

RESOLUTION \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA GRANTING A DESIGN REVIEW PERMIT  
(DRC 15-0030) FOR A PROPOSED HOSPITAL TOWER ON A  
SITE LOCATED AT 751 MEDICAL CENTER COURT

WHEREAS, the area of land that is subject to this Resolution is diagrammatically represented in Exhibit A attached to this Resolution and incorporated herein, and is commonly known as the Sharp Chula Vista Medical Center campus, 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 30, 2015 by Sharp Chula Vista Medical Center (SCMC) (“Applicant”) requesting approval of a new hospital tower to be developed on the Project Site (Project”); 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 hearing on the Project application and notices of said hearings, together with its purposes 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 Site 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 on October 4, 2016 in the Council Chambers in the City Hall, City of Chula Vista Civic Center, 276 Fourth Avenue, at 5:00 p.m. to hear public testimony with regard to the same.

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

**I. DESIGN REVIEW FINDINGS/ APPROVAL**

A. THAT THE PROPOSED DEVELOPMENT, AS CONDITIONED, IS CONSISTENT WITH THE DEVELOPMENT REGULATIONS OF THE COP, OFFICE COMMERCIAL WITH PRECISE PLAN OVERLAY ZONE

The proposed Project complies with all development standards of the COP zone with the exception of building height, which is being requested to increase from a maximum of 45 feet to 120 feet in conjunction with a Precise Plan approval for this Project.

- B. THE DESIGN FEATURES OF THE PROPOSED DEVELOPMENT ARE CONSISTENT WITH, AND ARE A COST EFFECTIVE METHOD OF SATISFYING THE CITY OF CHULA VISTA DESIGN GUIDELINES AND THE CITY OF CHULA VISTA DESIGN MANUAL AND LANDSCAPE MANUAL

The Project is in compliance with the Commercial Guidelines of Chapter III of the City Design Manual in that it complies with the Site Planning design guidelines for compatibility, building placement and screening. It also complies with the Architectural design guidelines for compatibility, scale/building façade and roof articulation and materials and colors.

The new hospital tower is strategically located in the northern portion of the medical center campus to provide additional hospital beds and surgical facilities to the overall campus to support the acute care facilities. The orientation of the hospital tower itself is placed to align with the existing hospital building. The colors and materials are consistent with the adjacent buildings as well as the new parking structure on the campus. Buffering and/or screening to reduce the visual impact of the hospital tower on the neighboring residential areas will be provided primarily through the use of heavy landscaping to screen the lower floors of the tower. Design features have been incorporated that minimize the apparent size of the structure.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista hereby further finds and determine, as follows:

## **II. APPROVAL OF DESIGN REVIEW PERMIT**

Based on the findings above, the City Council hereby approves the Design Review Permit, as shown in the Project plans on file in the Planning Division and Office of the City Clerk, subject to the conditions set forth below:

The following 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. Prior to, or in conjunction with the issuance of the first building permit, the Applicant shall pay all applicable fees, including any unpaid balances of permit processing fees for deposit account DQ-3082.
3. The colors and materials specified on the building plans shall be consistent with the colors and materials shown on the site plan and materials board approved by the City Council on October 4, 2016.
4. A graffiti resistant treatment shall be specified for all wall and building surfaces, and noted on any building and wall plans. Additionally, the Project shall conform to CVMC Section 9.20.055 regarding graffiti control. The Applicant shall remove all graffiti on a regular basis, and place a note to this effect on the building permit plans.
5. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets. Such screening shall be architecturally integrated with the building design.
6. All ground mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping.
7. The Applicant shall submit a photometric study for review and approval that indicates there shall be no light spillage beyond the property lines of the Project Site.
8. The Applicant shall develop, submit and obtain approval of a "Recycling and Solid Waste Management Plan" by the City's Conservation Coordinator.

**Fire Department**

9. For any relocated appurtenances, the Applicant shall provide and install FDC and PIV signage in accordance with the applicable CVFD detail.

### **Land Development Division**

10. The Applicant shall be required to pay the follow Engineering Fees based on the final approved building plans for the Project (fees are adjusted on October 1<sup>st</sup> of every year):
  - a. Sewer Capacity Fee
  - b. Traffic Signal Fee
  - c. Sewer Basin DIF

**The following on-going conditions shall apply to the Project as long as it relies upon this approval.**

1. The Applicant shall maintain the Project in accordance with the approved plans for DR15-0030, date stamped approved on October 4, 2016, which includes a site plan, landscape and irrigation plan, and architectural elevations on file in the Planning Division, the conditions contained herein, and Title 19.
2. Approval of this Project shall not waive compliance with any sections of Title 19 of the Municipal Code, nor any other applicable City ordinances in effect at the time of building permit issuance.
3. This Design Review Permit shall become void and ineffective if not utilized within three (3) years from the effective date thereof, in accordance with Section 19.14.600 of the CVMC.
4. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Design Review Permit and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Design Review Permit where indicated above. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.

### **III. 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, 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 the 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.

#### **IV. CONSEQUENCE OF FAILURE OF CONDITIONS**

If any of the forgoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, and 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 future building permits, deny, revoke or further condition all certificates of occupancy issued under the authority of approvals herein granted, instituted and prosecute litigate or compel their compliance or seek damages for their violations. No vested rights are gained by Applicant or successor in interest by the City approval of this Resolution.

#### **V. INVALIDITY; AUTOMATIC REVOCATION**

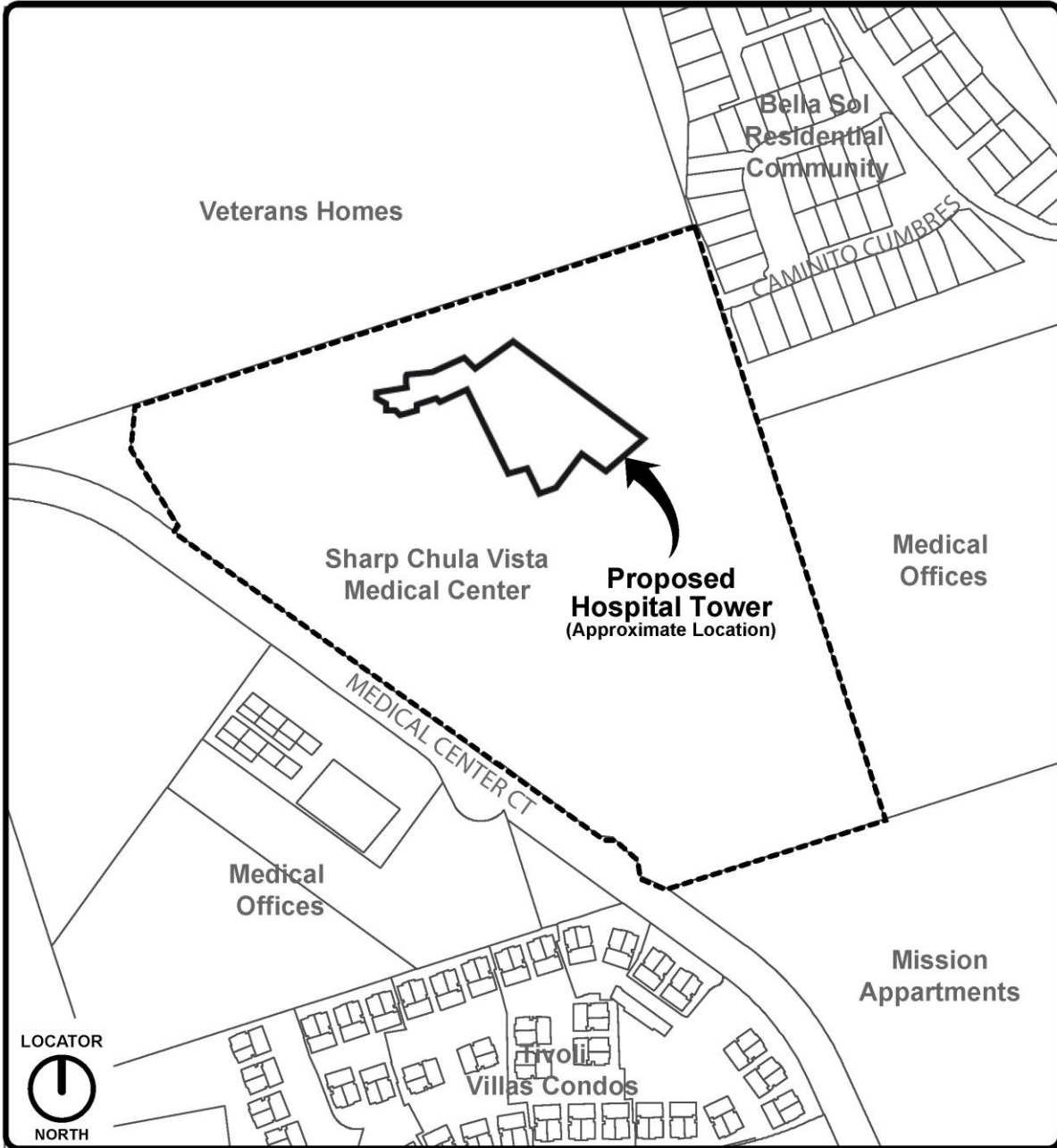
It is the intention of the City Council that its adoption of this Resolution is dependent upon enforceability of each and every term provision and condition herein stated; and that in the event that any one or more terms, provisions or conditions are determined by the Court of competent jurisdiction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

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"**