

ORDINANCE NO. 3547 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMEND MONTEREY CITY CODE SECTION 31-3 (EXEMPT SIGNS AND PROHIBITED SIGNS), SECTION 31-5 (ADD NOTICING REQUIREMENTS); AND SECTION 31-10 (DEFINITIONS);

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, on March 6, 2012, the City Council adopted a new Sign Ordinance (Monterey City Code Chapter 31);

WHEREAS, the Sign Ordinance identifies purposes, objectives, applicability, exempt signs, review procedures, definitions and other elements to guide sign review;

WHEREAS, after over four years of applying the Sign Ordinance, staff has identified challenges with exempt signs and review procedures;

WHEREAS, on May 4, 2016, the Architectural Review Committee held a duly noticed public meeting, considered some of the proposed amendments, took public testimony, and voted to recommend City Council adoption;

WHEREAS, the City Council has determined that sign regulation is necessary to control the location of signs to: (1) protect and enhance the character and setting of the City of Monterey against visual blight by preventing a proliferation of signs that will detract from, and obscure, the scenic qualities of the City of Monterey and its individual buildings and neighborhoods; (2) encourage the effective use of signs primarily as a means of identification and communication; (3) mitigate the potential cumulative detrimental impact resulting from numerous signs in close proximity to each other, which cannot be addressed in any way other than by limiting the number and size; (4) avoid the administrative burdens associated with the need to monitor the placement of signs and their eventual removal;

WHEREAS, in 2014, the City amended the ordinance to prohibit private party temporary ground-mounted signs at Don Dahvee Park, Window on the Bay, El Estero Park, and the Colton Hall complex, and adopted time, place, and manner restrictions for private party temporary ground-mounted signs on City property. The ordinance amendment will add the Lower Presidio Historic Park as a prohibited location for this type of sign display. This is because the lease between the City and the Army prohibits the City from "...construct[ing] or plac[ing] any structure, improvement or advertising sign or allow or pert such construction or placement

without prior written approval...” The Army has requested the City remove third party signs, and this code amendment will make it clear that signs are not permitted in this area; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 (“CEQA Guidelines”), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: The foregoing recitals are true and correct and are hereby adopted by the City Council.

SECTION 3: Monterey City Code, Chapter 31, the following sections of Table 31-1: Exempt Signs, are hereby amended to read as follows (existing sections of Table 31-1 remain unchanged):

TABLE 31-1: Exempt Signs	
Exempt Sign	Conditions Required for Exemption
Parking Lot Signs	Maximum area of 3 square feet per sign and maximum of 1 sign per 3 parking spaces
Temporary Private Party Ground-Mounted Signs on Private Property	Temporary signs displaying a noncommercial (e.g., ideological, religious, political) message Maximum aggregate area of 16 square feet per individual sign and 80 square feet cumulative total area for all signs on a property.
Window Displays	A window display is an arrangement of merchandise, including graphics and text, that is at least eighteen (18) inches in depth and is displayed in a building window Must be 4 square feet or less to be exempt

SECTION 4: Monterey City Code, Chapter 31, the following section of Table 31-2: Prohibited Signs, and Appendix 1, are hereby amended as follows (existing sections of Table 31-2 remain unchanged):

TABLE 31-2: Prohibited Signs
No private party temporary signs may be mounted, erected, maintained, or displayed at Don Dahvee Park, Monterey Bay Waterfront Park/Window on the Bay, Colton Hall/City Hall grounds, El Estero Park, or the Lower Presidio Historic Park (see Appendix 1 to the ordinance codified in this section for map of these locations)

SECTION 5: Monterey City Code, Chapter 31, Section 31-5 is hereby amended to read as follows, and existing subsections D and E shall be re-lettered, respectively, as E and F:

D. Noticing Requirements. When a sign application includes an internally-illuminated sign or a freestanding sign that is inconsistent with the Citywide Sign Guidelines, written notices shall be sent by U.S. Mail at least 10 days prior to the public meeting to all owners of property located within 100 feet of the perimeter of the project site.

SECTION 6: Monterey City Code, Chapter 31, Section 31-10 is hereby amended by adding the following definitions in alphabetical order, and existing definitions shall be renumbered to take into account these additions, as follows:

3. Alteration. Any increase in sign area and/or height; change in illumination; or modification or replacement of sign face and/or sign structure.

42. Roof Sign. A sign or any portion thereof erected or painted on or over the roof covering any portion of a building, and either supported on the roof or on an independent structural frame or sign tower, or located on the side or roof of a penthouse, roof tank, roof shed, elevator housing or other roof structure.

SECTION 7: Monterey City Code, Chapter 31, Section 31-10 is hereby amended to amend the definition of Building Frontage as follows:

11. Building Frontage. The horizontal distance along a building face that is oriented in parallel to a public right-of-way or public walkway, not including the Monterey Peninsula Recreational Trail. For purposes of this definition, a public walkway is a path leading to a business entrance.

SECTION 8: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason declared unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have

adopted this chapter notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its sections, subsections, sentences, clauses, or phrases.

SECTION 10: This ordinance shall be in full force and effect 30 days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 6th day of September, 2016, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barrett, Downey, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City

Carroll

City Clerk thereof



APPENDIX 1



APPENDIX 1

