

**RESOLUTION NO. 2016-**

**RESOLUTION OF THE CHULA VISTA CITY COUNCIL  
APPROVING THE CONDITIONAL USE PERMIT (CUP 15-  
0025) TO PERMIT THE EXPANSION OF THE EXISTING  
HOSPITAL USE LOCATED AT 751 MEDICAL CENTER  
COURT IN THE CITY OF CHULA VISTA**

WHEREAS, the parcel of land which is the subject matter of this Resolution is depicted in Exhibit "A," attached hereto and incorporated herein by this reference, and for the purpose of general description consists of 16.49 acres located at 765 Medical Center Court, APN 641-010-28 (Project Site); and

WHEREAS, on November 30, 2015 a duly verified application requesting approval of a Conditional Use Permit was filed with the City of Chula Vista Development Services Department by Sharp Chula Vista Medical Center (SCMC) (Applicant); and

WHEREAS, said Applicant requests approval of a Conditional Use Permit to allow the expansion of the operation of an existing hospital use with the addition of a new seven story hospital tower (Project) on said Project Site; and

WHEREAS, The Development Services Director has reviewed the proposed Project for compliance with the California Environmental Quality Act (CEQA) and has determined that there is substantial evidence, in light of the whole record before the City Council, that the Project may have a significant effect on the environment; therefore, the Development Services Director has initiated the preparation of an Environmental Impact Report, (EIR 15-0002); and

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

WHEREAS, the Chula Vista City Council held a duly noticed public hearing to consider the Project application at the time and place as advertised, namely October 4, 2016 at 5:00 p.m. in the City Council Chambers, 276 Fourth Avenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby find, determine and resolve as follows:

**I. CONDITIONAL USE PERMIT FINDINGS FOR OF APPROVAL**

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.**

Based upon both current and projected future community medical service needs, a new hospital tower is necessary in order to adequately serve the growing Chula Vista community. The medical campus is centrally located within Chula Vista and is easily accessed by major roadways. The best location on the existing site to construct a new hospital tower is in the currently planned location, which is adjacent to the existing hospital and Loop Road. The first two floors of the new tower will be contiguous to the first two floors of the existing hospital tower, assuring an efficient hospital operation.

2. **That such use will, under the circumstances of the particular case, not 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 hospital expansion will occur within the existing Medical Center Court complex and will be supported by adequate on-site parking. The estimated traffic increase can be accommodated on adjacent streets. Two community forum events were held, one on March 10 and the other on March 26, 2016. One of the areas of concern expressed by surrounding residents regarded the traffic on Medical Center Court. The EIR addresses traffic impacts, as well as all other project related impacts. All project impacts are mitigated to a level of less than significant.

The expansion of the medical center operation will provide the community benefit of a state of the art medical facility in close proximity to Chula Vista residents. Because the capacity of the medical facility will be greatly expanded, urgent medical needs will be taken care of in a more expedited maner.

3. **That the proposed use will comply with the regulations specified in the code for such use.**

Granting of this Conditional Use Permit requires the Applicant and Property Owner to fulfill conditions and to comply with all applicable regulations and standards specified in the Chula Vista Municipal Code, as well applicable safety regulations required by the Chula Vista Police and Fire Departments. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the Project. The Project will comply with all regulations and conditions specified in the Chula Vista Municipal Code for uses established under CUP15-0025.

4. **That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.**

Approval of this conditional use permit is consistent with the General Plan designation for the property and General Plan policy to encourage the establishment, expansion,

improvement and modernization of hospitals and related health facilities within the Chula Vista Planning Area.

II. CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

The following conditions shall be accomplished to the satisfaction of the Development Services Director, or designee, prior to issuance of building permits, unless otherwise specified:

PLANNING DIVISION:

1. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative	Date

Signature of Property Owner/Representative	Date

2. Approval of this Project shall not waive compliance with any section of the Chula Vista Municipal Code nor any other applicable City Ordinances in effect at the time of building permit issuance.
3. The conditions of approval for this Conditional Use Permit shall be applied to the subject property until such time approval is revoked, and the existence of this approval with conditions shall be recorded with the title of this property.
4. The Project Site shall be developed and maintained in accordance with the approved plans for CUP15-0025 dated September 20, 2016, which include site plans and floor plans on file in the Planning Division of the Development Services Department, the conditions contained herein, and Title 19.

5. This Conditional Use Permit shall become void and ineffective if not utilized within three years from the effective date, in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
6. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and cost, including court costs and attorneys' fees (collectively "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval or issuance of this Conditional Use permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein and the applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated, above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and this provision shall be binding on any and all of the Property Owner and Applicant's successors and assigns.

### III. CONSEQUENCE OF FAILURE OF CONDITIONS

If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

### IV. INVALIDITY: AUTOMATIC REVOCATION

It is the intention of the City Council that its adoption of this Resolution is dependent upon the enforceability of each and every term, provision and condition herein stated; and that in the event that any one or more terms, provisions or conditions are determined by a Court of competent jurisdiction to be invalid, illegal or unenforceable, this Resolution and the Permit shall be deemed to be automatically revoked and of no further force and effect.

### V. GOVERNMENT CODE SECTION 66020 NOTICE

Pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or

other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to follow timely this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition. The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project; and it does not apply to any fees, dedication, reservations, or other exactions which have been given notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, this 4<sup>th</sup> day of October, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

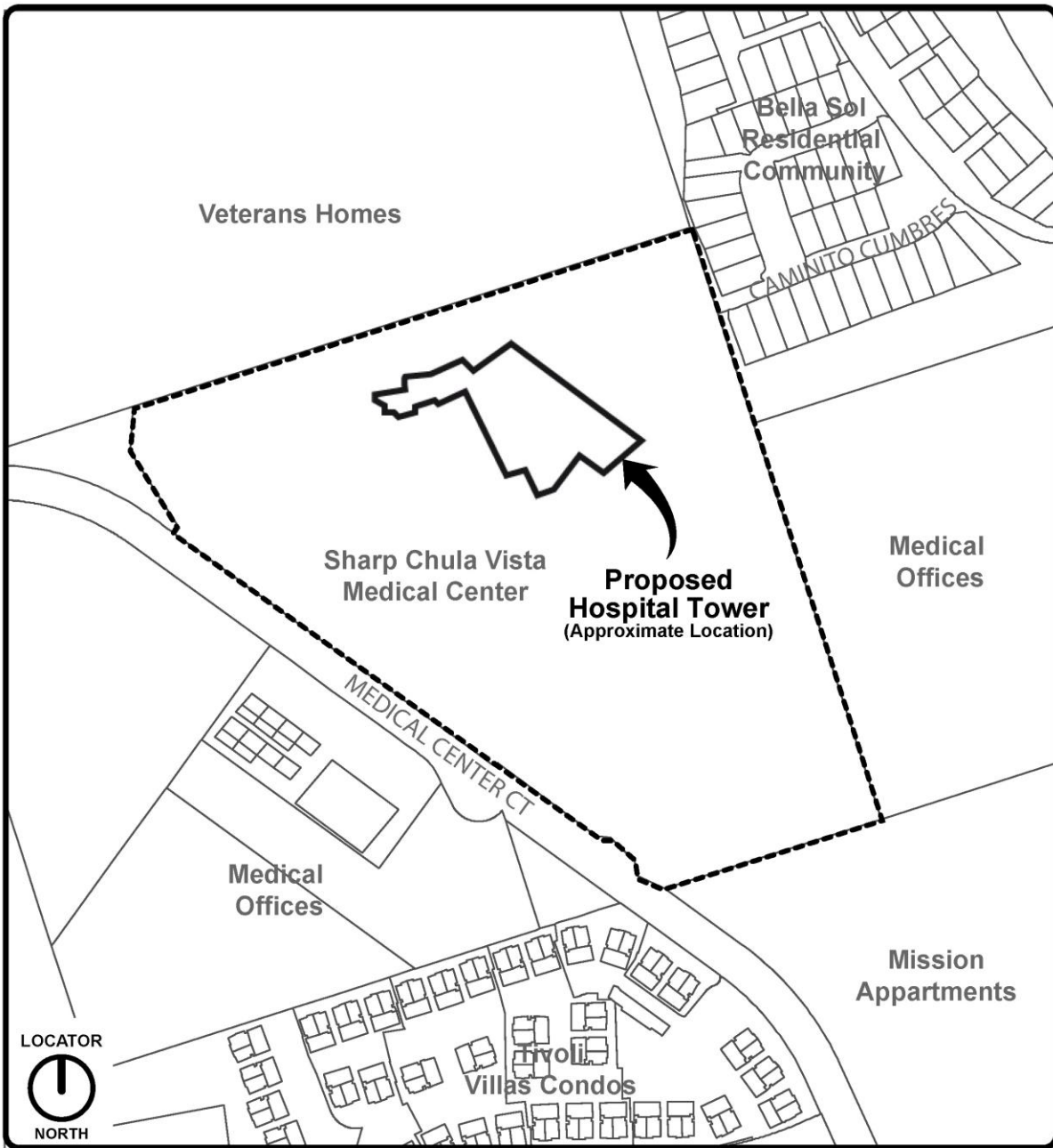
ABSTAIN:

Presented by:

Approved as to form by:

\_\_\_\_\_  
Kelly Broughton  
Development Services Director

\_\_\_\_\_  
Glen R. Googins  
City Attorney



 751 Medical Center Ct.  
641-010-28

**EXHIBIT "A"**