

ORDINANCE NO. 3198

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING  
MUNICIPAL CODE CHAPTER 2.32 REMOVING THE DUTIES  
OF HISTORIC PRESERVATION FROM THE RESOURCE  
CONSERVATION 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, the Historic Preservation Commission members must all have an interest, competence or knowledge in historic preservation; and

WHEREAS, historic preservation authority is currently vested with the Resource Conservation Commission; and

WHEREAS, the Resource Conservation Commission membership does not meet the qualifications for Certified Local Government Status; and

WHEREAS, the adoption of Municipal Code Chapter 2.49 creates and establishes a qualified Historic Preservation Commission that does meet the requirements for Certified Local Government Status; and

WHEREAS, Municipal Code Sections 2.32.070 and 2.32.090 shall be repealed upon seating of the Historic Preservation Commission; and

WHEREAS, the historic preservation duties and responsibilities of the Resource Conservation Commission shall be vested with the Historic Preservation Commission; and

WHEREAS, the authority for historic preservation shall remain with the Resource Conservation Commission until the Historic Preservation Commission is seated; and

WHEREAS, the Resource Conservation Commission's historic preservation responsibility shall include those responsibilities assigned to the Historic Preservation Commission through Chula Vista Municipal Code Section 21.02.030; 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 limiting the scope and duties of the Resource Conservation Commission and vesting in the Historic Preservation Commission a scope and duty 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 State CEQA Guidelines because it is limiting the scope and duties of the Resource Conservation Commission and vesting in the Historic Preservation Commission a scope and duty that will assure the protection of historical resources in the City of Chula Vista. Thus, no further environmental review is required.

**Section II. Consistency with General Plan**

The City Council finds that the proposed amendment of Municipal Code Chapter 2.32 is consistent with the goals, objectives, and policies of the Chula Vista General Plan as it will assist in the protection of Chula Vista's Historical Resources by establishing a qualified Historic Preservation Commission pursuant to Municipal Code Chapter 2.49 which is necessary to assist the City in qualifying for Certified Local Government Status. The City Council further finds that the proposed code amendment is based on sound planning principles and practices that will provide for the protection and conservation of historic resources through the creation of a qualified Historic Preservation Commission that will support and encourage the maintenance, repair, rehabilitation, restoration and preservation of historical resources in a manner consistent with federal and state standards.

BE IT FURTHER ORDAINED, that the City Council of the City of Chula Vista does hereby approve an ordinance of the City of Chula Vista amending Chula Vista Municipal Code Chapter 2.32, entitled Resource Conservation Commission, as follows:

**Section III.**

**Chapter 2.32  
RESOURCE CONSERVATION  
COMMISSION**

Sections:

- 2.32.010 Purpose and intent.
- 2.32.020 Created – Appointment of members – Term.
- 2.32.030 Statement of city goals and policies.
- 2.32.040 Duties – General.
- 2.32.050 Additional duties – Environmental quality.
- 2.32.060 Additional duties – Energy conservation and resource recovery.
- ~~2.32.070 Additional duties – Historical protection.~~
- 2.32.070 Administrative functions.
- ~~2.32.090 Historical site permit process.~~
- 2.32.100 Repealed.

\* For provisions of the Environmental Quality Act of 1970 generally, see Public Resources Code 21000, et seq.; for provisions authorizing attorney general intervention in matters of environmental concern, see Gov. Code § 12600, et seq.; for Charter law regarding appointive boards and commissions, see city Charter §§ 600 – 606.

Prior legislation: Prior code § 1.718, Ords. 1299 and 1310.

### **2.32.010 Purpose and intent.**

It is the purpose and intent of the city council, in establishing the resource conservation commission, to create a broadly based multifunctional 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. (Ord. 1928 § 2, 1980).

### **2.32.020 Created – Appointment of members – Term.**

There is 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. (Ord. 1928 § 2, 1980).

### **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. (Ord. 1928 § 2, 1980).~~

**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. (Ord. 1928 § 2, 1980).

**2.32.050 Additional duties – Environmental quality.**

- A. The chair, or a member of this commission designated by the chair, shall be a member of the environmental review committee.
- B. The commission, its chair 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. (Ord. 1928 § 2, 1980).

**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 CVMC Title 20, Energy Conservation, except those portions which are within the scope of the board of appeals and the planning commission. (Ord. 1928 § 2, 1980).

~~**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 CVMC 2.32.090, 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;~~

~~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, the state 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 (10) 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 is 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 or city council. (Ord. 1928 § 2, 1980).~~

### **2.32.080 Administrative functions.**

A. The commission shall select a chair and vice-chair 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 chair, or in his absence, the vice-chair 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.~~ (Ord. 1928 § 2, 1980).

**~~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 the demolition, removal or substantial alteration of any such building, structure or site is immediately necessary in the interest of 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 30 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 such objections, no permits shall be issued for the demolition, major alteration or removal of the historic site for a period of not less than 30 nor more than 180 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 30-day period is 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 such objections, upon their transmittal to the city manager, shall in addition be 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.~~

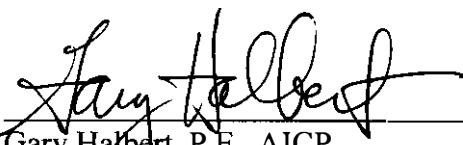
~~D. Upon the filing of objections, the resource conservation commission shall take such steps within the scope of its powers and duties as it determines are necessary for the preservation of the historical site. No such action shall be taken by the resource conservation commission, however, until the same has been submitted to and approved by the city council. At the end of the first 30 days, the resource conservation commission shall report its progress to the city council which 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 100 days of the aforesaid 180-day period, it is found that the preservation of the site, building or structure cannot be fully accomplished within the 180-day period, and the resource conservation commission determines that such preservation can be satisfactorily completed within an additional period not to exceed 180 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 180 days. No such request for extension shall be made after the expiration of the original 180-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. (Ord. 1928 § 2, 1980).~~

**Section IV. Effective Date**

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

Presented by

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

Approved as to form by

  
\_\_\_\_\_  
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. 3198 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