discretion. Required construction equipment fleet and methodologies approved by the Office of Statewide Planning and Development Facilities Development Division shall be included in the contract specifications for the applicant's construction contractor.			
4.3 Biological Resources				
4.3-1 The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, nor substantially reduce the number or restrict the range of a rare or endangered plant or animal.	No mitigation required. Conditions of Approval (COA) are listed below. **COA-1: Preconstruction Nesting Bird Surveys** If vegetation removal and initial ground-disturbing activities would occur during the nesting season (March 1 – July 31) of common bird species potentially nesting on the project site, surveys for active nests shall be conducted as described below. a) A qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to vegetation or tree removal or ground-disturbing activities. The survey shall be conducted in suitable nesting habitat both within the limits of construction as well as within 250 feet of the limits of construction. If suitable nest habitat within 250 feet of the limits of construction occurs beyond the project boundary into adjacent privately held lands, then the survey shall only be conducted within habitat up to the project site boundary. This includes trees	City of Stockton Community Development Department	Prior to vegetation or tree removal and ground-disturbing activities	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	and shrubs adjacent to the site within that buffer distance. If vegetation removal or ground-disturbance activities are delayed, additional nest surveys shall be conducted such that no more than 14 days elapse between the survey and vegetation removal or ground-disturbance activities. b) If any active nests are observed during the pre-construction surveys, a qualified biologist shall establish a suitable avoidance buffer from the active nest and construction activities. The buffer distance shall be determined based on factors such as the species of bird; the presence/absence of visual barriers between the disturbance and the nest; type, intensity and extent of the disturbance; timing relative to the nesting cycle; and anticipated construction schedule. Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. c) If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest shall be halted until the qualified biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the birds have fledged and/or full-time monitoring by a qualified biologist during construction activities			

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	conducted in close proximity to the nest. The buffer distance shall be determined based on the same factors set forth in paragraph b.			
	COA-2: Preconstruction Roosting Bat Surveys a) To ensure compliance with California Fish and Game Code section 4150, if tree removal and building demolition will occur during peak bat activity periods (March 1–April 30 and August 1–October 31) when juvenile or overwintering bat species known to occur in the project region may be present, the following will be conducted to ensure protection of potentially occurring bats and their roosts on the project site. Additionally, and to the extent practicable, construction activities shall be restricted to daylight hours to reduce indirect and direct disturbance to roosting and foraging bat species. b) A pre-construction bat survey shall be conducted within 30 days of the removal of any trees or buildings. The survey shall include a visual inspection of potential roosting features (bats need not be present) and presence of guano in the construction footprint and within 50 feet of the footprint. If bats are found within the vacant buildings, or if individual bats are located within tree bark or tree crevices of trees to be removed, the individuals shall be evicted under the direction of a qualified biologist to ensure their protection and to avoid unnecessary harm.	City of Stockton Community Development Department	Prior to tree removal and building demolition	
4.4 Cultural and Tribal Cultural Resources				
4.4-2 The proposed project could cause a substantial adverse	**MM 4.4-2: Unknown Subsurface Resources**	City of Stockton Community	Prior to commencement of project construction and	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
change in the significance of an historical resource of an archaeological nature or a unique archaeological resource.	Prior to construction, construction personnel shall receive brief "tailgate" training by a qualified archaeologist in the identification of archaeological resources and protocol for notification should such resources be discovered during construction work. Such tailgate training shall include discussion of the criteria that cause archaeological resources to qualify as either unique archaeological resources under Public Resources Code Section 21083.2, subdivision (g), or a historical resource of an archaeological nature under CEQA Guidelines Section 15064.5, subdivision (1)(a). In the event archaeological resources (e.g., sites, features, or artifacts) are exposed during construction activities, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find (i.e., determine whether the resources qualify as unique archaeological resources or historical resources of an archaeological nature) and determine whether or not additional study is warranted. Upon such a work stoppage, the City of Stockton's Community Development Director (CDD) shall be notified immediately. o If it is determined that unique archaeological resources or historical resources of an archaeological nature are present, the qualified archaeologist shall develop mitigation or treatment measures for consideration and approval by the City's CDD. Mitigation shall be developed and	Development Department, Qualified archaeologist	ground-disturbing activities, and if archaeological resources are discovered during any phase of construction	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), preservation in place may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If approved by the City's CDD, such measures shall be implemented and completed prior to commencing further work for which grading or building permits were issued, unless otherwise directed by the City's CDD. Avoidance or preservation of unique archaeological resources or historical resources of an archaeological nature shall not be required where such avoidance or preservation in place would preclude the construction of important structures or infrastructure or require exorbitant expenditures, as determined by the City's CDD. Where avoidance or preservation are not appropriate for these reasons, the professional archaeologist, in consultation with the City's CDD, shall prepare a detailed recommended treatment plan for consideration and approval by the City's CDD, which may include data recovery. If employed, data recovery strategies for unique archaeological resources that do not			

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	also qualify as historical resources of an archaeological nature shall follow the applicable requirements and limitations set forth in Public Resources Code Section 21083.2. Data recovery will normally consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of recovering important scientific data contained within the unique archaeological resource or historical resource of an archaeological nature. The data recovery plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. If data recovery is determined by the City's CDD to not be appropriate, then an equally effective treatment intended to address the specific themes or research questions of significance associated with the data of that cultural resource shall be proposed, approved by the City's CDD, and implemented. Work may not resume within the no-work radius until the City's CDD, in consultation with the professional archaeologist, determines that the site either: (1) does not contain unique archaeological resources or historical resources of an archaeological nature; or (2) that the preservation and/or treatment			

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	measures have been completed to the satisfaction of the City's CDD.			
4.4-3 The proposed project could potentially damage human remains during construction activities.	**MM 4.4-3: Treatment of Human Remains** If human remains are discovered at any project construction site(s) during any phase of construction, all ground-disturbing activity within 50 feet of the remains shall be halted immediately, and the City of Stockton (City), the San Joaquin County coroner, and a qualified professional archaeologist shall be notified immediately. This boundary may be adjusted to meet the demands of ongoing work, so long as the location of all potential remains are effectively protected. The coroner shall examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands, in accordance with Section 7050(b) of the Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified by phone within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The Most Likely Descendent shall provide recommendations for management of these remains within 48 hours of being provided access to this site, or as otherwise agreed upon by the land owner and the City. The City shall be responsible for approval of recommended mitigation as it deems appropriate, taking into account the provisions of state law, as set forth in CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Section 5097.98 through	City of Stockton Community Development Department; San Joaquin County Coroner	If human remains are discovered during any phase of construction	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	Section 5097.994, as applicable. The applicant may choose to retain a Secretary of the Interior qualified archaeologist to review recommendations and to facilitate communication concerning human remains between the landowner and the Most Likely Descendant. If a find is archaeological in nature, Mitigation Measure 4.4-2 outlines required strategies for management.			
4.4-4 The proposed project could cause an adverse change in the significance of a tribal cultural resource.	**MM 4.4-4: Tribal Cultural Resources** To minimize the potential for destruction of or damage to existing or previously undiscovered burials, archaeological and tribal cultural resources and to identify any such resources at the earliest possible time during project-related earthmoving activities, the project applicant and its construction contractor(s) will implement the following measures: ▪ Paid Native American monitors, compensated by the project applicant, from culturally affiliated Native American Tribes shall be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American representatives from cultural affiliated Native American Tribes act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin.	Designated Native American monitors and/or representatives	During project construction and ground-disturbing activities	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	▪ Consulting tribes and their designated Native American monitors and/or representatives shall have the authority to identify sites or objects of significance to Native Americans and to request that work be temporarily stopped, diverted or slowed if such sites or objects are identified within the direct impact area. Native American representatives shall be the primary consulted authority on Tribal Cultural Resources and shall recommend appropriate treatment of such sites or objects. All management strategies shall be in compliance with regulatory conditions and be implemented in coordination with mitigation pertaining to cultural resources and human remains (see mitigation measures 4.4-2 and 4.4-3).			
4.6 Geology and Soils				
4.6-8 The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	**MM 4.6-8: Unanticipated Paleontological Discovery** a) Prior to construction, construction personnel shall receive brief "tailgate" training by a qualified archaeologist in the identification of paleontological resources and protocol for notification should such resources be discovered during construction work. b) If buried paleontological resources are inadvertently discovered during ground-disturbing activities, work shall stop within 50 feet of the find. Work shall not continue at the discovery site until a qualified paleontologist can examine the find to determine whether it includes or constitutes a unique paleontological resource and, if it	City of Stockton Community Development Department, Qualified paleontologist	Prior to commencement of construction activities, and if any paleontological resources are found during any phase of construction	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	is, formulate mitigation recommendations for consideration and approval by the City's Community Development Director (CDD). A unique paleontological resource means a paleontological resource about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one of the two following criteria: (1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or (2) has a special and particular quality such as being the oldest of its type or the best available example of its type. Mitigation options shall include preserving the resource in place or recovering data and creating documentation for transmission to the University of California Museum of Paleontology or another institution of higher education with an established paleontological department or program. Avoidance or preservation in place of unique paleontological resources shall not be required where such avoidance or preservation would preclude the construction of important structures or infrastructure or require exorbitant expenditures, as determined by the City's CDD.			
4.6-9 The proposed project would not contribute to a cumulatively	See **MM 4.6-8.**	See **MM 4.6-8.**	See **MM 4.6-8.**	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
significant impact related to loss of paleontological resources.				
4.7 Greenhouse Gas Emissions				
4.7-1 The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	**MM 4.7-1: GHG Emission Reduction Measures** The following GHG emission reduction measures shall be implemented: ▪ Structural support for and the installation of rooftop solar panels shall be included in the Request for Proposal for the design and construction of the Parking Structure. If proposals indicated that installation of a PV solar energy system is feasible, as defined in CEQA Guidelines section 15364, SJMC shall contract for their installation. SJMC shall then ensure that all equipment is timely ordered and that the system is installed when the City has approved building permits and the necessary equipment has arrived. SJMC shall ensure that PV solar energy system commences operation when it has received permission to operate from the utility. SJMC shall ensure that the system is maintained at not less than 80 percent of the rated power for 20 years and at the end of the 20-year period it shall install a new PV solar energy system, or continue to maintain the existing system, at the same standards, for the life of the parking structure. Nothing in this measure is intended to discourage or limit the efforts of SJMC to explore serving SJMC power needs through PV solar energy systems or other renewable energy sources in other locations.	City of Stockton Community Development Department	Prior to approval of individual phases of development	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	▪ The Parking Structure shall meet the minimum requirements of the 2022 California Green Building Standards Code ("State CalGreen") 5.106.5.3 (Electric vehicle (EV) charging), i.e., 20% of parking structure spaces EV capable; 25% of preceding number EVCS with charging equipment (EVSE) actually installed, with the installation of EVSE, but not the installation of required EV capable equipment, subject to the exceptions stated in Cal Green section 5.106.5.3(1)(a)-(c); or unless otherwise authorized by CalGreen Section 5.106.5.3.2 as to both EV capable and EVSE. ▪ Long-term bicycle storage facilities such as bicycle lockers, pedestal posts, and rental bicycle lockers shall be provided. Installation of bicycle charging stations shall be managed through the TDM Plan presented in Mitigation Measure 4.7-2, second bullet point. ▪ Include the installation of both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to the California Air Resources Board (CARB), San Joaquin Valley Air Pollution Control District (SJVAPCD), and the building manager. ▪ Run conduit to designated locations for future electric truck charging stations at delivery dock locations. ▪ Post signs at every truck exit driveway providing directional information to the nearest truck route.			

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	▪ Include exterior outlets on all buildings to allow the use of electrically-powered landscape equipment. The use of gas-powered landscape maintenance equipment shall be prohibited on site. ▪ Require the use of energy-efficient lighting LED for all street, parking, and building lighting. This reduces the amount of electricity consumed for outdoor lighting. ▪ Encourage telecommuting and alternative work schedules for those employees for whom remote work is acceptable. ▪ Maximize the amount of drought tolerant landscaping. Turf shall be limited to high visibility areas. Low groundcover and native grasses shall be used as an alternative to turf. Any turf used shall be warm-season turf or shall have a plant species factor of 0.6 or lower.			
	MM 4.7-2: Transportation Demand Management Plan The project applicant shall prepare a campus-wide Transportation Demand Management (TDM) Plan. The TDM Plan shall include a variety of trip reduction strategies to increase opportunities for transit, bicycling and walking and to incentivize ridesharing and carpooling to reduce single-occupancy vehicle trips. The TDM Plan shall have as a goal to achieve at least a five percent reduction in employee vehicle miles traveled (VMT) compared with baseline VMT as projected to exist without the TDM Plan. The TDM Plan shall be published on both visitor and patient portions of the St. Joseph's public webpage, with focus on improving content to better publicize	City of Stockton Community Development Department	No later than the issuance of the demolition permit for the first phase of the project, and updated prior to the approval of the certificates of occupancy for facilities included in each subsequent phase	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	alternative transportation options to the public no later than the issuance of the demolition permit for the first phase of the project, and shall be updated prior to the approval of the certificates of occupancy for facilities included in each subsequent phase. The TDM Plan shall include, at a minimum, the measures set forth below, even if they result in more than the goal of a five percent reduction in employee VMT: ▪ Expand upon existing alternative transportation programs through the following: 1. increase prime spaces for carpool parking based on current demand (i.e., 8) to projected future demand (i.e, 16). Review annually and increase as necessary to ensure sufficient spaces for carpools; 2. evaluate use of electrical vehicle charging stations (for bicycles and vehicles) prior to the certificate of occupancy for each phase to determine if demand has exceeded supply and identify in the TDM Plan the timeline for phased increases to electric charging stations when needed with the goal that supply remains slightly larger than demand to help incentivize electric vehicle purchases; 3. establish an incentives-based commuter program to encourage employees to carpool and take alternative modes of travel to the hospital; 4. increase availability and access to bicycle parking facilities; review annually and increase as necessary to ensure sufficient spaces for bicycles;			

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	5. provide a free or low-cost ride home in cases of emergency for employees who use alternative transportation, such as carpooling, vanpooling, public transit, bicycling, and walking; 6. provide a transit bus pass to participating employees who agree to commute by transit rather than by single occupancy vehicle; 7. engage with Regional Transit to enhance bus schedules and "VanGo" (i.e., dial-a-ride) services to the Medical Center and support these enhanced services to Regional Transit staff and/or Board of Directors; 8. through the wayfinding and signage program, include directions for employees, patients, and visitors to identify locations for carpool, bicycles, shuttles, and bus stops; 9. provide shuttle service during construction to transport employees or visitors from off-site parking locations to the Medical Center;			

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	10. rotate existing Medical Center fleet (consisting of automobiles and service vans) with electric vehicles on a standardized replacement schedule with details specified in the TDM Plan (e.g., the earlier of a need for a repair that is not cost effective given the age of a vehicle or, alternatively, a mileage threshold), and which includes consideration of commercial availability, cost, the general driving range for a vehicle, and the availability of EV charging stations for vehicles with longer driving ranges, as well as other reasonable limitations as set forth in the TDM Plan; 11. add TDM Plan information to both visitor and patient portions of the St. Joseph's public webpage, with focus on improving content to better publicize alternative transportation options to the public; 12. provide information to employees about TDM Plan programs through (1) internal newsletter and (2) communication boards in employee gathering rooms (e.g., cafeteria, break rooms); 13. set a reasonable goal for reduced single occupancy employee vehicle trips to and from the Medical Center and report progress towards that goal as part of the Development Agreement reports based on results of good faith surveys of employees;			

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	14. provide public notice via the St. Joseph's web page of the availability of a draft TDM Plan, a link on that web page to the draft TDM Plan, and a reasonable period of time for interested members of the public to comment on the draft TDM Plan before it is finalized. In the event that the measures set forth above are insufficient to achieve the goal of a five percent reduction in employee VMT compared with baseline VMT as projected to exist without the TDM Plan, the applicant shall consider additional feasible measures sufficient to make up the shortfall or, in the alternative, shall find means of reducing GHG emissions in amounts commensurate with GHG emissions associated with the VMT shortfall.			
	MM 4.7-3: GHG Emissions Reduction Program In order to reduce the remaining greenhouse gas (GHG) emissions to 0.50 metric tons of carbon dioxide equivalent (MT CO2e)/service population/per year, the applicant shall pursue feasible measures that contribute to an off-site GHG emissions reduction program or involve the payment of GHG offset fees. Such measures shall be included within a greenhouse gas emissions report ("emissions report") prepared by the applicant and submitted to the City as part of the building permit application for each phase of the project resulting in an increase in operational GHG emissions over baseline levels. The measures or offsets required in such phase-specific emissions report shall be limited to what is necessary for that phase to achieve its proportional	City of Stockton Community Development Department	Prior to approval of individual phases of development and issuance of building permits	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	share of the emissions reductions needed to achieve the overall efficiency threshold for the project as a whole (0.50 metric tons of carbon dioxide equivalent (MT CO2e)/service population/per year). Any GHG offsets or GHG-mitigation credits included within such an emissions report must be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code Section 38562, subdivisions (d)(1) and (d)(2), which are defined for purposes of this mitigation measure as follows: I. Real—Represent reductions actually achieved (not based on maximum permit levels). II. Additional/surplus—Not already planned or required by regulation or policy (i.e., not double counted). III. Quantifiable—Readily accounted for through process information and other reliable data. IV. Enforceable—Acquired through legally binding commitments/agreements. V. Validated—Verified through accurate means by a reliable third party. VI. Permanent—Will remain as GHG reductions in perpetuity. Such offsets or credits, as included in a phase-specific emissions report as noted above, shall be based on protocols consistent with the criteria set forth in Section 95972, subdivision (a) of Title 17 of the California Code of Regulations, and shall not			

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	include offsets originating outside of California, except to the extent that the quality of any offsets originating outside of California, and their sufficiency under the standards set forth herein, can be verified by the City of Stockton in consultation with the San Joaquin Valley Air Pollution Control District (SJVAPCD). Offsets for GHG emissions originating from outside the United States shall not be permitted under any circumstances. All GHG offsets or GHG mitigation credits must be purchased through one of the following: I. a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; II. any registry approved by CARB to act as a registry under the California Cap and Trade program; III. the California Air Pollution Control Officers Association (CAPCOA) GHG Rx program; or IV. any GHG offset or GHG mitigation program adopted the SJVAPCD. For purposes of preparation of such an emissions report, what is "feasible," as that word is used in the phrase "feasible measures that contribute to an off-site GHG emissions reduction program or involve the payment of GHG offset fees," is a function of the technical viability and overall cost of carbon offsets, and, specifically, whether such offsets (i) are reasonably commercially available, (ii) would be prohibitively expensive for the nonprofit applicant in			

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	light of the financial challenges of providing health care services, (iii) would materially increase the cost of the health care provided by the applicant, or (iv) would render the overall project or phase of the project economically infeasible within the meaning of CEQA case law such as Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 598-601 [proposal may be infeasible if "the marginal costs … are so great that a reasonably prudent property owner would not proceed with" the proposal].) The City may not issue a building permit for a project phase requiring an emissions report until the City's CDD has approved the emissions report for that phase. The CDD may use outside expertise in reviewing and approving the emissions report. If the applicant submits a proposed phase-specific emissions report that does not meet the performance standard of 0.50 metric tons of carbon dioxide equivalent (MT CO2e)/service population/year for that phase because the applicant believes that obtaining all of the offsets required to meet that level of reduction is infeasible, the applicant shall so inform the City's CDD in a separate feasibility report submitted in connection with the proposed emissions report. The feasibility report shall state in writing all of the applicant's reasons for concluding that the acquisition of some or all of the ostensibly required carbon offsets is infeasible. The CDD shall relieve the applicant of its ostensible obligation to provide such offsets only if he or she finds that the applicant's conclusions on the issue of feasibility are supported			

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	by substantial evidence and conform to the definition of "feasible" set forth above. If the CDD determines that the feasibility report is not supported by substantial evidence and the applicant cannot be relieved of its ostensible obligation to provide offsets, he or she may approve the emissions report with some or all of the contested offsets despite the applicant's objections. The applicant may withdraw both its proposed emissions report and its request for a building permit for the phase rather than proceed with what the applicant considers to be an infeasible emissions report. Under such a circumstance, the applicant may choose to prepare a modified emissions report or a modified feasibility report, leading to subsequent consideration by the City's CDD of the modified emissions report or the same emissions report with an updated feasibility report. Following CDD approval of a phase-specific emissions report acceptable to the applicant, the report shall be posted in a prominent place on the City's website, along with notice to the public that any interested party may file an Appeal pursuant to Stockton Municipal Code (SMC) Section 16.100. The emissions report approval and notice of the right to appeal shall be included within that portion of the City's website devoted to activities of the Community Development Department. Consistent with SMC 16.100.020, the Planning Commission's decision may be appealed to the City Council. The decision of the City Council shall be final in accordance with SMC 16.100.040(J)(2). City Council has the option of			

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	affirming, reversing, adding additional conditions to address an issue, or referring back to the Planning Commission or CDD pursuant to SMC 16.100.040(G). After the approval of a phase-specific emissions report but before the issuance of a certificate of occupancy for that phase, the applicant shall demonstrate compliance with the emissions report through the submission of phase-specific compliance reports to the CDD that identify the offsite measures and/or carbon offsets that have been implemented or obtained. The reports shall include: (i) the applicable protocol(s) associated with the carbon offsets, (ii) the third-party confirmation/verification reports affiliated with the carbon offset projects, (iii) the unique serial numbers assigned by the registry(ies) to the carbon offsets to be retired to ensure that the offsets cannot be further used in any manner, and (iv) the locational attributes of the carbon offsets.			
4.7-2 The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	See MMs **4.7-1, 4.7-2,** and **4.7-3.**	See MMs **4.7-1, 4.7-2,** and **4.7-3.**	See MMs **4.7-1, 4.7-2,** and **4.7-3.**	
4.7-3 The proposed project would result in cumulatively considerable impacts with regard to greenhouse gas emissions.	See MMs **4.7-1, 4.7-2,** and **4.7-3.**	See MMs **4.7-1, 4.7-2,** and **4.7-3.**	See MMs **4.7-1, 4.7-2,** and **4.7-3.**	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
4.8 Hazards and Hazardous Materials				
4.8-1 The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	**MM 4.8-1: Lead-based Paint Abatement** Prior to demolition permit issuance, the project applicant or their contractor shall retain a certified abatement contractor to prepare an abatement work plan in compliance with state and federal regulations for removal of lead-based paint identified on the outside doors of the McCloud and Main Hospital Wing buildings and include a monitoring plan to be conducted by a qualified consultant during abatement activities to ensure compliance with the work plan requirements and abatement contractor specifications. In addition, a certified contractor shall collect soil samples in the locations identified in the Phase 2 ESA to be tested to ensure any soil exported off-site or stockpiled soil on-site does not exceed 50 mg/kg. Demolition plans and contract specifications shall incorporate any necessary abatement measures for the removal of materials containing lead-based paint to the satisfaction of the City's Community Development Department.	City of Stockton Community Development Department	Prior to demolition permit issuance and during lead-based paint abatement activities	
4.9 Noise				
4.9-1 The proposed project could result in generation of a temporary or permanent increase in ambient noise levels in the vicinity of the project substantially above levels without the project or in excess of standards established in the City's general plan or noise ordinance, or	**MM 4.9-1: Construction Noise** Construction operations performed between 6:30 a.m. and 7:00 a.m. Monday through Friday, weekends and holidays shall comply with the following requirements:	City of Stockton Community Development Department	During project construction activities	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
applicable standards of other agencies.	▪ Equipment shall be operated to minimize banging, clattering, buzzing, and other annoying types of noises, especially near residential and other noise sensitive areas prior to work commencing between 6:30 a.m. and 7:00 a.m. Monday through Friday, weekends and holidays. ▪ To the extent feasible, configure the construction site in a manner that keeps noisier equipment and activities as far as possible from noise sensitive locations and nearby buildings. - All auditory back-up alarms shall be disarmed and not reactivated until 7:00 a.m. on weekdays, weekends and holidays. - Signal persons and strobe lights must be used during periods when the back-up alarms are disarmed. ▪ Schedule high noise-producing activities, such as demolition or grading operations/equipment, to only occur between the hours of 7:00 a.m. and 4:00 p.m., weekdays, weekends and holidays, to minimize potential disruption to sensitive uses. ▪ Minimize noise-intensive activities/operations between 6:30 a.m. and 7:00 a.m., weekdays, weekends and holidays by doing the following: - Plan noisier operations during times of highest ambient noise levels (i.e., daytime hours, 7:00 a.m. to 4:00 p.m.). - Keep noise levels relatively uniform; avoid excessive and impulsive noises. - Turn off idling equipment.			
	MM 4.9-2: Central Utility Plant Operational Noise	City of Stockton Community	Prior to approval of site plan	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	Central Utility Plant operational noise levels shall be minimized through project site design, including the construction of localized barriers, and the use of acoustical absorption materials, as outlined below. ▪ All mechanical equipment with the potential to generate excessive noise levels shall be fitted with intake and exhaust silencers, or acoustical enclosures sufficient to reduce noise levels to comply with City of Stockton noise standards. ▪ Mechanical equipment with the potential to generate excessive noise levels shall be located within the Central Utility Plant building wherever possible. Building penetrations such as fresh air intakes shall be fitted with acoustical louvers. ▪ Noise generating equipment not located within the Central Utility Plant building or within adjacent service yards shall be shielded from direct line-of-sight to nearby noise-sensitive uses (approximately 475 feet to the west and 1,000 feet to the east) through the use of localized noise barriers, rooftop parapets, sound rated mechanical screens or intervening structures. ▪ The Central Utility Plant and other mechanical equipment shall be located a sufficient distance from nearby noise sensitive receptors (approximately 475 feet to the west and 1,000 feet to the east), so that mitigated noise levels do not exceed City of Stockton noise level performance standards.	Development Department		
	MM 4.9-3: Parking Structure ADA Ingress and Egress Notification System	City of Stockton Community Development Department	Prior to approval of site plan	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	The Parking Structure ADA ingress and egress notification system shall be minimized through project site design, including the selection of equipment capable of complying with the City of Stockton noise standards, equipment location, construction of localized acoustic screens, and providing documentation of compliance with the City of Stockton noise standards. ▪ During equipment specification and selection processes, an auditory notification system capable of either being able to achieve compliance with City noise standards based on the equipment configuration; or, - Equipment selection shall place considerable deference to state-of-the-art equipment offering the best available acoustical performance (i.e., equipment configurable to produce the lowest acoustic energy as possible, while still achieving the necessary levels for appropriate notification). ▪ For equipment specified or selected for inclusion in the Parking Structure ingress and egress notification system that is not capable of being configured and installed in a manner to inherently achieve compliance with the City of Stockton noise standards, documentation shall be provided to the City demonstrating compliance with the City of Stockton noise standards at the nearby noise-sensitive receptors.			

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
	- Demonstration of compliance may be provided through substantial reference sound level data from the equipment supplier/manufacturer, or through consultation with a qualified acoustical consultant. - Should it be necessary to retain a qualified acoustical consultant to demonstrate compliance with the City noise standards, or if the manufacturer reference sound level data is deemed incomplete or insufficient, a qualified acoustical consultant shall be retained at the applicants expense to evaluate the manufacturer reference noise level data, demonstrate and provide documentation to the City that the sound levels produced by the notification system shall comply with City noise standards. - Should manufacturer sound level data not fully demonstrate compliance with the City noise standards, or if a supplemental analysis is performed post-construction, the sound level testing shall be performed by a qualified acoustical consultant or City Code Enforcement Officer familiar with and capable of documenting the notification system sound levels through the use of a precision integrating sound level meter or measurement platform that meets or exceeds the ANSI standards for type 1 or 2 sound level meters.			
4.11 Transportation and Circulation				
4.11-1 The proposed project could conflict with a program, plan, ordinance or policy addressing the	**MM 4.11-1: Traffic Signal**	City of Stockton Community	Prior to obtaining a Certificate of Occupancy	

Mitigation Monitoring and Reporting Program Matrix

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date/Initials)
circulation system, including transit, roadway, bicycle and pedestrian facilities.	Prior to obtaining a Certificate of Occupancy, the project applicant shall coordinate with the City of Stockton on the design, construction, and implementation of a new traffic signal at the intersection of Cemetery Lane/E. Harding Way. The project applicant shall be fully responsible for the installation of the signal which would accommodate the expected future traffic demand, improve pedestrian safety, and improve emergency access via integrated traffic signal pre-emption for the adjacent Stockton Fire Station No. 9.	Development Department		

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MEMORANDUM

To:	Nicole Moore, Contract Planner, City of Stockton Community Development Department
From:	Christine Kronenberg, AICP
Subject:	Errata to the St. Joseph's Medical Center Expansion Project EIR
Date:	September 18, 2023
cc:	Mike McDowell, Deputy Community Development Director
Attachment(s):	None

Following completion of the Final EIR for the St. Jospeh's Medical Center Expansion Project, additional comments were received from the applicant team and the Sierra Club Mother Lode – Delta Sierra Group that resulted in changes to the Project's Master Development Plan and text of the EIR. The following Errata has been prepared that addresses these additional revisions to the text. The changes are minor and would not result in any new significant impacts or increase in impact significance from what was identified in the EIR; therefore, recirculation of the St. Joseph's Medical Center Expansion Project EIR is not required.

Errata

The changes reflected in this errata are presented in ~~strike-through~~ and double-underline revisions to the St. Joseph's Medical Center Expansion Project EIR (see Chapter 3, Changes to the Draft EIR included in the Final EIR document). The revisions to the EIR reflected in this errata do not affect the adequacy of the previous environmental analysis contained in the EIR.

3.1 Updates to the Project Description

As explained in the Final EIR (see Chapter 3, p.3-1) since completion of the Draft EIR and the Master Development Plan (MDP) for the St. Joseph's Medical Center of Stockton campus, the City discussed the merits of various concerns raised by the commenters as they pertain to the overall MDP concept, and the project applicant agreed to consider an option to reduce the size of the Parking Structure from 1,980 spaces ("Parking Option A"), as requested in the original MDP, to a range of between 1,368 and not to exceed 1,400 spaces (including EV parking spaces) ("Parking Option B"). Additionally, the height of Parking Option B would be reduced from 115 feet to 80 feet to the top of the parking deck parapet (excluding mechanical screen and heliport). The MDP does not, however, reduce the stated maximum parking ratio, and acknowledges that additional, yet to be identified, off-site parking may be required if the smaller parking structure is insufficient.

The project description included in the Draft EIR analyzes a larger Parking Structure, as noted above. Although Parking Option B is now ~~under consideration~~ the Parking Structure requested by the applicant, the environmental analysis contained in the Draft EIR sufficiently addresses both options, because analysis of the larger Parking Structure (Option A) would adequately encompass anticipated impacts under Parking Option B. …

Table 3-1. Parking Structure Options Comparison

	Parking Option A (Proposed Project)	Parking Option B
Number of Spaces	1,980	1,368 – not to exceed 1,400 (including EV parking stalls)
Height	115 feet (9 tiers elevated)	80 feet (6 tiers elevated)
Building Area (square feet [sf])	Up to 800,000 sf	Up to 60590,000 sf

Executive Summary

The following revisions to MM 4.7-1 in Table ES-1, Impacts and Mitigation Measures, as revised in the Final EIR (see Chapter 3, p.3-3) is further amended as follows:

Environmental Impact	Level of Significance Prior to Mitigation	Mitigation Measure	Level of Significance after Mitigation
4.7 Greenhouse Gas Emissions			
4.7-1 The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	PS	**MM 4.7-1: GHG Emission Reduction Measures** The following GHG emission reduction measures shall be implemented: ~~▪ New buildings shall be constructed with either a cool roof or an Energy Star roof.~~ ~~▪ The parking structure shall be pre-plumbed and/or structurally engineered for the installation of complete solar energy systems as part of the parking structure and/or over surface parking.~~ ~~▪ In the parking structure and surface parking areas, dedicated electric vehicle (EV) parking shall be installed in a minimum of 5% of the parking spaces (or 99 spaces in the parking structure and approximately 4 spaces in the surface lot).~~ ▪ Structural support for and the installation of rooftop solar panels shall be included in the Request for Proposal for the design and construction of the ~~Expansion Project~~ Parking Structure. If proposals indicated that installation of a PV solar energy system is feasible, as defined in CEQA Guidelines section 15364, SJMC shall contract for their installation. SJMC shall then ensure that all equipment is timely ordered and that the system is installed when the City has approved building permits and the necessary equipment has arrived. SJMC shall ensure that PV solar energy system commences operation when it has received permission to operate from the utility. SJMC shall ensure that the system is maintained at not less than 80 percent of the rated power for 20 years and at the end of the 20-year period it shall install a new PV solar energy system, or continue to maintain the existing system, at the same standards, for the life of the parking structure. Nothing in this measure is intended to discourage or limit the efforts of SJMC to explore serving SJMC power needs through PV solar energy systems or other renewable energy sources in other locations.	SU

		▪ The Parking Structure shall meet the minimum requirements of the 2022 California Green Building Standards Code ("State CalGreen") 5.106.5.3 (Electric vehicle (EV) charging), i.e., 20% of parking structure spaces EV capable; 25% of preceding number EVCS with charging equipment (EVSE) actually installed, with the installation of EVSE, but not the installation of required EV capable equipment, subject to the exceptions stated in Cal Green section 5.106.5.3(1)(a)-(c); or unless otherwise authorized by CalGreen Section 5.106.5.3.2 as to both EV capable and EVSE. ~~include conduit for electric vehicle charging systems (EVCS) sufficient to meet the minimum requirements of the 2022 California Green Building Standards Code 5.106.5.3 ("State CalGreen" i.e., 20% of parking structure spaces EV capable; 25% of preceding number EVCS actually installed), with the installation of EVCS subject to the exceptions stated in Cal Green section 5.106.5.3(1)(a) (c). Dignity Health is not the provider of EV charging stations and relies upon third party contractors to provide proposals on and then install EV charging stations. If no acceptable proposals are received prior to opening of the parking structure, installation of EVCS may be phased consistent with occupancy of the acute care hospital tower. See also Mitigation Measure 4.7-2 regarding the Transportation Demand Management (TDM) Plan, second bullet point.~~ ▪ Long-term bicycle storage facilities such as bicycle lockers, pedestal posts, and rental bicycle lockers shall be provided ~~and facilities included that allow for the installation. of conduit to install~~ Installation of bicycle charging stations ~~for electric bicycles.~~ shall be managed through the TDM Plan presented in Mitigation Measure 4.7-2, second bullet point. ▪ Include the installation of both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to the California Air Resources Board (CARB), San Joaquin Valley Air Pollution Control District (SJVAPCD), and the building manager. ▪ Run conduit to designated locations for future electric truck charging stations at delivery dock locations. ▪ Post signs at every truck exit driveway providing directional information to the nearest truck route. ▪ Include exterior outlets on all buildings to allow the use of electrically-powered landscape equipment. The use of gas-powered landscape maintenance equipment shall be prohibited on site. ▪ Require the use of energy-efficient lighting LED for all street, parking, and building lighting. This reduces the amount of electricity consumed for outdoor lighting.	

		~~▪ Prepare a campus-wide Transportation Demand Management (TDM) Plan. The TDM Plan shall include a variety of trip reduction strategies such as expanding upon existing alternative transportation programs; establishing an incentives based commuter program to encourage employees to carpool and take alternative modes of travel to the hospital; increase bicycle facilities; and prioritize carpool parking, etc.~~ ▪ Encourage telecommuting and alternative work schedules for those employees for whom remote work is acceptable. ▪ Maximize the amount of drought tolerant landscaping. Turf shall be limited to high visibility areas. Low groundcover and native grasses shall be used as an alternative to turf. Any turf used shall be warm-season turf or shall have a plant species factor of 0.6 or lower.	

Chapter 2, Project Description

The text, as revised in the Final EIR (see Chapter 3, p. 3-11) is further amended as follows:

> The MDP also factors in flexibility to allow St. Joseph's the ability to accommodate over the life of the plan any changing federal and state regulations (for example, seismic retrofit requirements), evolving medical services and technology, project budgets and schedules, and community and regional medical needs. Two (2) options are presented in the MDP~~,~~ involving the locations of the Central Utility Plant and Plant Maintenance building. Option A includes placing the new Central Utility Plant building at the northeast corner of the Acute Care Hospital Tower and relocating the new Plant Maintenance building at the corner of E. Cleveland Street and Cemetery Lane. Option B places the new Central Utility Plant building at the corner of E. Cleveland Street and Cemetery Lane with no change to the existing Plant Maintenance building. Additionally, two (2) options are presented in the MDP involving the size and height of the proposed Parking Structure. Parking Option A would be an 800,000-square-foot (sf), 115-foot (ft) tall building with up to 1,980 parking stalls (analyzed in this Draft EIR). Parking Option B would be an up to 60~~59~~0,000-sf, 80-ft tall building with 1,368 to not to exceed 1,400 parking stalls (including EV parking stalls). The applicant has agreed to Parking Option B for the Parking Structure. ~~Both parking options~~ Parking Option B would be compatible with the two (2) options for the location of the Central Utility Plant and Plant Maintenance building. It should be noted that only Parking Option A is considered in the analysis of environmental impacts within this Draft EIR, because analysis of the larger Parking Structure would adequately encompass anticipated impacts under Parking Option B. There would be no change in the building footprint or area of disturbance and while some impacts may be reduced in severity (such as those related to aesthetics or air quality), all impact determinations would remain the same as under Parking Option A.

The following revisions to Table 2-2, as revised in the Final EIR (see Chapter 3, p.3-12) is further amended as follows:

Table 2-2. Expansion Building Summary[1]

Building Name	Approximate Building Area (Square Feet [sf])	Use	Building Height[2]
Initial Expansion (Phases 1-4)			
New Acute Care Hospital Tower	Up to 331,000 sf	Medical Services	Up to five (5) stories (115 feet [ft] excluding mechanical screen)[3]
New Multistory Parking Structure	**Option A:** Up to 1,980 parking stalls Up to 800,000 sf **Option B:** 1,368 – not to exceed 1,400 parking stalls (including EV parking stalls) Up to 60~~59~~0,000 sf	Parking and Heliports[3]	**Option A:** Nine (9) tiers elevated[4] 115 ft to top of parking deck parapet, excluding mechanical screen and heliports **Option B:** Six (6) tiers elevated[4] 80 ft to top of parking deck parapet, excluding mechanical screen and heliports

Table 2-2. Expansion Building Summary[1]

Building Name	Approximate Building Area (Square Feet [sf])	Use	Building Height[2]
New Central Utility Plant	Up to 30,000 sf	Support	Up to two (2) stories (60 ft)
New Fuel Tank Yard	Up to 3,500 sf	Support	55 ft
New Generator Building Addition	Up to 3,500 sf	Support	55 ft
New Plant Maintenance Building	Up to 18,000 sf	Support	Up to two (2) stories (55 ft)
Phase 5 Expansion			
Acute Care Hospital Tower II	Potential expansion up to 150,000 sf	Medical Services	Up to five (5) stories (80 ft excluding mechanical screen)[3]
Parking Structure (location to be determined)	To be determined Parking ratio of up to 5.6 stalls per bed	Parking	To be determined

Source: St. Joseph's Medical Center 202~~2~~3.
Notes:
1 Seismic and other safety retrofits for buildings and support utilities may occur at the same time as phases 1-5, or during a separate construction period as may be required to meet state requirements.
2 Building heights, exceptions and roof mounted structures for institutional buildings, expressly including hospitals, are addressed in Section 16.36.090 of the Municipal Code.
3 To accommodate design flexibility, St. Joseph's is seeking a maximum height of 115 ft.
4 The existing heliport located on the roof of the Main Hospital building would remain and up to two (2) new heliports and/or helicopter or Unmanned Aerial Vehicle (UAV) parking areas may be added on the roof of the Parking Structure.

The following revisions to Table 2-4, as revised in the Final EIR (see Chapter 3, p.3-13) is further amended as follows:

Table 2-4. Parking Summary

Location	No. of Parking Spaces
Existing Parking (excluding public ROW)	**1,354**
Parking to be Removed	
North Lot	606
Administration Lot	7
Administration Overflow Lot	9
McCloud Avenue	24
HCCL (Laboratory) North	6
HCCL (Laboratory) South	21
Vendor/Maintenance	7
Total to be Removed	**680**
New Parking to be Provided	
New Parking Structure	1,980 <u>(Parking Option A) or 1,368 – 1,400 (Parking Option B)[1]</u>
North Surface Lot	16
Emergency Department Parking Lot	70

Table 2-4. Parking Summary

Location	No. of Parking Spaces
Total New Parking Provided	2,066 (Parking Option A) or 1,454 – 1,486 (Parking Option B)[1]
Total Parking (Initial Expansion Phase)	2,740 (Parking Option A) or 2,128 – 2,160 (Parking Option B)

Source: St. Joseph's Medical Center 202~~2~~3.
Notes: ROW = right-of-way.
Total parking includes remaining spaces plus new spaces (ex. 1,354 – 680 + 2,066 = 2,740).
[1] The applicant has agreed to Parking Option B for the Parking Structure.

Chapter 3, Land Use and Planning

The text, as revised in the Final EIR (see Chapter 3, p. 3-15) is further amended as follows:

> Comments received in response to the Notice of Preparation (NOP) included a concern regarding the proposed parking garage, which is anticipated to be up to 115 feet in height. The comment raised concern that the 115-foot-tall Parking Structure would be out of scale with the existing neighborhood and contends that there are no parking garages in the City that are of a similar scale. Section 3.3, Land Use Consistency Analysis, analyzes the project's compliance with the City's Development Code and General Plan land use policies, which includes a review of proposed building heights and floor area ratio. Section 4.2, Aesthetics, also contains a discussion of the project's consistency with regulations that address scenic quality and potential conflicts with zoning. The MDP also includes an option for a smaller scale, 80-foot-tall Parking Structure ("Parking Option B"), the analysis of which is adequately encompassed by the more conservative analysis of the Parking Structure evaluated in this Draft EIR. The applicant has agreed to Parking Option B for the Parking Structure.

4.7 Greenhouse Gases

Mitigation measure 4.7-1, as revised in the Final EIR (see Chapter 3, p. 3-16) is further amended as follows:

MM 4.7-1: The following GHG emission reduction measures shall be implemented:

- ~~New buildings shall be constructed with either a cool roof or an Energy Star roof.~~
- ~~The parking structure shall be pre-plumbed and/or structurally engineered for the installation of complete solar energy systems as part of the parking structure and/or over surface parking.~~
- ~~In the parking structure and surface parking areas, dedicated electric vehicle (EV) parking shall be installed in a minimum of 5% of the parking spaces (or 99 spaces in the parking structure and approximately 4 spaces in the surface lot).~~
- Structural support and the installation of solar panels shall be included in the Request for Proposal for the design and construction of the ~~Expansion Project~~ Parking Structure. If determined installation of solar panels (photo voltaic or PV system) is feasible, the applicant shall install the PV system and commence operation upon permission from the electrical provider. The applicant shall ensure the system is maintained at not less than 80% of the rated power for 20 years. At the end of 20 years the applicant shall install a new PV system or continue to maintain the existing system if it is still meeting 80% of the

rated power, for the life of the Parking Structure. Nothing in this Measure is intended to discourage or limit the efforts of SJMC to explore serving SJMC power needs through PV solar energy systems or other renewable energy sources in other locations.

- The Parking Structure shall meet the minimum requirements of the 2022 California Green Building Standards Code ("State CalGreen") 5.106.5.3 (Electric vehicle (EV) charging), i.e., 20% of parking structure spaces EV capable; 25% of preceding number EVCS with charging equipment (EVSE) actually installed, with the installation of EVSE, but not the installation of required EV capable equipment, subject to the exceptions stated in Cal Green section 5.106.5.3(1)(a)-(c); or unless otherwise authorized by CalGreen Section 5.106.5.3.2 as to both EV capable and EVSE. ~~include conduit for electric vehicle charging stations (EVCS) sufficient to meet the minimum requirements of the 2022 California Green Building Standards Code 5.106.5.3, i.e., 20% of parking structure spaces EV capable; 25% of preceding number EVCS actually installed), with the installation of EVCSE, subject to the exceptions stated in Cal Green section 5.106.5.3(1)(a)-(c). Dignity Health is not the provider of EV charging stations and relies upon third party contractors to provide proposals on and then install EV charging stations. If no acceptable proposals are received prior to opening of the parking structure, installation of EVCS may be phased consistent with occupancy of the acute care hospital tower. See also Mitigation Measure 4.7-2 regarding the Transportation Demand Management (TDM) Plan, second bullet point.~~
- Long-term bicycle storage facilities such as bicycle lockers, pedestal posts, and rental bicycle lockers shall be provided ~~and facilities included that allow for the installation. of conduit to install~~ Installation of bicycle charging stations ~~for electric bicycles.~~ shall be managed through the TDM Plan presented in Mitigation Measure 4.7-2, second bullet point,
- Include the installation of both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to the California Air Resources Board (CARB), San Joaquin Valley Air Pollution Control District (SJVAPCD), and the building manager.
- Run conduit to designated locations for future electric truck charging stations at delivery dock locations.
- Post signs at every truck exit driveway providing directional information to the nearest truck route.
- Include exterior outlets on all buildings to allow the use of electrically-powered landscape equipment.The use of gas-powered landscape maintenance equipment shall be prohibited on site.
- Require the use of energy-efficient lighting LED for all street, parking, and building lighting. This reduces the amount of electricity consumed for outdoor lighting.
- ~~Prepare a campus-wide Transportation Demand Management (TDM) Plan. The TDM Plan shall include a variety of trip reduction strategies such as expanding upon existing alternative transportation programs; establishing an incentives-based commuter program to encourage employees to carpool and take alternative modes of travel to the hospital; increase bicycle facilities; and prioritize carpool parking, etc.~~

- Encourage telecommuting and alternative work schedules for those employees for whom remote work is acceptable.
- Maximize the amount of drought tolerant landscaping. Turf shall be limited to high visibility areas. Low groundcover and native grasses shall be used as an alternative to turf. Any turf used shall be warm-season turf or shall have a plant species factor of 0.6 or lower.