

ORDINANCE NO. 2365

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTIONS 19.14.050, 582; 19.60.030, 120, 240, AND 520 TO TRANSFER THE FIRST LEVEL OF APPEAL FOR SIGN DESIGN ISSUES FROM THE PLANNING COMMISSION TO THE DESIGN REVIEW COMMITTEE, AND ADDING CONDITIONS UNDER WHICH NONCONFORMING SIGNS MUST BE ABATED

WHEREAS, in conjunction with the City's sign abatement program, the City Council has reviewed those sections of the Municipal Code pertaining to sign regulation, and

WHEREAS, pursuant to said review the Council found it would improve the administration of the Municipal Code, and be in the public interest, to amend certain sections thereof relative to appeals of sign design decisions, and the abatement of nonconforming signs, and

WHEREAS, the Council directed a public hearing be held to consider a proposed amendment to the Municipal Code which upon adoption, will transfer the first level appeal authority for the review of sign design decisions from the Planning Commission to the Design Review Committee, and require the abatement of a nonconforming sign upon a change of sign face or ownership of the property upon which the sign is located, and

WHEREAS, the aforementioned amendment to the Municipal Code is categorically exempt [Class 11(a)] from environmental review, and

WHEREAS, on March 14, 1990, the Planning Commission voted 5-0 (two Commissioners absent) to recommend that the City Council adopt the proposed amendment in accordance with Resolution PCA-90-4.

The City Council of the City of Chula Vista does hereby ordain as follows:

SECTION I. That Section 19.14.050 of the Chula Vista Municipal Code is hereby amended to read as follows:

Section 19.14.050 Public hearing-Mandatory when.

- A. The zoning administrator may, at his option, refer any of the matters on which he is authorized to rule and/or issue a permit to the design review committee or planning commission for review. In such cases, a public hearing as provided herein shall be mandatory.
- B. Any person who disagrees with the ruling, except a sign design ruling, of the zoning administrator may appeal such ruling to the planning commission. In such cases, a public hearing as provided

herein shall be mandatory. Any person who disagrees with a sign design ruling of the zoning administrator may appeal such ruling to the design review committee. In such cases, the sign project ruling under appeal shall be reviewed by the design review committee in accordance with Section 19.14.582 as set forth herein.

- C. Notwithstanding the above provisions, the zoning administrator may, at his option, or upon appeal, refer applications for carnivals and circuses on which he is authorized to issue a permit to the city council for review. In such cases, a public hearing as provided herein shall be mandatory.

SECTION II. That Section 19.14.5812 of the Chula Vista Municipal Code is hereby amended to read as follows:

Section 19.14.582 Design review committee-Duties and responsibilities.

- A. The design review committee shall review plans for the establishment, location, expansion or alteration of residential uses or structures in the R-3 zone, all development and redevelopment within the redevelopment project boundaries, and multiple-family dwelling uses, commercial or industrial projects or structures governed by the P precise modifying district; and shall approve, conditionally approve or deny such plans, except when projects are within the boundaries of a redevelopment project, the committee shall recommend approval, conditional approval or denial to the redevelopment agency of the city. The committee shall render decisions on minor proposals as defined in Agency Resolution No. 71.
- B. The design review committee shall also review plans for the establishment, location, expansion or alteration of multiple family dwelling uses, major use permits, commercial, or industrial projects or structures located within the 1985 Montgomery annexation area, and governed by Chapter 19.70 of this ordinance.
- C. The design review committee shall review all appeals filed to contest sign design rulings of the zoning administrator.
- D. The design review committee shall base its findings and action upon the provisions of the effected design manuals of the city.
- E. The design review committee shall prepare and adopt operational procedures, bylaws and business forms.
- F. The design review committee shall submit annual reports on its operations to the city planning commission and redevelopment agency.
- G. The fee for a hearing before the design review committee is as presently designated, or as may in the future be amended, in the master fee schedule.

SECTION III. That Section 19.60.030 of the Chula Vista Municipal Code is hereby amended to read as follows:

Section 19.60.030 Application-Contents required-Determination
authority-Appeals.

All signs requiring a sign permit shall be submitted for approval by the zoning administrator, prior to installation. The application shall indicate the size, location, design, color, lighting and materials of all signs to be erected. The application shall also contain sufficient information on the architecture, colors and materials of the building on the site, as is necessary to determine compatibility of the sign to the building. In addition the applicant shall submit a color rendering and/or paint sample boards or chips and/or actual materials to be used on the sign.

The zoning administrator shall determine whether approval shall be granted for any sign based on its conformance with the regulations and design standards set forth herein. The decision of the zoning administrator may be appealed to the planning commission, design review committee in accordance with the provisions of Section 19.14.050. In the absence of such appeal, the determination by the zoning administrator shall be final.

SECTION IV. That Section 19.60.120 of the Chula Vista Municipal Code is hereby amended to read as follows:

Section 19.60.120 Nonconforming signs-Alteration or modification required when.

Regardless of the provisions of Section 19.60.110 as set forth hereinabove, all signs which fail to conform to the requirements of this title after the effective date of the ordinance codified herein shall be altered or modified to conform to said requirements if any of the following conditions should occur:

- A. Any change in the sign copy, use, or ownership of the premises identified by the nonconforming sign. Any change in land use which requires the assessment of a different land use code number as defined in the standard land use code book prepared by San Diego County dated July, 1968, including such amendments as may be made from time to time, shall constitute a change of land use for the purposes of sign conformance.
- B. If any changes, modifications or alterations are performed on such a nonconforming sign that require the issuance of a building permit, said sign shall be required to fully conform to all standards and regulations in effect at the time of the request for such permit.
- C. Repainting of painted signs on structures for normal maintenance will be allowed.

SECTION V. That Section 19.60.240 of the Chula Vista Municipal Code is hereby amended to read as follows:

Section 19.60.240 Design review requirements-Individual signs-Review authority- Appeals.

- A. Signing applications for individual businesses which are not located within commercial or industrial centers shall also be subject to design review by the zoning administrator.
- B. In such cases, it shall be the obligation of the zoning administrator to review other signs existing within the area of the proposed sign to be erected and insure that the design elements as set forth here and above will promote and create harmonious and nonconflicting or obstructing sign arrangements.
- C. The review authority shall be limited, however, insofar as imposition of design standards to the principles as set forth in Sections 19.60.220 through 19.60.250, and the zoning administrator shall strive to insure that such individual signs will relate to the building upon which is to be erected in terms of overall design, theme, colors, materials used, and the design elements set forth here and above. Offensive or nonharmonious signs either by virtue of the impropriety of their configuration or shape, or the garishness or clashing of the colors proposed to be used, shall be cause for disapproval.
- D. Any decision of the zoning administrator, in regard to design review, shall be subject to appeal to the planning commission, design review committee in accordance with publication of Section 19.14.050 of this code.

SECTION VI. That Section 19.60.520 of the Chula Vista Municipal Code is hereby amended to read as follows:

19.60.520 Planned signing program-Approval-Conditions attached when-Appeal of decision.

The zoning administrator may attach appropriate and reasonable conditions to any approval of the planned signing program, including, but not limited to, conditions which alter sign configurations, reduce the sign area, relocate signs upon the lot or buildings, or require other design modifications. The zoning administrator shall exercise a high degree of discretionary judgment in the review of a planned signing program and may decline to take action himself to approve, deny or conditionally approve any such program and, in lieu thereof, refer a recommended action to the planning commission, design review committee for decision.

The decision of the zoning administrator may be appealed to the planning commission, design review committee in accordance with provisions of Section 19.14.050. In the absence of such appeal, the determination by the zoning administrator shall be final.

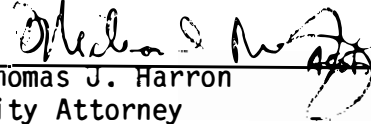
SECTION VII. This ordinance shall take effect and be in full force on the 30th day from and after its adoption.

Presented by



Robert A. Leiter
Director of Planning

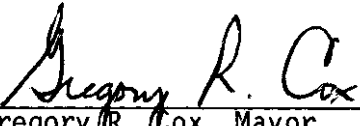
Approved as to form by



for Thomas J. Harron
City Attorney


PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 17th day of April, 1990, by the following vote:

AYES: Councilmembers: Malcolm, McCandliss, Cox
NOES: Councilmembers: None
ABSENT: Councilmembers: Moore, Nader
ABSTAIN: Councilmembers: None



Gregory R. Cox, Mayor

ATTEST:

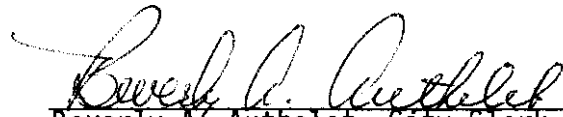


Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2365 had its first reading on April 10, 1990, and its second reading and adoption at a regular meeting of said City Council held on the 17th day of April, 1990.

Executed this 17th day of April, 1990.



Beverly A. Authelet, City Clerk