

CEQA FINDINGS TO SUPPORT MOTION APPROVING RESTRUCTURED RELATIONSHIP PRE-CLOSING AGREEMENT

I. GENERAL FINDINGS CONCERNING ENVIRONMENTAL EFFECTS

The Board's action approving the Restructured Relationship Pre-Closing Agreement between the Peninsula Health Care District and Mills-Peninsula Health Services is based on and supported by the following statements and findings. The Board adopts the following findings concerning significant environmental effects of the Project.

1. The Board has considered the Final Environmental Impact Report ("EIR") prepared by the City of Burlingame concerning the Peninsula Medical Center Replacement Project, which the City Council certified on November 15, 2004, and the Board has reached its own conclusions on whether and how to approve the Project. The Board recognizes that the Project design was revised during the course of EIR preparation (referred to in the EIR as the "Revised Project"), and all references to the "Project" in these findings refer to the Revised Project as described in the EIR and as approved by the City.
2. The Board finds that the EIR is adequate for the Board's use in evaluating all environmental effects of the Project.
3. The Board has considered the environmental effects of the Project as shown in the EIR or as identified in written or oral testimony submitted before or during the Board's proceedings.
4. The Board finds no feasible alternative or mitigation measures, other than those set forth in the EIR, that would substantially lessen or avoid any significant effect the Project would have on the environment.
5. The mitigation measures identified in the EIR are adopted as conditions of approval for the Project, except as modified or found unnecessary in these findings.
6. The design changes incorporated into the Project provide additional mitigation for environmental effects.
7. The Mitigation Monitoring Program required to ensure implementation of adopted mitigation measures, as adopted by the City as part of approving the Conditional Use Permit for the Project and as described in Section IV of these findings, is adopted by the Board. The City shall have primary responsibility for administering and enforcing the Program.
8. The Project will have certain environmental impacts that will remain significant and unavoidable despite adopted mitigation measures. The Board recognizes that

the Revised Project reduces impacts that might have occurred with the original development design, but that some impacts still will remain significant and unavoidable. The Board adopts the Statement of Overriding Considerations in Section V of these findings recognizing and accepting those impacts in light of anticipated benefits of the Project.

II. FINDINGS CONCERNING SIGNIFICANT ENVIRONMENTAL EFFECTS

As described below, the Final EIR addressed the significant potential environmental effects of the Project in the areas of: (1) visual quality, (2) traffic, (3) noise, (4) air quality; (5) hazardous materials, (6) biological resources; (7) cultural resources; and (8) hydrology and water quality. After mitigation, the Project has significant unavoidable Project-specific impacts in the areas of visual impacts on a portion of Davis Drive and construction noise.

A. VISUAL QUALITY

1. **Impact. VQ-1. Building Massing, Orientation, and Design** — The Project would alter the visual setting and significantly affect viewer groups in the Davis Drive neighborhood.

Finding. The Revised Project (as defined in the Final EIR) would have significant impacts on residents along and near Davis Drive between Coronado Way and El Camino Real in that the replacement hospital project would reduce sky views in the lower Davis Drive area, between Coronado Way and Albemarle Way. The landscaping and building setbacks will partially mitigate, but not eliminate, this significant impact in that it would not completely conceal the massing of the east wing from those Davis Drive area viewers and views of trees would be replaced with views of trees and buildings.

The net changes in sky views were determined in the EIR not to be significant, because of the benefits associated with the demolition of the existing hospital. Changes have been incorporated into the Project to mitigate this impact, including landscaping modifications and possible landscape berm. Nevertheless, there are no project modifications and no mitigation measures that would reduce this impact to less than significant. Accordingly, this impact remains a **significant and unavoidable impact**.

2. **Impact. VQ-5. City's Visual/Urban Design Plans and Policies** — The Project would be inconsistent with Objective IV.C of the General Plan because the Project would significantly block views of the sky and eliminate a sense of open space for the adjacent residents.

Finding. The Revised Project would have significant impacts on residents along and near Davis Drive between Coronado Way and El Camino Real in that the replacement hospital project would reduce skyward views in the lower Davis Drive area, between Coronado Way and Albemarle. The landscaping and building setbacks will partially mitigate, but not

eliminate, the significant impact in that it would not completely conceal the massing of the east wing from those Davis Drive area viewers and views of trees would be replaced with views of trees and buildings.

The preparers of the EIR concluded that from a CEQA perspective, the Revised Project would be inconsistent with Objective IV.C. of the City of Burlingame's General Plan (General Plan), to maintain the pleasant appearance prevailing in most of the City's residential areas and improve the visual quality in areas of less satisfactory appearance. The EIR also notes that neither the General Plan nor the North Burlingame/Rollins Road Specific Plan (Specific Plan) designates Davis Drive area as a scenic route or contains specific policies that specifically protect the visual integrity of the area, and, moreover, that while the Revised Project would have an adverse visual impact on Davis Drive east of the Davis Drive driveway, it would enhance views of the existing hospital, and therefore, not have an overall net negative impact along Davis Drive. Further, as discussed in more detail in the plan consistency findings adopted by the Burlingame City Council supporting the approval of the conditional use permit ("CUP") on 11/15/04, the project was determined by the City of Burlingame (City) to be consistent with General Plan and Specific Plan objectives and policies to protect open space and views along El Camino Real and Trousdale for developing along El Camino Real because the Revised Project would, among other things, (1) provide a minimum 76 foot setback along El Camino Real, (2) incorporate landscaping along El Camino Real, that is consistent with Burlingame's "tree-theme" along El Camino Real, and (3) reroute the pedestrian access trail away from the loading dock, thereby eliminating pedestrian hazards that would otherwise occur with the project as originally proposed.

Therefore, despite the potential plan consistency issue raised by the EIR, the City found and this Board concurs that on-balance the Revised Project is consistent with the General Plan and Specific Plan and the District determines the Project is consistent with District purposes. Nevertheless, the localized visual impact along a portion of Davis Drive is appropriately considered a significant impact for which changes have been incorporated into the Project to partially mitigate this impact, including landscaping modifications and possible landscape berm. But, there are no project modifications and there are no mitigation measures that would reduce this impact to less than significant. Accordingly, these impacts remain a **significant unavoidable impact**.

3. **Impact. VQ-6. Project Construction** — As the construction would occur over six and a half years, parts of the site could be unsightly and create a temporary but potentially significant visual impact.

Mitigation. VQ-6.1 Implement Construction Visual Improvements Plan to reduce visual quality degradation by phased construction. MPHS shall

agree to develop and implement a Construction Visual Improvements Plan that would make visual improvements to construction zones within a given construction phase and between phases if the zone is not scheduled for construction activity or will remain unused for a period greater than six months. Construction zones subject to this mitigation measure shall be defined by the City Planner, and shall consider the size of the area, the nature of the construction activity, and the proximity or visibility of the area to public vantage points or residential uses. The Construction Visual Improvements Plan shall be implemented by the Project contractor(s) and must be approved by the City Planner. The intent of the plan is to aesthetically improve portions of the Project site that would remain unimproved for an extended period and screen the construction zone from view by passersby along the public streets and sidewalks, or to make the zone usable for MPHS employees, patients, and the public. Possible improvements in the plan include, but are not limited to, the following (if timelines other than six months are specified below, the shorter of six months or the time specified below shall apply):

a. MPHS shall clear a construction zone of construction debris and remove construction equipment whenever construction is not anticipated for at least two weeks.

b. If a site is a construction zone, but no construction activities are scheduled for more than one month, MPHS shall be responsible for regular garbage removal and watering of any existing landscaping.

c. MPHS shall remove or visually treat fencing around construction zones that front onto El Camino Real, Trousdale Drive, Marco Polo Way, or Davis Drive in a manner deemed acceptable by the Chief Building Official, in order to promote safety, connectivity through the site, and pedestrian friendliness.

d. If a site is not in use as a construction zone for more than six months due to demolition or construction of a structure, MPHS shall improve the site with landscaping (e.g., trees, shrubs, and groundcover), passive recreation/open space facilities (e.g., benches, picnic tables), decorative fencing and/or seating walls, and pedestrian and bicycle routes that connect to adjacent open spaces. Pedestrian/bicycle networks shall be defined by and to the satisfaction of the City Planner.

e. MPHS shall install all landscaping as early as possible to decrease visual impacts of construction.

Finding. Implementation of the mitigation measures, will reduce visual impacts to cultural resources to a **less than significant level**.

B. TRAFFIC

1. **Impact. TR-2. Intersection Left-Turn Queue Lengths** — The Project would significantly affect through traffic on Trousdale Drive and on El Camino Real during the near-term scenario by creating left-turn queue lengths on both streets that exceed the pocket storage capacity.

Mitigation. The following measures would reduce impacts on intersection left-turn queue lengths:

a. *TR-2.1 Extend the northbound left-turn lane on El Camino Real at Trousdale Drive to 375 feet.* MPHS shall be responsible for lengthening the left-turn pocket on northbound El Camino Real (to westbound Trousdale Drive) from about 180 feet to 375 feet. This improvement would eliminate left-turning vehicles from blocking traffic flow along northbound El Camino Real and satisfy the queue storage requirement.

b. *TR-2.2 Convert the eastbound dedicated through lane on Trousdale Drive at El Camino Real to a shared left-through lane, and extend the dedicated left-turn lane to accommodate 145 feet of storage* MPHS shall be responsible for converting the eastbound through lane on Trousdale Drive at El Camino Real to a shared left-through lane. In addition, MPHS shall be responsible for extending the existing dedicated left-turn lane to provide 145 feet of storage (a 35-foot extension) for vehicles turning left. The left-turn pocket (145 feet) and the extra capacity in the shared left-through lane (about 380 feet) would be sufficient to accommodate the 400- foot queue length.

c. *TR-2.3 Extend the southbound left-turn pocket on El Camino Real at Trousdale Drive to 300 feet.* MPHS shall be responsible for extending the southbound left-turn pocket on El Camino Real at Trousdale Drive an additional 100 feet. This measure would require the removal of a portion of the median strip. This measure is necessary because, by adding Project traffic to the other turning movements at this intersection, signal green time is taken away from the southbound left-turn movement. As a result, longer turn storage is needed.

d. *TR-2.4 Extend the eastbound left-turn pocket on Trousdale Drive at Magnolia Avenue to 175 feet.* MPHS shall be responsible for extending the eastbound left-turn pocket on Trousdale Drive at Magnolia Avenue to 175 feet.

e. *TR-2.5 Extend the westbound left-turn pocket on Trousdale Drive at Magnolia Avenue/Main Entrance to 175 feet.* MPHS shall be responsible for extending the westbound left turn pocket on Trousdale Drive at Magnolia Avenue/Main Entrance to 175 feet. Adequate distance is available between the main entrance and the El Camino Real

intersection to accommodate the left-turn pocket requirements identified in Mitigation Measure TR-2.2 and this measure (in a back-to-back configuration) plus a 20 to 60 feet taper consistent with the roadway plan modification for the left turn lane into the hospital main entrance. The 175 feet of stacking capacity can also be attained with a dual left turn lane, which also allows left turn access into the Burlingame Plaza Shopping Center.

Finding. Implementation of the mitigation measures, would reduce impacts on intersection left-turn queue lengths to a **less than significant level**.

2. **Impact. TR-3. Shopping Center Access on Trousdale Drive** — The Project would significantly affect traffic access to the Burlingame Plaza adjacent to Trousdale Drive by removing left-turn ingress.

Mitigation. *TR-3.1 Provide signage to notify eastbound Trousdale Drive traffic that access to Burlingame Plaza is provided from Magnolia Avenue.* The traffic mitigations have been revised to incorporate a left turn alternative into the project that allows continued left-turn access from Trousdale into Burlingame Plaza; therefore, the mitigation requiring signage at Magnolia is no longer needed. The EIR consulting engineer agrees that these changes are consistent with the mitigations to the circulation impacts of the project in this area to keep the impact less than significant.

Finding. The proposed change to maintain access to Burlingame Plaza, which has been incorporated in the Project, is consistent with the supplemental traffic studies and will improve circulation in the area. A change in signage at Magnolia is no longer necessary.

3. **Impact. TR-9.1 Parking During Construction** — The Project would potentially result in an inadequate parking supply during construction.

Mitigation. *TR-9.1 Implement Attendant Parking and Mitigation Monitoring.* MPHS shall implement an attendant parking program to increase the parking supply during critical phases of construction. MPHS shall fully fund a mitigation monitoring program that will enable City to monitor parking demand on a quarterly basis throughout the critical phases of construction. The Program shall also provide an alternative that could be quickly implemented should the monitoring show that the parking deficit remains.

Finding. Implementation of the mitigation measure would reduce the potential impact of parking demand during construction to a **less than significant level**.

4. **Impact. TR 9.2 Parking During Construction** – The Project would potentially result in an inadequate parking supply for the Magnolia Gardens Care Center during construction:

Mitigation. *TR-9.2. Construct replacement parking at Magnolia Gardens Care Center prior to demolishing existing parking.* MPHS shall construct the proposed replacement parking area at the northwest end of the Magnolia Gardens Care Center property prior to demolishing existing parking area. MPHS may adjust the property lines on both sides of the Magnolia Gardens Care Center to effectuate the exchange of property with the owner of the Magnolia Gardens Care Center concurrently as part of the same map or lot line adjustment.

Finding. Implementation of the mitigation measures would reduce the potential impact of parking demand during construction to a less than significant level.

5. **Impact. TR-10.1 Construction Traffic** — The Project would potentially affect surrounding roadways during construction.

Mitigation. *TR-10.1 Complete roadway improvements (see Mitigation Measures TR-2.1 through TR-2.5) prior to the commencement of Phase 3 of construction.* MPHS shall complete the roadway improvements needed to mitigate the Project traffic impacts (i.e., Mitigation Measures TR-2.1 through TR-2.5) prior to the start of Phase 3, to ensure that construction traffic would have a less-than-significant impact.

Finding. Implementation of the mitigation measure would reduce the potential impacts of construction traffic to a **less than significant level**.

6. **Impact. TR-11. Cumulative Intersection Levels of Service** — Under Cumulative with Project Conditions, the intersections of El Camino Real/Millbrae Avenue and El Camino Real/Trousdale Drive would worsen compared to Cumulative No Project Conditions; however, only the latter intersection would exceed the significance threshold and experience a cumulatively significant impact.

Mitigation. *TR-11.1 Convert an eastbound through lane on Trousdale Drive to a shared left-through lane.* The Revised Project with cumulative development would result in LOS E operations on the El Camino Real/Trousdale Drive intersection during the AM & PM peak hours. One turn lane is insufficient to accommodate this high turn volume. MPHS shall be responsible for ensuring that sufficient capacity is available by converting the eastbound Trousdale Drive through lane to a left-through lane, which would require the signal to operate in a split phase scheme in the east-west direction. Converting this lane would improve operations to LOS D, reducing this impact to a less-than-significant level.

Finding. Implementation of the mitigation measure would reduce the impacts on the El Camino Real/Trousdale Drive intersection to a **less than significant level**.

7. **Impact. TR-12. Cumulative Intersection Left-Turn Queue Lengths –** The Project would have a cumulative effect on through traffic on Trousdale Drive and on El Camino Real by contributing to left-turn queue lengths that exceed the pocket storage length.

Mitigation. TR-12.1 *Extend the northbound left-turn lane on El Camino Real at Trousdale Drive to 475 feet.* MPHS shall be responsible for lengthening the left-turn pocket on northbound El Camino Real (to westbound Trousdale Drive) from about 180 feet to 475 feet. This improvement would eliminate left-turning vehicles from blocking traffic flow along northbound El Camino Real and satisfy the queue storage requirement.

TR-12.2 *Extend the southbound left-turn pocket on El Camino Real at Trousdale Drive to 325 feet.* MPHS shall be responsible for extending the southbound left-turn pocket on El Camino Real at Trousdale Drive an additional 100 feet. This measure would require the removal of a portion of the median strip.

Finding. Implementation of the mitigation measures would reduce the impacts on through traffic on Trousdale Drive and on El Camino Real by contributing to left-turn queue lengths that exceed the pocket storage length to a **less than significant level**.

C. NOISE

1. **Impact. NO-1 Construction Noise —** Construction of new facilities at Peninsula Medical Center would temporarily generate noise levels that would exceed the limits set forth in the Burlingame General Plan.

Mitigation. NO-1.1 *Implement best management practices to reduce construction noise.* MPHS shall incorporate the following practices into the construction documents to be implemented by the Project contractor, and these practices shall be provided to the City Planner for approval prior to the issuance of building permits.

a. Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures:

- Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site;

- Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
 - Locate stationary equipment to minimize noise impacts on the community; and
 - Minimize backing movements of equipment.
- b. Use quiet construction equipment whenever possible.
- c. Impact equipment (e.g., jack hammers and pavement breakers) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than using impact equipment, shall be used whenever feasible.
- d. Prohibit unnecessary idling of internal combustion engines.
- e. Select routes for movement of construction-related vehicles and equipment in conjunction with the Burlingame Planning Department so that noise-sensitive areas, including residences, hotels, and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the City Planner for approval prior to the issuance of building permits.
- f. Designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the Burlingame Planning Director. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas.

Finding. Implementation of the above measure would lower construction-related noise at nearby structures or sensitive receptors. The base-isolated design or project will avoid noise impacts associated with pile driving. Nevertheless, the construction related noise impacts would remain **significant and unavoidable**.

D. AIR QUALITY

1. **Impact. AQ-1. Construction Air Quality** — Construction activities associated with site development could cause emissions of dust or contaminants from equipment exhaust that could contribute to existing air quality violations or expose sensitive receptors to pollutant concentrations. This would be a temporary but potentially significant impact.

Mitigation. *AQ-1.1 Implement recommended dust control measures.* To reduce particulate matter emissions during Project demolition and construction phases, MPHS shall require the construction contractors to comply with the dust control strategies developed by the BAAQMD. MPHS shall include in construction contracts the following requirements:

- a. Cover all trucks hauling construction and demolition debris from the site;
- b. Water all exposed or disturbed soil surfaces at least twice daily;
- c. Use watering to control dust generation during demolition of structures or break-up of pavement;
- d. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas;
- e. Sweep daily (with water sweepers) all paved parking areas and staging areas during the earthwork phases of construction;
- f. Provide daily clean-up of mud and dirt carried onto paved streets from the site;
- g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- h. Limit traffic speeds on unpaved roads to 15 mph;
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- j. Replant vegetation in disturbed areas as quickly as possible.

Finding. Implementation of the dust control measures will reduce the potential significant impacts to **less than significant levels**.

E. HAZARDOUS MATERIALS

1. **Impact. HM-1. Construction-Related Hazardous Materials Disturbance** — Project-related demolition could disturb hazardous materials in existing building components and thereby cause adverse health or safety effects.

Mitigation. *HM-1.1 Perform pre-construction hazardous materials surveys and manage properly if hazardous materials are identified.* MPHS shall retain a qualified environmental specialist (e.g., a Registered Environmental Assessor or similarly qualified individual) to inspect existing buildings subject to demolition for the presence of asbestos,

PCBs, mercury, lead, or other hazardous materials. MPHS shall submit the report to the City prior to demolition, together with an explanation of how the Project will address any issues identified in the report. If found at levels that require special handling (i.e., any building material containing 0.1 percent asbestos, paint that contains more than 5,000 parts per million of lead, or any building materials known or suspected to contain PCBs or mercury), MPHS shall manage these materials as required by law and according to federal and state regulations and guidelines, including those of DTSC, BAAQMD, Cal/OSHA, CSMHSA, and any other agency with jurisdiction over these hazardous materials.

Finding. Implementation of the mitigation measures will reduce the potentially significant construction-related hazardous substance disturbance impacts to **less than significant levels**.

2. **Impact. HM-2. Exposure to Contaminated Soil and/or Groundwater**
Excavation and construction of proposed basement and building foundations could expose construction personnel and the public to existing contaminated soil and/or groundwater.

Mitigation. The following measures would reduce impacts on construction personnel and the public to exposure to contaminated soil and/or groundwater:

a. *HM-2.1 Conduct a soil/groundwater sampling plan.* In the event that contamination is visually discovered during construction activities, MPHS shall be required to conduct a Phase II Environmental Site Assessment. This investigation shall involve the collection and analysis of soil and groundwater samples as directed by the site assessment consultant. Sampling shall extend at least to depths proposed for excavation, and samples shall be tested for elevated levels of petroleum hydrocarbons, VOCs, or lead, if any. Soil and/or groundwater samples shall be collected throughout the Project site as directed by the site assessment consultant. This assessment shall be completed by a Registered Environmental Assessor, Registered Geologist, Professional Engineer, or similarly qualified individual prior to initiating any further earth-moving activities at the Project site.

If it were determined by sample collection and analysis that petroleum hydrocarbons, VOCs, or lead is present in soil and/or groundwater samples, the impacted materials shall be segregated and stockpiled separately from non-impacted soils throughout the construction phase. If deemed necessary by the local oversight agency, some impacted materials shall be mitigated prior to construction. Soils with elevated petroleum hydrocarbon, VOC, or lead concentrations may require excavation and off-site disposal. Soils with concentrations above regulatory threshold limits for petroleum hydrocarbons, VOCs, or lead shall be disposed of off

site in accordance with California hazardous waste disposal regulations (CCR Title 26) or shall be managed in place with approval of DTSC, CSMHSA or the Bay Area Regional Water Quality Control Board.

b. *HM-2.2 Prepare Site Health and Safety Plan.* In the event that contaminated soil or groundwater is encountered, MPHS shall comply with the Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities regulatory requirements for hazardous materials/waste health and safety plans. The Site Health and Safety Plan shall establish policies and procedures to protect workers and the public from potential hazards posed by residual contamination issues at the site. The plan shall include items applicable to site conditions, such as identification of contaminants, potential hazards, material handling procedures, dust suppression measures, personal protection clothing and devices, controlled access to the site, health and safety training requirements, monitoring equipment used during construction to verify health and safety of workers and the public, measures to protect public health and safety, and emergency response procedures. If petroleum hydrocarbons are present in the soil or groundwater proposed for the use of backfill or disposal, the handling and disposal of the contaminated soil or groundwater shall be governed by the applicable local and federal hazardous materials regulations.

Finding. Implementation of the mitigation measures will reduce the potential significant impacts to **less than significant levels**.

F. BIOLOGICAL RESOURCES

1. **Impact. BR-1. Protected Trees** — The removal of 88 trees that qualify as Protected Trees under the City's Municipal Code Title 11 — Trees and Vegetation would result in a significant impact to trees that are considered a locally important resource by the City.

Mitigation.

a. *BR-1.1 Replace loss of Protected Trees.* MPHS shall submit an application to the City's Parks and Recreation Department Director for a tree removal permit and meet the replacement requirements of the Tree and Vegetation Ordinance (Municipal Code, Title 11.06.020). Included with the permit application shall be a landscaping plan that illustrates species, numbers, and sizes of replacement trees.

b. *BR-1.2 Maintain and protect trees to be retained.* MPHS shall be responsible for maintaining and protecting the existing on-site trees to be retained. The following specific actions shall be followed to maintain the health of the remaining trees:

- (i) Any pruning shall be done according to the direction of a certified arborist and all pruning shall comply with International Society of Arboriculture, Western Chapter Standards or other comparable standards deemed acceptable to the City Arborist.
- (ii) Any abandoned utility lines (water, electrical, etc.) in the root zones (radius of ten times the trunk diameter) shall be cut and left in the ground to the satisfaction of the City Arborist.
- (iii) Any surfacing material inside the root zone shall be pervious and installed on top of the existing grade. As an example, pervious pavers are acceptable provided the base material is also sufficiently pervious. Base rock containing granite fines is not sufficiently pervious.
- (iv) Temporary construction fencing shall be erected to protect the retained trees of a size to be established by the City Arborist. The fencing shall be placed at the perimeter of the root zone unless the pavement is supervised by a certified arborist. The fencing shall be in place prior to the arrival of construction materials or equipment.
- (v) The landscape irrigation shall be designed to prevent trenching inside the root zones of retained trees.
- (vi) Supplemental irrigation shall be provided during construction. Approximately 10 gallons of water for each inch of trunk diameter should be applied at or near the perimeter of the root zone every two weeks during the dry months (any month receiving less than 1 inch of rainfall on average).
- (vii) Retained trees shall be thoroughly mulched with a 3-inch layer of bark chips with the exception of a 6- to 12-inch area around the base of the root collar, which must be left bare and dry.

Finding. Implementation of the mitigation measures listed above would reduce the impacts to the tree resources within the City to a **less than significant level**.

2. **Impact. BR-2. Nesting Birds** — The activities associated with tree removal and vegetation clearing may potentially disturb non-sensitive nesting birds such as European starlings and mourning doves. Depending on the timing and species affected, vegetation removal could result in a potential violation of California Fish and Game Code (Sections 3503, 3513, or 3800) of the Migratory Bird Treaty Act if it results in destruction of bird nests. This would be considered a potentially significant impact.

Mitigation. *BR-2.1 Conduct pre-construction surveys for nesting birds and implement protective measures if identified.* The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period to the extent possible. If no vegetation or tree removal is proposed during the nesting period, no surveys shall be required. If it is not feasible to avoid the nesting period, a survey for nesting birds shall be conducted by a qualified wildlife biologist no sooner than 14 days prior to the start of removal of trees, shrubs, grassland vegetation, buildings, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation or building removal is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.

In the event that an active nest is discovered in the areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

Finding. Implementation of the mitigation measures listed above would reduce the impacts to nesting birds to a **less than significant level**.

G. CULTURAL RESOURCES

- 1. Impact. Disturbances of Cultural Resources** — Although no known cultural resources are located on the site, unidentified subsurface cultural resources could potentially be present and disturbed during grading and construction.

Mitigation. The following mitigation measures shall be incorporated into the grading and construction contracts.

- a. If potential historical or unique archaeological resources are discovered during construction, all work in the immediate vicinity (within approximately 50 feet) shall be suspended and alteration of the materials and their context shall be avoided pending site investigation by a qualified archaeological or cultural resources consultant retained by MPHS. Construction work shall not commence again until the archaeological or cultural resources consultant has been given an opportunity to examine the findings, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of and/or mitigation of adverse impacts to any potential historical resources or unique archaeological resources that have been encountered.

b. If the find is determined to be an historical or unique archaeological resource, and if avoidance of the resource would not be feasible, the archaeological or cultural resources consultant shall prepare a plan for the methodical excavation of those portions of the site that would be adversely affected. The plan shall be designed to result in the extraction of sufficient volumes of non-redundant archaeological data to address important regional research considerations. The work consultant, and shall result in detailed technical reports. Such reports shall be performed by the archaeological or cultural resources shall be submitted to the California Historical Resources Regional Information Center. Construction in the vicinity of the find shall be accomplished in accordance with current professional standards and shall not recommence until this work is completed.

c. MPHS shall assure that Project personnel are informed that collecting significant historical or unique archaeological resources discovered during development of the Project is prohibited by law. Prehistoric or Native American resources can include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources can include nails, bottles, or other items often found in refuse deposits.

d. If human remains are discovered, there shall be no further excavation or disturbance of the discovery site or any nearby area reasonably suspected to overlie adjacent human remains until MPHS has complied with the provisions of State CEQA Guidelines Section 15064.5(e). In general, these provisions require that the County Coroner shall be notified immediately. If the remains are found to be Native American, the County Coroner shall notify the Native American Heritage Commission within 24 hours. The most likely descendant of the deceased Native American shall be notified by the Commission and given the chance to make recommendations for the remains. If the Commission is unable to identify the most likely descendent, or if no recommendations are made within 24 hours, remains may be re-interred with appropriate dignity elsewhere on the property in a location not subject to further subsurface disturbance. If recommendations are made and not accepted, the Native American Heritage Commission will mediate the problem.

Finding. Implementation of the mitigation measures listed above would reduce the impacts to cultural resources to a **less than significant level**.

H. HYDROLOGY AND WATER QUALITY

- 1. Impact.** During the construction period, polluted runoff may flow into the City drainage facility and result in a potentially significant water quality impact.

Mitigation. MPHS shall prepare a Storm Water Pollution Prevision Plan (SWPPP) to prevent polluted runoff from flowing into public drainage facilities during construction of the proposed facilities. The SWPPP shall include Best Management Practices (BMPs) that include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution in storm water runoff during construction. The SWPP shall be reviewed and approved by the City and other appropriate agencies, such as the Regional Water Quality Control Board, prior to issuance of a grading or building permit.

Finding. Implementation of the mitigation measures listed above will reduce construction and post-construction stormwater quality impacts to a **less than significant level.**

III. ALTERNATIVES TO THE PROJECT

A. ALTERNATIVE A

1. **Description.** With Alternative A, the proposed replacement hospital, medical office building (MOB), and parking garage would be reorganized and sited so that the main vehicular entrance continues to be from El Camino Real instead of Trousdale Drive as with the originally proposed project, and the Revised Project. The main driveway road would bring cars along the south (Davis Drive) side of the property, to access the garage. A large surface parking lot would also be located on the south side. The service vehicle loading dock entrance would be off of Trousdale Drive opposite Magnolia. The front door of the hospital would be oriented toward Davis Drive and the hospital is located closer to Trousdale. This alternative, similar to the Revised Project, included rerouting the San Francisco Public Utilities Commission (SFPUC) water pipeline that traverses the site, parallel to and approximately 400 feet from El Camino Real, to the Medical Center's El Camino Real frontage. The MOB would be located south of and detached from the replacement hospital but could be physically connected via an aboveground pedestrian bridge and/or underground tunnel.
2. **Comparison to the Revised Project.** Like the Revised Project, Alternative A avoided the loss of open space and the change in the visual character along El Camino Real that were problems with the project as originally proposed. Alternative A, however, would also avoid the visual impacts along the Davis Drive side of the project.

The undeveloped portion of the site reserved for future Peninsula Hospital District use is much smaller than with the originally proposed project or the Revised Project.

Alternative A would increase environmental impacts associated with a parking shortfall during construction because unlike the proposed project or the Revised Project, the construction of the parking garage could not occur until after demolition of the existing hospital.

3. **Findings.** Alternative A is not environmentally superior to the Revised Project. It would have the same construction noise impact. The parking deficit associated with the inability to construct a garage until after demolition of the existing hospital would worsen the parking deficit during construction in a manner that could not be mitigated and would remain significant and unavoidable. Alternative A would increase noise and headlights impacts on Davis Drive side neighbors, although it would reduce building view impacts.

Alternative A is, however, not feasible or consistent with project objectives. In addition to the parking difficulties during construction, there is a critical absence of a direct connection between the replacement hospital and the MOB. It also is not feasible because between the El Camino entrance and the drop-off area there would be an unacceptably steep 16% access grade.

Moreover, because the MOB would be located on the site of the existing hospital, it could not be constructed until after demolition, and the new hospital cannot be licensed for operation without the essential support services that are to be located in the MOB. Thus under Alternative A the existing hospital could not operate until the replacement hospital is operational.

Other issues of concern were the relatively remote location of the garage, the inadequate separation between public and ambulance entries into the emergency department, infeasible service access to and from Trousdale, impractical location of the so-called technology dock in the services/loading dock area and an impractical location of the helipad. Therefore, Alternative A does not meet the project objectives of MPHS, the District or the community, including keeping the existing hospital operational until the replacement hospital is in service.

B. ALTERNATIVE B

1. **Description.** With Alternative B, the proposed replacement hospital, MOB, and parking garage would be reorganized and sited so that the main entrance would be from Trousdale Drive as with the originally proposed project and the Revised Project. Alternative B would have a greater setback from El Camino Real (45') than with the originally proposed project, but less than with the Revised Project. The MOB would be detached from the replacement hospital and located on the opposite side of the SFPUC water pipeline and easement, but could be physically

connected via an aboveground pedestrian bridge. Unlike Alternative A and the Revised Project, this alternative assumes that the SFPUC water pipeline and easement remain in their current alignment (parallel to and about 400 feet from El Camino Real).

The front door of the hospital would face toward the south in the direction of Davis Drive and Marco Polo Way. The garage would be sited west of the MOB and, because it would be located on the site of the existing hospital, constructed entirely after demolition of the existing hospital. A large employee and public surface parking lot would be located between the buildings and the southern property line. Access to the loading dock would be from Trousdale opposite Magnolia.

2. **Comparison to the Revised Project.** Alternative B would reduce the significant and unavoidable change in the open space character along El Camino Real as compared to the originally proposed project, by increasing the set-back to 45 feet, but this set back is less than that proposed with the Revised Project. The massing and footprint of the hospital would differ from the Revised Project. Alternative B increases the physical separation of the buildings from the Davis Drive residences, and thereby reduces visual impacts, although there is still a potential of noise and headlight impacts associated with the parking lots, driveway, drop-off area and garage entrance facing Davis Drive. Neither the MOB nor the parking garage could be built until the existing hospital is demolished. All patients, including emergency department visitors and ambulances, would use the same main entrance on Trousdale near Ogden. The cooling towers would be located along Trousdale Drive.
3. **Findings.** Alternative B would require a substantial redesign of the hospital's interior spaces and its structural base-isolated system. To determine the feasibility of the redesign would require substantial additional expenditures and time which is not warranted because Alternative B does not meet the objectives of MPHS, the District or the community. Alternative B is not consistent with a primary objective of MPHS and the community to keep the existing hospital in operation until the replacement hospital is in operation. This is because the MOB, which includes core services necessary for the licensing of the replacement hospital, could not be built until the existing hospital is demolished. Like Alternative A, Alternative B also eliminates direct access between the hospital and MOB.

The delays in construction of the parking structure is also inconsistent with a project objective of providing adequate parking on-site during construction. The parking garage would also be located a greater distance from the main entrance to the hospital and require patients and visitors to navigate from the garage past the emergency department to the main entry. The siting of the garage also creates a potential for noise and light impacts

on the Davis Drive residences. Other concerns include inadequate separation between public and ambulance entries to the emergency department, infeasible service area access to and from Trousdale Drive, the improper location of the technology dock distant from the emergency and imaging departments, and an impractical location for the helipad (with obstructions on two side).

C. ALTERNATIVE C

1. **Description.** Alternative C generally proposes the same basic site plan as the project as originally proposed, with the hospital's front door facing toward Marco Polo Way and the rear of the hospital and loading dock facing El Camino Real, with three substantive changes: (a) the cooling towers are relocated to the northern corner of the site, and partially below grade, thereby reducing the screen wall associated with the originally proposed project along El Camino Real and increasing the setback along El Camino Real to between 25' (along loading dock area for about 324' or about 36% of the El Camino Real frontage) to about 85'-90' at the cooling towers and along the rest of the hospital building frontage, (b) the public access trail is routed to be separate from the loading area, and (c) internal vehicle access is reconfigured into the public surface parking area off of the Trousdale Drive main entrance.

The MOB would be attached to the hospital and located 110 feet from Davis Drive residences.

2. **Comparison to the Revised Project.** Alternative C has less overall setback than the Revised Project along El Camino Real (the Revised Project has a maximum setback of 165'), but would have an increased sense of open space at the El Camino Real/Trousdale corner. The MOB with the Revised Project is aligned along but setback 76 feet from El Camino Real. Under Alternative C the MOB is located 140 feet from the Davis Drive side property line. Under Alternative C the parking garage would be located approximately 60 feet southwest of the MOB and approximately 100 feet from the Davis Drive property line. With the Revised Project the garage is located on the northeast corner of the site.

Alternative C would have the same significant impacts on Davis Drive residents as the originally proposed project because it includes similar building massing and distances with respect to the MOB and garage, and a somewhat lesser visual impact from the Revised Project.

With Alternative C, like the originally proposed project, but unlike the Revised Project, only a portion of the garage can be constructed prior to opening the new hospital. In addition, a potentially significant impact identified with Alternative C that is not identified with the Revised Project relates to ease of site access and on-site circulation.

Access and circulation with Alternative C would be from Trousdale near Ogden. With the Revised Project, the main entrance on Trousdale would be at Magnolia and the emergency entrance would be from near Ogden (rather than at Magnolia). There would be about 40 more parking spaces with the Revised Project.

3. **Findings.** Alternative C would ameliorate a lesser number of impacts than the Revised Project. Alternative C would avoid the originally proposed project's impacts related to (a) loss of open space along El Camino Real, and (b) inconsistency with the City's goals regarding development and visual character along the gateway portion of El Camino Real. However, Alternative C would have the same significant unavoidable parking impacts during construction as the originally proposed project. Also, like the originally proposed project, Alternative C would result in an additional significant and unavoidable visual impact on Davis Drive residents because the mitigation measure, to step back the top floors of the MOB, is not feasible.

The Revised Project avoids or mitigates to less than significant levels impacts associated with the originally proposed project related to (a) loss of open space along El Camino Real, (b) inconsistency with City goals related to development and visual character along the gateway portion of El Camino Real, and (c) parking deficits during construction.

Because amongst all of the alternatives the Revised Project potentially causes the fewest significant and unavoidable impacts, the Revised Project is considered the environmentally superior alternative.

D. NO PROJECT ALTERNATIVE

1. **Description.** With the no project alternative, the existing hospital and medical office buildings would remain on the site in their current use and location. None of the project components, i.e., a new replacement hospital, new MOB, and new parking garage, would be constructed and El Camino Real would continue to serve as the main entrance.
2. **Comparison to Revised Project.** The no project alternative would not update or modernize the existing facilities in compliance with SB 1953 (other than a potential seismic retrofit), and would not provide shell space for future hospital growth.
3. **Findings.** The ability to continue to provide continuous operations in the existing facilities without a seismic retrofit is precluded by SB 1953, which requires that hospitals be seismically retrofitted or replaced consistent with state standards. MPHS and the District, however, have determined that seismically retrofitting the existing hospital would not be feasible because of the cost and the disruption to existing programs and

services. Any such project would also require substantial changes to the hospital's interior spaces — thereby compromising hospital facilities and delivery of services to the community. Numerous clinical services would require relocation to other sites or closure for substantial lengths of time with a retrofit plan. For these reasons, it is concluded that the no project alternative is infeasible. Further, because of the requirements of SB 1953, the failure to retrofit or to replace the existing hospital, could result in the eventual closure of the hospital. Such action is not consistent with the objectives of MPHS, the District or of this community.

E. OTHER ALTERNATIVES

The Draft EIR included a discussion of other alternatives, and in response to concerns raised in the Draft EIR, several additional plans were studied to address the site planning and environmental impacts identified in the Draft EIR for the originally proposed project. These latter studies, referred to as Sketch Studies 1-4, are described in the Response to Comments portion of the Final EIR, and were presented in a Planning Commission/City Council study session and at Planning Commission and City Council hearings. The Response to Comments includes a description of the main components of these Sketch Studies and a summary of the reasons each Study has been determined to be infeasible. The Board finds, for the reasons stated therein, that these additional alternative plans are not feasible and not consistent with the project objectives.

IV. MITIGATION MONITORING PROGRAM

CEQA requires that a Responsible Agency approving a project adopt a reporting monitoring program for changes to the project that it adopts or makes a condition of project approval in order to ensure compliance during project implementation ("Mitigation Monitoring Program"). The Mitigation Monitoring Program for the mitigation measures identified above, which was prepared by the City to serve this purpose, is incorporated in this Motion by reference and is hereby adopted by the Board.

V. STATEMENT OF OVERRIDING CONSIDERATION

The Board adopts and makes the following Statement of Overriding Considerations regarding the significant, unavoidable impacts of the Revised Project and the anticipated benefits of the Revised Project.

A. SIGNIFICANT UNAVOIDABLE IMPACTS

With respect to the foregoing findings and in recognition of those facts that are included in the record, the Board has determined that the Revised Project will result in significant and unavoidable project-specific and cumulative impacts to Construction Noise and Visual Quality as disclosed in the Final EIR for the Revised Project. The impacts would not be reduced to a less than significant level by feasible changes or alterations to the Revised Project.

B. OVERRIDING CONSIDERATIONS

The Board finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Revised Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Revised Project. The Board specifically adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the Revised Project and the anticipated benefits of the Revised Project. The Board finds that the Revised Project has eliminated or substantially lessened all significant impacts on the environment where feasible.

C. BENEFITS OF THE REVISED PROJECT

1. With respect to visual quality, the Board finds that:

a. The project involves the replacement and expansion of an existing hospital structure in order to comply with the requirements of SB 1953, a state law requiring all hospitals to meet new seismic safety standards.

b. Since the project consists primarily of replacing an existing hospital, the size of the hospital cannot be significantly reduced without also reducing health care services to residents of both the City and other cities served by the hospital.

c. Project alternatives considered locating the hospital structure on a different portion of the site, including along El Camino Real. Because of the need to keep the existing hospital operating throughout construction, however, locating the hospital in other areas would mean that the parking garage could not be fully constructed until after demolition of the existing hospital, resulting in a different significant unavoidable impact which does not occur with the Revised Project, i.e., a parking shortage during construction.

d. In addition, the alternatives along El Camino Real would locate the MOB along the Davis Drive side of the property. Unless the top two floors of the MOB are stepped back, these alternatives would result in a significant unavoidable effect on visual quality along Davis Drive. MPHS has demonstrated in the response to comments on the EIR and in prior proceedings, including the Planning Commission and City Council meetings, that it would not be feasible to step back the upper floors of the MOB because of the structure of the building and the amount of support medical office space for doctors whose services and patients require immediate access to the hospital facilities.

e. Project alternatives which place the new hospital parallel to the Trousdale Drive (north) side of the site do not appear to be viable for the reasons stated in the materials included with the Final EIR and other

information and materials submitted to and on file with the City, which are incorporated herein by reference.

f. One benefit of the Project is that it has been revised to meet the desire of Davis Drive residents to have the parking garage moved as far as possible away from their properties, to the Trousdale side of the site.

g. There are no alternatives that would both eliminate the visual impact of the project from Davis Drive and prevent a parking shortage during construction, while keeping the existing hospital in operation until the new hospital is functioning.

2. With respect to temporary construction noise impacts, this Board finds:

a. The EIR already includes a requirement on MPHS to implement Best Management Practices to reduce noise as much as possible through such requirements as equipment maintenance, hours of construction operation, etc.

b. Construction and demolition projects of this size and nature generate significant amounts of noise, and there is no way to fully reduce the noise to levels that are within the community's standards. Because of the size and prominence of the site, any development of the site would create construction noise of significant levels.

c. The construction noise from the project will be substantially reduced when work is being done on the interior of the buildings, so the significant and unavoidable effect is not continuous for the entire period of construction and demolition.

d. The project is designed to avoid typical major noise sources, because the hospital structural design is based on poured concrete footings rather than driven piles and precast concrete finishing will be done off site instead of field finished concrete work such as bush-hammering or sand blasting.

3. Construction of the Project is the most efficient and economical method to achieve timely compliance with SB1953 Standards.

a. The State of California has adopted strict seismic standards for acute care hospitals (the "**SB1953 Standards**"). The existing hospital will need substantial modification to comply with the SB1953 Standards. Under current law, if the existing hospital fails to achieve compliance with the SB1953 Standards by January 1, 2013, the existing hospital must cease operations as a general acute care hospital on that date. Based on independent engineering studies, both the District and MPHS have concluded that compliance with these seismic standards is more efficiently and economically achieved by construction of a new facility rather than

substantial reconstruction of the existing hospital. The Restructured Relationship contemplated between the District and MPHS centers on a long-term ground lease of District real property upon which MPHS would develop a new state-of-the-art medical center and related improvements.

b. The District has concluded that the merger of the existing hospital and Mills Hospital and the subsequent realignment of operations have been of substantial benefit to the healthcare needs of its community and the District desires to preserve this achievement. The District also believes that MPHS has been a successful and beneficial operator of the existing hospital and has embarked on several years of negotiations out of a desire to retain MPHS as the operator of a new full service acute care hospital campus (the Project) designed to meet the long-term healthcare needs of the community.

c. The Project is consistent with District healthcare purposes and is designed to meet the long-term healthcare needs of the District's residents by continuing to provide a full range of health care services.