

ORDINANCE NO. 3197

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
THE MUNICIPAL CODE BY INCLUDING A NEW SECTION
IDENTIFIED AS CHAPTER 2.49 ENTITLED HISTORIC
PRESERVATION COMMISSION

WHEREAS, in 2007 the City Council directed staff to develop a Historic Preservation Program that would qualify the City of Chula Vista for Certified Local Government Status; and

WHEREAS, to qualify as a Certified Local Government the City is required to have a qualified Historic Preservation Commission; and

WHEREAS, Chula Vista Municipal Code section 21.02.030 requires the creation of a qualified Historic Preservation Commission; and

WHEREAS, the Historic Preservation Commission shall serve as the authority on historic preservation matters and will advise the City Council and other City Boards and Commissions, as needed, on historic preservation matters; and

WHEREAS, the Historic Preservation Commission shall consist of seven (7) qualified members each with an interest, competence or knowledge in historic preservation; and

WHEREAS, a minimum of four (4) members shall be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic archeology, folklore, cultural anthropology, curation, conservation, landscape architecture or related disciplines; and

WHEREAS, at least one (1) member should be a California licensed real estate agent; and

WHEREAS, the Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for Class 31 and Class 8 Categorical Exemptions pursuant to Section's 15331 and 15308 (Historical Resource Restoration/Rehabilitation and Actions by Regulatory Agency for Protection of the Environment) of the State CEQA Guidelines because it is creating a Historic Preservation Commission that will assure the protection of historical resources in the City of Chula Vista. Thus, no further environmental review is required.

NOW THEREFORE BE IT ORDAINED that the City Council of the City of Chula Vista does hereby find and determine as follows:

Section I. Environmental Determination

That the project qualifies for Class 31 and Class 8 Categorical Exemptions pursuant to Section's 15331 and 15308 (Historical Resource Restoration/Rehabilitation and Actions by Regulatory Agency for Protection of the Environment) of the California Environmental Quality Act (CEQA) Guidelines (Cal. Code of Regulations, Title 14, Division 6, Article 3, Chapter 3) because it is creating a Historic Preservation Commission that will assure the protection of historical resources in the City of Chula Vista. The City Council further finds that no further environmental review is required.

Section II. Consistency with General Plan

The City Council finds that the proposed adoption of Municipal Code Chapter 2.49 is consistent with the goals, objectives, and policies of the Chula Vista General Plan as it will help to protect Chula Vista's Historical Resources by establishing a qualified Historic Preservation Commission necessary to assist the City in qualifying for Certified Local Government Status. The City Council further finds that the proposed code sections are based on sound planning principles and practices that will provide for the protection and conservation of historic resources. .

BE IT FURTHER ORDAINED, that the City Council of the City of Chula Vista does hereby adopt Municipal Code Chapter 2.49, entitled Historical Preservation Commission, as follows:

Section III.

2.49 Historic Preservation Commission

Sections:

- 2.49.010 Creation
- 2.49.020 Purpose and Intent
- 2.49.030 Functions and Duties
- 2.49.040 Membership
- 2.49.050 Term of Office
- 2.49.060 Operation of Commission
- 2.49.070 Vacancies

2.49.010 Creation.

There is hereby created a Historic Preservation Commission.

2.49.020 Purpose and Intent

It is the purpose and intent of the City Council in establishing the Historic Preservation Commission to create a commission that meets the Certified Local Government requirements, as defined by the national Historic Preservation Act, which would serve as the authority on historic preservation matters, and that would advise Council and other City Boards and Commissions, as needed, on historic preservation matters as is mandated by Chula Vista Municipal Code Title 21, the Historic Preservation Ordinance.

2.49.030 Functions and Duties

The function and duties of the Historic Preservation Commission shall be as follows:

- A. Uphold the goals and policies of the General Plan related to historic preservation.
- B. Carry out the purpose and intent of the Historic Preservation Ordinance.
- C. Assist staff in the development and maintenance of a certified Historic Preservation Program that carries out the provisions of the Certified Local Government Program.
- D. Ensure that appropriate historic contexts are identified and utilized for resource interpretation, evaluation, and recognition.
- E. Assist staff in the preparation and maintenance of a Historical Resources Survey of recognized and potentially historically and architecturally significant structures and areas.
- F. Approve designations of historical resources to the City of Chula Vista Register of Historical Resources.
- G. Recommend to City Council delistings from the City of Chula Vista Register of Historical Resources.
- H. Grant or deny applications for permits for demolition, or major alterations of historical resources.
- I. Grant or deny appeals from decisions of the Zoning Administrator for applications of minor alterations of historical resources.
- J. Encourage public understanding of and involvement in the unique historical, architectural, and environmental heritage of the City through educational programs.
- K. Explore means and support implementation strategies for the protection, retention and use of any historical resource, historic preservation district, or potential historical resource.
- L. Support the use of incentives and benefits for the protection, retention, and preservation of historical resources.
- M. Make recommendations to City Council on applications for participation in City approved historic preservation incentive programs including but not limited to the Mills Act Property Tax Abatement Program.
- N. Encourage cooperation between public and private historical and cultural preservation groups.

- O. Advise the City Council and other Boards, Commissions and Committees as necessary on historic preservation issues.
- P. Perform other functions as appropriate to safeguard the City's historic, aesthetic, social, economic, political and architectural past.

2.49.040 Membership

The Historic Preservation Commission membership shall follow the provisions of Chula Vista Municipal Code Sections 2.25.030-2.25.060 and shall consist of seven (7) 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 City Charter. A minimum of four (4) members shall be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture or related disciplines. In addition, at least one (1) member should be a California licensed real estate agent, and all seven members shall demonstrate an interest, competence or knowledge in historic preservation.

2.49.050 Term of Office

The members shall serve a term of office pursuant to City Charter Section 602 and Chula Vista Municipal Code Sections 2.25.070-2.25.100.

2.49.060 Operation of the Commission

Operation of the Historic Preservation Commission shall follow the provisions of Chula Vista Municipal Code Sections 2.25.170-2.25.280.

1. Staff Support. All officers and department heads shall cooperate with, and render reasonable assistance to, the Commission. The City Manager may make available staff and clerical support to the Commission to fulfill its functions and duties, provided such staff and clerical support is available.

2.49.070 Vacancies


Vacancies of the Historic Preservation Commission shall follow the provisions of Chula Vista Municipal Code Sections 2.25.290 and 2.25.300.

Section IV. Effective Date

This ordinance shall take effect on the thirtieth day from and after its final adoption.

Presented by

Approved as to form by



Gary Halbert, P.E., AICP
Assistant City Manager/Director of
Development Services



Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 2nd day of August 2011, by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, Castaneda, Ramirez and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None


Cheryl Cox, Mayor

ATTEST:


Donna R. Norris, CMC, City Clerk

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

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3197 had its first reading at a regular meeting held on the 19th day of July 2011 and its second reading and adoption at a regular meeting of said City Council held on the 2nd day of August 2011; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

August 16, 2011
Dated


Donna R. Norris, CMC, City Clerk