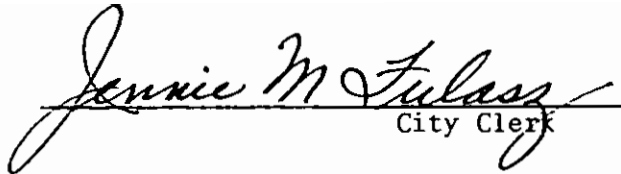


ORDINANCE NO. 1928

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTERS 2.32 AND 2.68 OF THE CHULA VISTA MUNICIPAL CODE RENAMING THE ENVIRONMENTAL CONTROL COMMISSION TO THE RESOURCE CONSERVATION COMMISSION

By a unanimous vote on December 16, 1980, the City Council placed the ordinance on its second reading and adoption. The name change was recommended because of the additional responsibilities imposed on the Commission restructuring their function which is now to be viewed in terms of energy conservation, environmental quality and historic site preservation.

Copies of the ordinance are available at the office of the City Clerk, City Hall, 276 Fourth Avenue, Chula Vista.


City Clerk

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

SECTION I: That Chapter 2.68 be, and the same is hereby repealed.

SECTION II: That Chapter 2.32 be, and the same is hereby amended to read as follows:

CHAPTER 2.32 RESOURCE CONSERVATION COMMISSION.

Sec. 2.32.010 Purpose and Intent.

A. It is the purpose and intent of the City Council, in establishing the Resource Conservation Commission to create a broadly based multi-functional commission which is to provide citizens advice to the City Council in the areas of energy conservation, resource recovery, environmental quality, historic and prehistoric site protection and other related fields as determined by the City Council. The Resource Conservation Commission shall also provide this citizen advice to the other boards and commissions, the City Manager and members of his staff on these matters.

Sec. 2.32.020 Created - Appointment of Members - Term.

There is hereby created a Resource Conservation Commission, consisting of seven members to be appointed by the Mayor and confirmed by the City Council from the qualified voters of the City in a manner prescribed in accordance with the provisions of Section 600 et seq. of the Charter. The members shall serve for a term of four years. Each member shall serve until his successor is duly appointed and qualified and all vacancies shall be filled for the unexpired term of the member whose seat has become vacant.

Sec. 2.32.030 Statement of City Goals and Policies.

The following are goals and policies of the City which relate to the duties of the Resource Conservation Commission:

A. Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

- B. Take all actions necessary to provide the people with clean air and water, enjoyment of aesthetic, natural and scenic qualities and freedom from excessive noise.
- C. Prevent the elimination of fish or wildlife species due to population intrusion, assist in assuring that these populations do not drop below self-perpetuating levels and preserve for future generations representations of indigenous plant and animal communities.
- D. Ensure that the long-term protection of the environment shall be the guiding criterion in decisions by the City.
- E. Encourage the utilization of alternatives to nonrenewable energy sources.
- F. Maximize the conservation and efficient utilization of nonrenewable resources.
- G. Seek equitable sharing of both the benefits of energy consumption and the hardships of energy shortages.
- H. Minimize any conflict with any national, state, regional or local energy goals.
- I. Maximize the recovery, recycling and reuse of waste resources through city action and cooperation with other public agencies and private concerns.
- J. Safeguard the City's historic, aesthetic, social, economic, political and architectural past.
- K. Protect finite cultural and scientific resources which provide the only record of our historic, prehistoric and natural past.

Sec. 2.32.040 Duties - General.

The Commission shall provide the City Council with a citizens assessment of the following:

- A. The effectiveness of proposed goals, policies, procedures and regulations of the city in accomplishing the purpose, intent and goals of this chapter.
- B. The effects of individual projects being subjected to environmental review, on the implementation of the purpose, intent and goals of this chapter.
- C. The extent to which the capital improvement program implements this chapter.
- D. Additionally when needed, submit to the City Council recommendations for new goals, policies, procedures or regulations necessary to implement this chapter.
- E. The Commission may recognize individuals or groups in the community who have implemented notable measures to foster the purpose, intent and goals of this chapter.

- F. Hold hearings and take testimony of any persons under oath, if desired, relating to any matter under investigation or in question before this commission.

Sec. 2.32.050 Additional Duties - Environmental Quality.

- A. The Chairperson, or a member of this commission designated by the Chairperson, shall be a member of the Environmental Review Committee.
- B. The commission, its Chairperson or designated member may review all environmental documents to assure adequate Commission review, analysis and comment.
- C. In conjunction with input on environmental documents, the commission may make recommendations regarding the environmental impact, energy or resource conservation or impact on historic resources of the project to the appropriate decision-making authority. These recommendations may include methods to mitigate adverse effects, reduce energy or resource consumption or other suggestions within the purpose and intent of the commission.

Sec. 2.32.060 Additional Duties - Energy Conservation and Resource Recovery.

- A. All proposed energy or resources conservation or recovery policies, programs, or regulations shall be reviewed by the commission so it may make recommendations to the City Council regarding compliance with this chapter.
- B. The commission may make recommendations to city staff, other boards or commissions or the City Council regarding the commission's review of policies, programs or regulations.
- C. The commission shall review and make a recommendation to the Council for the disposition of appeals regarding the administration of Title 20, Energy Conservation, of the Chula Vista Municipal Code except those portions which are within the scope of the Board of Appeals and the Planning Commission.

Sec. 2.32.070 Additional Duties - Historical Protection.

The commission shall:

- A. Recommend to the City Council the designation of any site which it has found to meet the criteria as a historical site. The commission shall also recommend if the historical site permit process as provided in Section 2.32.090 of the chapter, should be imposed on the site.
- B. Inspect any site which the commission has reason to believe could meet the criteria for a historical site.

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- C. Explore means for the protection, retention and preservation of any historical site, including, but not limited to, appropriate legislation and financing, such as the establishment of a private funding organization or individual, local, state or federal assistance.
- D. Recommend standards for historical and aesthetic districts and the establishment of such districts within the city.
- E. Coordinate its activities with the County of San Diego, the State of California and the federal government as appropriate to prevent duplication of efforts.
- F. Provide direction to staff for the preparation and maintenance of a register of all designated historical sites. The register shall include a description of the site, its location, the reason for its designation and other information that the commission determines is necessary. The register shall be distributed to city departments, the owners and/or occupants of designated historical sites and other interested civic or governmental agencies.
- G. Ten days prior to the consideration by the commission of any site for designation as a historical site, the owner shall be notified in writing that the site is under consideration for inclusion in the register. The notice shall include the date, time and place of the meeting. For purposes of this chapter, the owner of such property shall be deemed to be the person appearing as the owner of such property on the last equalized assessment roll of the county. Such notice shall be mailed to the address shown on the assessment roll, in order for a person to appear and protest such inclusion. The owner shall also be notified of any subsequent discussion or possible actions regarding the potential site by the commission of City Council.

Sec. 2.32.080 Administrative Functions.

- A. The commission shall select a Chairperson and Vice-Chairperson from its membership at the commencement of each fiscal year. Four members shall constitute a quorum for the transaction of business.
- B. The commission shall meet not less than once a month, and at the call of the Chairperson, or in his absence, the Vice-Chairperson or a majority of the members of the commission.
- C. The commission shall adopt reasonable rules, regulations, procedures and standards, which are consistent with the law, and which are necessary to implement goals, policies and intent of this chapter and related goals, policies and regulations of the city.

- D. The City Manager may make available staff and clerical support as necessary to fulfill its functions and duties, provided such staff and clerical support is available. In the event that private funds or funds from other governmental agencies are made available for special projects, surveys, educational programs or general program support, the City Manager is authorized, upon recommendation of the commission and approval of the Council, to enter into appropriate contracts for the utilization of such funds in furtherance of the purpose and intent of, and the duties and functions of the commission.
- E. The Resource Conservation Commission shall have no power or right to acquire any property for or on behalf of itself or the city, nor shall it acquire or hold any money for itself or on behalf of the city. Further, the Resource Conservation Commission shall not have the power or right to negotiate with any party for the acquisition of property designated as a historic site.

Sec. 2.32.090 Historical Site Permit Process.

- A. The City Council may, after considering such a recommendation by the Resource Conservation Commission, impose the permit restrictions contained in this section.
- B. No permit for the demolition, substantial alteration or removal of any building, structure or site shall be issued without first referring the matter to the Resource Conservation Commission, except where the City Manager determines that demolition, removal or substantial alteration of any such building, structure or site is immediately necessary in the interest of the public health, safety or general welfare. The Building, Engineering and Planning Departments shall notify the Resource Conservation Commission in writing within five days of any request it receives for any such permit.
- C. The Resource Conservation Commission shall have thirty days from the date of such notification within which to object to the proposed demolition, major alteration or removal of the trees, plants or other major landscaping. The Resource Conservation Commission shall file its objections with the City Manager or his delegate. Upon the filing of said objections, no permits shall be issued for the demolition, major alteration or removal of said historic site for a period of not less than thirty nor more than one hundred eighty days. The City Manager shall notify the appropriate departments of the filing of objections by the Resource Conservation Commission. Failure to file objections within the thirty-day period shall be deemed a waiver of all objections, and the permit shall be issued in due course. When the Resource Conservation Commission files objections with the City Manager pursuant to this chapter, all said objections, upon their transmittal to the City Manager, shall in addition be

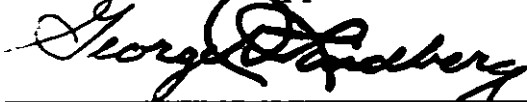
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transmitted to the applicant for any permit or entitlement to demolish, perform a major alteration upon, or remove any historic site or other feature protected by the terms of this chapter.

- D. Upon the filing of objections, the Resource Conservation Commission shall take such steps within the scope of its powers and duties as it determines are necessary for the preservation of the historical site. No such action shall be taken by the Resource Conservation Commission, however, until the same has been submitted to and approved by the City Council. At the end of the first thirty days, the Resource Conservation Commission shall report its progress to the City Council who may, upon review of the progress report, withdraw and cancel the objection to the proposed demolition, major alteration or removal, and the necessary permits shall then be issued. If at the end of the first one hundred days of the aforesaid one-hundred-eighty-day period, it is found that the preservation of the site, building or structure cannot be fully accomplished within the one-hundred-eighty-day period, and the Resource Conservation Commission determines that such preservation can be satisfactorily completed within an additional period not to exceed one hundred eighty days, the Resource Conservation Commission may recommend to the City Council that a request for extension be granted. Such recommendation shall set forth the reasons therefor and the progress to that date of the steps taken to preserve the site. The City Council may accept such recommendation for good cause shown and if it appears that preservation may be completed within the time requested, may grant an extension of time not to exceed one hundred eighty days. No such request for extension shall be made after the expiration of the original one-hundred-eighty-day suspension period.
- E. No person shall remove trees, plants or other major landscaping from any property designated as an historical site without the approval of the City's Landscape Architect. The City's Landscape Architect shall notify the Resource Conservation Commission in writing of any such request within five days of its receipt.

SECTION III: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented and Approved as to form by



George D. Lindberg, City Attorney

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, HELD December 9, 19 80, AND FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD December 16, 19 80, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Scott, Gillow, Hyde, Cox, McCandliss
NAYES: Councilmen : None
ABSTAIN: Councilmen : None
ABSENT: Councilmen : None

Will T. Hyde

Mayor of the City of Chula Vista

ATTEST

Jennie M. Fulasz

City Clerk

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

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 198, and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk