

RESOLUTION NO. PSP-14-04

RESOLUTION OF THE CITY OF CHULA VISTA CITY COUNCIL APPROVING A PLANNED SIGN PROGRAM, PSP-13-09 TO APPROVE AN INCREASE IN SIGNAGE BEYOND THE MAXIMUM ALLOWABLE SQUARE-FOOTAGE, FOR A MONUMENT SIGN FOR THE 97-UNIT MULTI-FAMILY APARTMENT COMPLEX ON 4.68 ACRES LOCATED AT 3875 MAIN STREET

WHEREAS, on August 20, 2014, a duly verified application for a Planned Sign Program was filed with the City of Chula Vista Development Services Department by Stone Creek Casitas, LLC (Applicant); and

WHEREAS, the application requests approval of a Planned Sign Program to allow an increase in signage to the front entrance monument sign along Main Street associated with the construction of a 97-unit multi-family apartment complex with carports, recreation building, and associated open space on approximately 4.68 acres (Project); and

WHEREAS, the area of land which is the subject of this Resolution is an existing parcel located at 3875 Main Street (Project Site); and

WHEREAS, the Development Services Director has reviewed the proposed Project for compliance with the California Environmental Quality Act and has conducted an Initial Study, IS-13-006, in accordance with the California Environmental Quality Act. Based upon the results of the Initial Study, the Development Services Director has determined that the Project could result in significant effects on the environment. However, revisions to the Project made or agreed to by the applicant would avoid the effects, or mitigate the effects to a point where clearly no significant effects would occur; therefore, the Development Services Director has prepared a Mitigated Negative Declaration, IS-13-006 and associated Mitigation Monitoring and Reporting Program; and

WHEREAS, the Director of Development Services set the time and place for a hearing on the Planned Sign Program application, 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 and residents within 500 feet of the exterior boundaries of the property at least 10 days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely October 28, 2014 at 2:00 p.m. in the Council Chambers, 276 Fourth Avenue, before the City Council and the hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it hereby makes the following findings:

1. That the proposed Project, as conditioned, is consistent with the sign guidelines adopted for the Chula Vista Municipal Code.

The proposed monument sign is not in conformance with Chula Vista Municipal Code (CVMC) Chapter 19.60. However, CVMC Section 19.60.050J allows a planned sign program when approved by the City Council, to modify the rules as to the sign size, height, illumination, spacing, orientation or other non-communicative aspects of signs. In accordance with CVMC Section 19.60.050J, approval of the Planned Sign Program by the City Council would establish site specific sign regulations with regard to such regulatory aspects of signs as sign size, height, spacing, location, and total number of signs. The monument sign placed on site will be required to conform with the approved sign program.

2. The Project, as conditioned, is consistent with the design guidelines approved for the Chula Vista Design Manual.

The proposed monument sign is consistent with the design guidelines of the Chula Vista Design Manual. Sign colors and materials are compatible with the proposed building colors and materials of the apartment complex. The sign is effectively placed along the public right-of-way to provide locational clues for the apartment complex, and are complementary to the design of the homes. The additional height and overall size of the signs are in proportion to the large scale of the residential buildings that is located on an approximant 4.68 acre site.

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL, BASED ON THE FINDINGS ABOVE, hereby approves the Planned Sign Program subject to the following conditions:

- I. The following shall be accomplished to the satisfaction of the City, prior to issuance of building permits, unless otherwise specified:

Planning Division

1. 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-1767.
2. The Applicant shall obtain approval of a sign permit, and a building permit if required by the Director of Development Services, for this sign approved in the Planned Sign Program. The sign shall comply with the approved sign program, and all applicable provisions of the Building Code.

Land Development Division

3. Freestanding sign locations must conform to City of Chula Vista site distance requirements in accordance with the CVMC.

4. An encroachment permit shall be obtained from the Engineering Department for any signs located within the right of way.

II. The following on-going conditions shall apply to the Project Site as long as it relies on this approval:

1. Signage shall be installed in accordance with the Planned Sign Program. Additional signage requires an amendment of the approved Planned Sign Program.
2. Approval of the Planned Sign Program shall not waive compliance with any Sections of Title 19 of the CVMC, nor any applicable laws and regulations in effect at the time of building permit issuance.
3. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless the 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 of this Planned Sign Program 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 Resolution where indicated below. 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.
4. This Planned Sign Program shall become void and ineffective if not utilized within three years from the effective date thereof, in accordance with Section 19.14.260 of the CVMC. Failure to comply with any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.

III. EXECUTION OF RESOLUTION OF APPROVAL

The Property Owner and Applicant shall execute this document signing on the lines provided below, indicating that the Property Owner and Applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, this document shall be signed and returned to the City's Development Services Department.

Signature of Property Owner

Date

Signature of Applicant

Date

IV. GOVERNMENT CODE SECTION 66020(d)(1), 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.

V. 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. Failure to satisfy the conditions of this permit may also result in the imposition of civil or criminal penalties.

VI. 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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, this 28th day of October, 2014, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Cheryl Cox, Mayor

ATTEST:

Donna Norris, City Clerk

Presented by:

Approved as to form by:

Kelly Broughton
Director of Development Services

Glen R. Googins
City Attorney