

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING A PRECISE PLAN (PC M 13-22) TO ALLOW A HEIGHT OF 120 FEET (45 MAXIMUM CURRENTLY ALLOWED) TO ACCOMMODATE A PROPOSED PARKING STRUCTURE TO BE LOCATED WITHIN THE SHARP CHULA VISTA MEDICAL CENTER CAMPUS LOCATED AT 751 MEDICAL CENTER COURT.

WHEREAS, the area of land which is subject to this Resolution is diagrammatically represented in Exhibit A attached to this Resolution, and commonly known as Sharp Chula Vista Hospital campus, and consists of site located at 751 Medical Center Court (“Project Site”); and

WHEREAS, a duly verified application was filed with the City of Chula Vista Development Services Department on November 26, 2013 by Sharp Chula Vista Medical Center (SCMC) (“Applicant”), (“Owner” and “Developer”) requesting approval of a Precise Plan in order to allow for the maximum building height to be increased from 45 feet to 120 feet); and

WHEREAS, the applicant has complied with the Applicant has complied with the requirements of Section 19.56.042 of CVMC (Required maps and information) by providing an application submittal package which includes detailed site plans and elevations; and

WHEREAS, the Project consists of developing a six story parking structure (seven levels) consisting of 718 parking spaces; and

C. Planning Commission Record of Application

WHEREAS, the Planning Commission set the time and place for a hearing on the Project, and notice of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, and its mailing to property owners within 500 feet of the exterior boundary of the Project, at least ten (10) days prior to the hearing; and

WHEREAS, the Planning Commission held an advertised public hearing on the Project on March 12, 2014, and voted 5-1-1-0 to forward a recommendation to the City Council on the Project; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on this project held on March 12, 2014, and the minutes and resolution resulting therefrom, are hereby incorporated into the record of this proceeding; and

D. City Council Record of Application

WHEREAS, the City Clerk set the time and place for the hearing on the Project application and notices of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city, and its mailing to property owners within 500 feet of the exterior boundaries of the Project at least ten (10) days prior to the hearing; and,

WHEREAS, the duly called and noticed public hearing on the Project was held before the City Council of the City of Chula Vista on April 8, 2014, in the Council Chambers in the City Hall, City of Chula Vista Civic Center, 276 Fourth Avenue, at 2:00 p.m. to receive the recommendations of the Planning Commission, and to hear public testimony with regard to the same; and

E. Discretionary Approvals Resolution and Ordinance

WHEREAS, at the same City Council hearing at which this Ordinance was introduced for first reading on April 8, 2014 the City Council of the City of Chula Vista approved Resolution _____, by which it approved a Design Review Permit for the Project;

F. Environmental Determination

WHEREAS, the Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for Class 32 categorical exemption pursuant to Section 15332 (In-Fill Development Project) of the State CEQA Guidelines.

NOW THEREFORE, the City Council of the City of Chula Vista does hereby find, determine and ordain as follows:

Section 1

That the proposed project complies with the California Environmental Quality Act and qualifies for a Class 32 Categorical Exemption pursuant to Article 19, Section 15332 (In-Fill Development Project) of the State CEQA Guidelines in accordance with the following Findings:

A. CALIFORNIA ENVIRONMENTAL QUALITY ACT, CALIFORNIA CODE OF REGULATIONS ARTICLE 19, SECTION 15332, CLASS 32 CATEGORICAL EXEMPTION (IN-FILL DEVELOPMENT) FINDINGS:

THAT THE PROJECT IS CONSISTANT WITH THE APPLICABLE GENERAL PLAN DESIGNATION AND ALL APPLICABLE GENERAL PLAN POLICIES AS WELL AS WITH APPLICABLE ZONING DESIGNATIONS AND REGULATIONS.

The Chula Vista General Plan designation for the site is Public and Quasi-Public (PQ). According to General Plan Chapter 5, Section 4.9.6 (Page LUT-54), the PQ designation depicts existing areas used by schools, churches, and hospitals. Because the site has a General Plan designation of PQ, the existing medical facility is acknowledged and expressly allowed in the General Plan. The C-O zone allows medical offices and clinics. Hospitals are allowed on the site, and elsewhere within the City, as an Unclassified Use (CVMC 19.54). The project is allowed as an ancillary use for the medical center, since it will provide parking and improved vehicular access serving the allowed medical center use.

The project includes the request for a precise plan to allow a height that is in excess of the maximum allowed height of 45 feet for the C-O Zone. Because the zone in which the project is located is C-O-P, a precise plan may be applied to the site with City Council approval. According to CVMC Section 19.56.040, the requirements specified in the precise plan shall take precedence over the otherwise applicable regulations of the underlying zone. In this particular case, the applicant is asking to maintain a height of 120 feet, where 45 feet is otherwise allowed. The intent of the precise plan, as described in CVMC Section 19.56.041, is to allow regulatory flexibility in instances where the site has unique attributes and requires special handling. The site has been utilized as a medical center since the 1970's. The COP zoning designation was applied to the site in 1990, when the zoning was changed from residential (R1H). Because the uses allowed in the C-O zone were compatible with the existing use of the site, the C-O zone was chosen as the most appropriate zoning designation for the site at the time that it was rezoned. Because the CO zone has a height requirement of 45 feet maximum, flexibility in zoning was needed at the time that the site was rezoned in 1990, since the site maintained structures (hospital towers) in excess of 45 feet. The "P" modifier was applied to the site resulting in a C-O-P Zone, acknowledging the special characteristics of the site and the need for flexibility beyond the requirements of the C-O zone. Consistent with this intent, the applicant is requesting a precise plan to allow a type of facility (parking structure) that is normally associated with a medical center.

THAT THE PROPOSED DEVELOPMENT OCCURS WITHIN CITY LIMITS ON A PROJECT SITE THAT IS NO MORE THAN FIVE ACRES SUBSTANTIALLY SURROUNDED BY URBAN USES.

The site is located within the Chula Vista city limits. The project site, which consists of a parking structure and loop road, is less than 5 acres in size. The total project site is approximately 1.5 acres. The project is surrounded by urban uses on all sides. Surrounding uses consist of medical uses, a veteran's home, and residential development.

THAT THE PROJECT SITE HAS NO VALUE AS HABITAT FOR ENDANGERED, RARE OR THREATENED SPECIES.

The project site consists of a graded and developed pad, which includes commercial landscaping that does not include flora nor fauna habitat. Therefore, the site has no value as habitat for endangered, rare or threatened species.

THAT APPROVAL OF THE PROJECT WOULD NOT RESULT IN ANY SIGNIFICANT EFFECTS RELATING TO TRAFFIC, NOISE, AIR QUALITY, OR WATER QUALITY.

The parking garage does not generate additional traffic on the site. All on site traffic can be attributed to existing traffic generating uses on the site, such as the hospital and medical offices. As such, the project will not result in any significant effects relating to traffic. Because there would not be any increase in traffic due to the project, there would also not be any significant adverse air quality or noise effects due to the parking garage and loop road.

The parking garage and loop road will arguably improve any existing air quality or noise effects attributable to the medical facility, since on-site circulation will be improved resulting in less on-site traffic congestion. A technical letter prepared by LLG Engineers, dated April 10, 2014 states that there are no traffic impacts associated with the project, and that the loop road provides good access to the parking structure. A technical letter dated April 10, 2014 prepared by Atkins, states that there would be no adverse noise impacts associated with the project. The project is required to comply with all City of Chula Vista water quality requirements, and a Water Quality Technical Report has been prepared for the project. The Water Quality Technical Report, and requirements outlined therein, is in conformance with all standards required by the City's Land Development Section. The project will be required to comply with all water quality requirements outlined in the Water Quality Technical Report, as well as the City of Chula Vista's Municipal Storm Water Permit, and as such, the project will not result in any significant effects to water quality.

THAT THE SITE CAN BE ADEQUATELY SERVED BY ALL REQUIRED UTILITIES AND PUBLIC SERVICES.

The existing medical center site is currently served by all required public utilities and services. The parking structure would result in no additional demand for additional public utilities/services, and will be served with existing utilities and services such as electricity, water, and public safety.

Section 2

A. PRECISE PLAN FINDINGS

The City Council finds by clear and convincing evidence that:

SUCH PLAN WILL NOT, UNDER THE CIRCUMSTANCES OF THE PARTICULAR CASE, BE DETRIMENTAL TO THE HEALTH, SAFETY OR GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE VICINITY, OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY;

The Precise Plan being requested is limited to allowing a deviation from existing development standards for building height within the existing hospital campus. The hospital campus has been in development for approximately 35 years and contains two existing towers of approximately 68 feet in height. The parking structure being proposed is an important component of the ongoing medical center expansion and will ensure adequate parking for patients and medical staff using the medical center facilities. Therefore, its construction, along with additional support facilities, will contribute to the general well-being of the community.

The parking structure will be located adjacent to or near existing hospital facilities well within the campus boundaries. The parking structure is located approximately 167 feet from the nearest residential property located to the northeast of the project site. Building

design is consistent with City Design Guidelines. The parking structure will not generate any new traffic.

The proposed height increase is to allow development consistent with hospital uses. Existing towers on site are approximately 67 feet in height. The Project will contribute to the well-being and general welfare of the Chula Vista residents by allowing the existing hospital facility to operate more efficiently to meet the needs of the Chua Vista and South Bay residents.

THAT SUCH PLAN SATISFIES THE PRINCIPLE FOR THE APPLICATION OF THE P MODIFYING DISTRICT AS SET FORTH IN CVM 19.56.041

The Precise Plan (P) Modifying District was attached to the C-O zoning at the time the subject property was rezoned from R-1-H to C-O-P in January, 1990. The site has been developed as a hospital campus since approximately 1970. The hospital site had received prior approval for two hospital towers with a height of approximately 68 feet, prior to the effective date of this rezone. Given the existing hospital use, the P modifier was added to this new zoning designation in anticipation of the need to provide future flexibility in the implementation of the underlying development standards of the C-O zone, especially the ability to provide for structures which exceeded the underlying 45-foot height limit. The Precise Plan will allow for flexibility in building height that will enable the site to be developed consistent with the needs of a state of the art medical facility.

THAT ANY EXCEPTIONS GRANTED WHICH DEVIATE FROM THE UNDERLYING ZONING REQUIREMENTS SHALL BE WARRANTED ONLY WHEN NECESSARY TO MEET THE PURPOSE AND APPLICATION OF THE P PRECISE PLAN MODIFYING DISTRICT.

Exceptions to the underlying zoning requirements are warranted due to the fact that the site contains an existing hospital campus. Such use is unique within the C-O zone in that hospitals usually contain buildings/towers that are over 45 feet in height. The inability for future development to exceed the current height limit of 45-foot would preclude the ability to provide necessary expansions that meet the needs of the surrounding community.

THAT APPROVAL OF THIS PLAN WILL CONFORM TO THE GENERAL PLAN AND THE ADOPTED POLICES OF THE CITY.

Approval of a Precise Plan is consistent with the Public/Quasi-Public designation of the General Plan for the property and the General Plan Objective PFS 19 to provide art and culture programs, childcare facilities and health and human services that enhance the quality of life in the City of Chula Vista. A height exceeding the current height restriction of 45 feet under the C-O (Administrative and Professional Office) zone, has been established by the two existing hospital towers on the campus and will allow the site to be developed consistent with the needs of the state of the art medical facility.

B. ADOPTION OF PRECISE PLAN

In light of the findings above, the Precise Plan is adopted to increase the existing building height limit of 45 feet be increased to 120 as for the parking structure diagrammatically represented in Exhibit “A” and described in Exhibit “B”, approved and adopted in the form presented to the City Council and on file in the office of the City Clerk.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

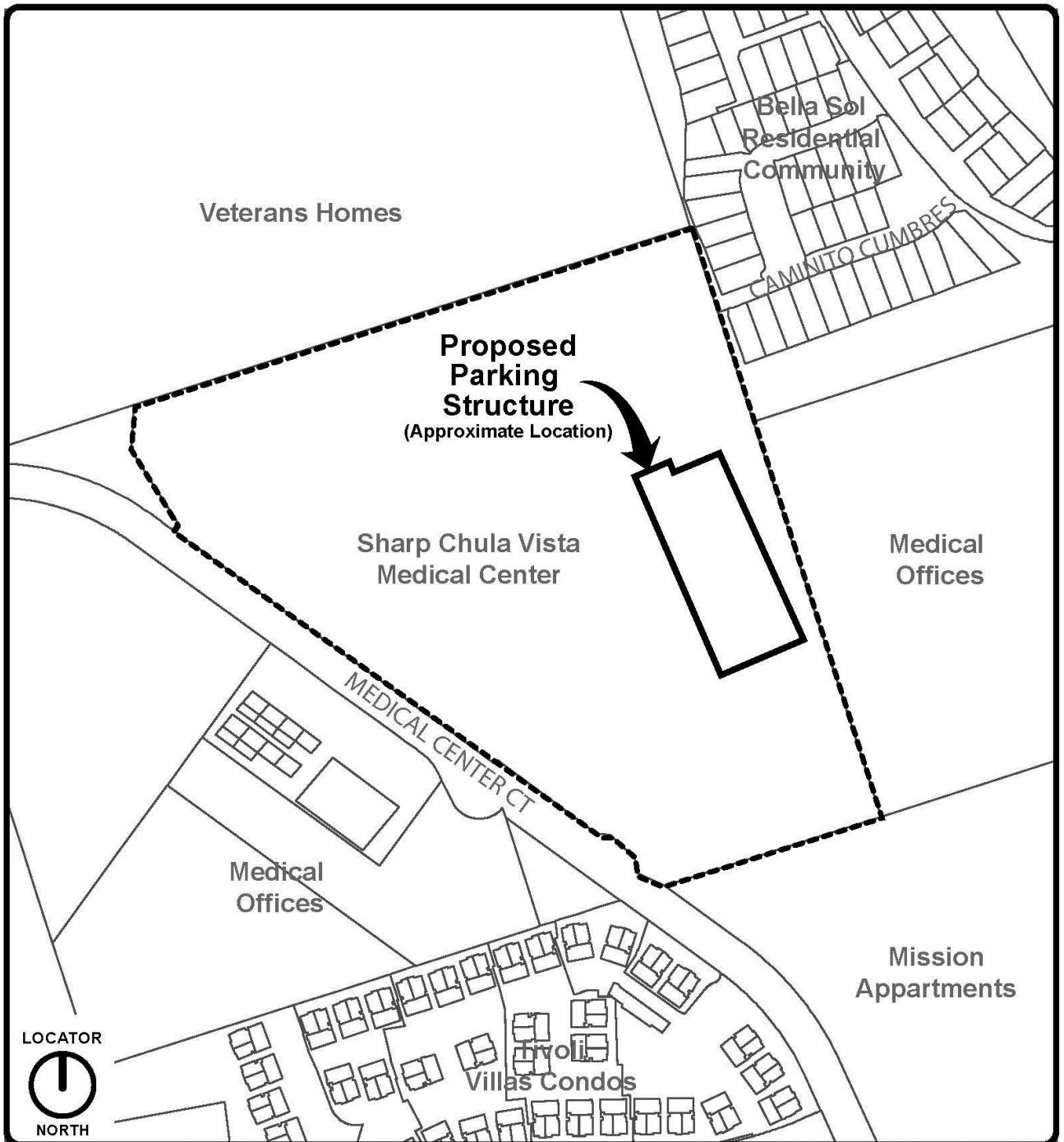
The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Kelly Broughton
Director of Development Services

Glen R. Googins
City Attorney



751 Medical Center Ct.
641-010-28

EXHIBIT "A"

EXHIBIT B

**PRECISE PLAN
DEVELOPMENT STANDARDS**

Building Height:

120 feet

All other development standards:

Subject to the development standards contained in the Chula Vista Municipal Code (CVMC)