

ORDINANCE NO. 2822

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING SECTIONS 19.14.581, 19.14.582, 19.14.583, 19.14.584, AND 19.14.587 OF THE MUNICIPAL CODE, AND ADDING SECTION 19.14.591 TO THE MUNICIPAL CODE REGARDING DESIGN REVIEW COMMITTEE MEMBERSHIP, SCOPE OF RESPONSIBILITIES, AND PROCEDURES

WHEREAS, the City of Chula Vista Design Review Committee is responsible for reviewing all significant development within the City; and

WHEREAS, the Design Review permitting process has an appreciable positive impact upon the quality of development within the City of Chula Vista; and

WHEREAS, it is necessary from time to time to modify the Design Review process within the City in order to help improve project permitting; and

WHEREAS, the City Council finds it necessary at this time to further define and clarify Design Review Committee membership, scope of responsibilities, and procedures; and

WHEREAS, on August 9, 2000, the Planning Commission voted 6-0, recommending that the City Council approve the Zoning Code text amendments regarding design review; and

WHEREAS, the City Council set the time and place for a hearing on said amendment and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City at least ten days prior to the hearing, and

WHEREAS, the hearing was held at the time and place as advertised, namely September 12, 2000, at 6:00 p.m. in the Council Chambers, 276 Fourth Avenue, before the City Council, and said hearing was thereafter closed; and

WHEREAS, the City Council found the proposal, as a procedural amendment, is exempt from the California Environmental Quality Act (CEQA) under the General Rule exemption section 15061(b)(3).

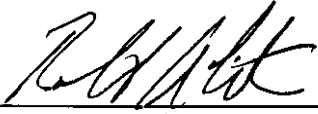
NOW, THEREFORE, the City Council of the City of Chula Vista does hereby find, determine, resolve, and ordain as follows:

SECTION I: That Sections 19.14.581, 19.14.582, 19.14.583, 19.14.584, 19.14.587 of the Municipal Code be amended to read as shown in Exhibit "A," and that Section 19.14.591 be added to the Municipal Code to read as shown in Exhibit "A."

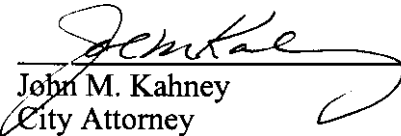
SECTION II. That the City Council hereby finds that the text amendment will enhance the health, safety, and welfare of the citizens of Chula Vista, is consistent with the General Plan, and is supported by public necessity, convenience, general welfare and good zoning practice.

Presented by

Approved as to form by




Robert A. Leiter
Planning and Building Director



John M. Kahney
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 26th day of September, 2000, by the following vote:

AYES:	Councilmembers:	Davis, Moot, Salas and Horton
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	Padilla



Shirley Horton, Mayor

ATTEST:




Susan Bigelow, City Clerk

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

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2822 had its first reading at a regular meeting held on the 12th day of September, 2000 and its second reading and adoption at a regular meeting of said City Council held on the 26th day of September, 2000.

Executed this 26th day of September, 2000



Susan Bigelow, City Clerk

19.14.584 Design Review Committee-Membership qualification.

- A. The Design Review Committee shall consist of five members appointed by the majority vote of the council. The membership shall be comprised of persons sensitive to design consideration and interested in townscape matters. Persons qualified for membership shall be limited to architects, landscape architects, land planners, developers, and other design professionals with suitable experience.
- B. All members should be familiar with and able to read and interpret architectural drawings, and be able to judge the effect of a proposed project, structure or sign upon the surrounding neighborhood and community. (Ord 1771 §3 (part), 1977).

19.14.586 Design Review Committee-Removal or vacancy.

Any member of the Design Review Committee may be removed by a majority vote of the city council. A vacancy shall be filled in the same manner as an original appointment and the person filling the vacancy shall serve for the remainder of the removed member's unexpired term. If a member is absent without cause from three consecutive regular meetings, the office becomes automatically vacant. A member is not absent without cause if the absence is due to illness, business or vacation. (Ord 1771 §3 (part), 1977).

19.14.587 Design Review Committee-Quorum.

- A. Three members shall constitute a quorum. Action by the Design Review Committee requires a majority vote of the quorum. (Ord 1771 §3 (part), 1977).
- B. If a project is scheduled for a meeting of the Design Review Committee for final approval, and a quorum is not available for the scheduled meeting, the applicant may choose to have the matter considered by the DRC at its next meeting, may request a special DRC meeting to consider the matter, may request that the DRC application be considered by the Planning Commission (at no additional cost to the applicant) at its next available meeting (subject to public noticing requirements) for action, or may request that the DRC application be referred directly to the City Council (at no cost to the applicant) at its next available meeting (subject to public noticing requirements) for action.

19.14.588 Design Review Committee-Schedule of meetings.

The Design Review Committee shall meet at least twice each month. Special meetings may be held in accordance with provisions of the government code of the state. The meetings shall not be held on any legal holiday. (Ord 1771 §3 (part), 1977).

19.14.589 Design Review Committee-Election of officers.

At the first regularly scheduled meeting of the Design Review Committee, and on each July thereafter, the members shall elect a chairman and vice-chairman from among its members

to serve a term of one year, and until the successor of each takes office. (Ord 1771 §3 (part), 1977).

19.14.590 Fees for appeals and requested actions before the planning commission and zoning administrator.

For all appeals from actions of the planning commission, zoning administrator or any appeal filed pursuant to Chapter 19.12 or 19.14, the fee shall be the required fee(s). In addition, any request for action by the planning commission not specifically covered within the fee structure established by this chapter shall be subject to the required fee(s) therefore. (Ord 2506 §1 (part), 1992; Ord 2011 §1 (part), 1982; Ord 1813 §2, 1978).

19.14.591 Continuance of project.

Any action by the DRC to continue a project shall be done with the concurrence of the applicant. If the applicant does not agree to a continuance of the project the Design Review Committee shall render a decision. If the project is denied an explanation of the reasons for denial shall be provided.

19.14.600 Design review approval-Time limit for implementation-Extensions.

Design review approval will be conditioned on the plan being implemented within one year after the effective approval date thereof. Implementation of the plan would include completion of construction or substantial expenditures of money by the property owner preparatory to construction. If there has been a lapse of work for three months after commencement, the approved plans shall be void. The Design Review Committee or the zoning administrator may grant an extension of time for a currently valid plan upon appeal of the property owner provided that there has been no material change of circumstances since the original grant of approval which would be injurious to the neighborhood or otherwise detrimental to the public welfare. The application for an extension of time shall be accompanied by the Required Fee(s). (Ord 2506 §1 (part), 1992; Ord 2309 A §1, 1989).

EXHIBIT "A"

19.14.581 Design Review Committee-Creation.

In order to relieve the planning commission of certain routine functions necessary to the proper administration of this chapter, to intensify this municipality's efforts to improve its townscape, and to promote the orderly growth and amenity of the city and environs, there is established a Design Review Committee with such authority as is granted by this chapter. The Design Review Committee's purpose is to ensure that development within the City of Chula Vista is orderly, of a high quality, and consistent with City-approved design guidelines.

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 uses or structures in all R-3 zones, all commercial and industrial zones, and development and redevelopment within redevelopment project area boundaries and shall approve, conditionally approve or deny such plans, except when projects are within the boundaries of a redevelopment project, in which case 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 responsibility of the Design Review Committee shall be limited to the review of site plans, landscaping, and the exterior design of buildings, for consistency with City-approved design guidelines. In reviewing a residential project, the DRC shall consider the costs/benefits of any recommended improvement as reported by the applicant.
- D. The Design Review Committee shall review all appeals filed to contest sign design rulings of the zoning administrator.
- E. The Design Review Committee shall base its findings and actions upon the provisions of the effected design manuals of the city.
- F. The Design Review Committee shall prepare and adopt operational procedures, bylaws and business forms.

- G. The Design Review Committee shall submit annual reports on its operations to the city planning commission and redevelopment agency.
- H. The fee for a hearing before the Design Review Committee is the required fee(s).
- I. The zoning administrator has the discretion, with the concurrence of the applicant, to act in the place of the Design Review Committee in the case of minor projects, including signs, commercial, industrial or institutional additions which constitute less than a fifty percent increase in floor area or twenty thousand square feet, whichever is less, and residential projects of four units or less. The zoning administrator may also act in the place of the Design Review Committee in the case of new commercial, industrial or institutional projects with a total floor area of twenty thousand square feet or less when such projects are located within a planned community area with its own design guidelines and design review process. A decision of the zoning administrator may be appealed to the Design Review Committee in the same manner as set forth in Section 19.14.583. The fee for zoning administrator design review shall be the required fee(s).

(Ord 2603 §2, 1994; Ord 2506 §1 (part), 1992; Ord 2365 §2, 1990; Ord 2350 §1, 1990; Ord 2309A §4, 1989; Ord 2142 §1 (part), 1986; Ord 2036 §1 (part), 1983; Ord 1961 §1 (part), 1982; Ord 1893 §1 (part), 1980; Ord 1771 §3 (part), 1977).

19.14.583 Design Review Committee-Appeal procedure.

- A. Except on decisions involving the redevelopment projects, the applicant or other interested persons may file an appeal from the decision of the Design Review Committee to the planning commission or city council within ten working days after the decision is filed with the city clerk. The applicant has the choice of filing an appeal from the Design Review Committee directly to either the planning commission or city council. The appeal shall be in writing and filed in triplicate with the planning department on forms prescribed for the appeal, and shall specify therein the argument against the decision of the Design Review Committee. If an appeal is filed within the time limit specified, it automatically stays proceedings in the matter until a determination is made by the planning commission or city council. All appeals regarding projects within redevelopment projects shall be filed with the director of community development and forwarded to the agency.
- B. Upon the hearing of such appeal, the planning commission may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Design Review Committee. The resolution must contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual.
- C. The decision of the planning commission may be appealed to the city council in the same manner as set forth in this section for appeals to the planning commission. (Ord 2036 §1 (part), 1983; Ord 1994 §1, 1982; Ord 1771 §3 (part), 1977).