

ORDINANCE NO. 3212

ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHULA VISTA MUNICIPAL CODE CHAPTERS 2.41, 2.43, 2.45, AND 2.47 TO ADD PROVISIONS FOR THE PARKS AND RECREATION COMMISSION, CIVIL SERVICE COMMISSION, BOARD OF LIBRARY TRUSTEES, AND DESIGN REVIEW BOARD TO TITLE 2 OF THE MUNICIPAL CODE; AMENDING AND REPEALING VARIOUS SECTIONS IN MUNICIPAL CODE CHAPTER 19.14, RELATED TO THE DESIGN REVIEW BOARD, AND REPEALING SECTION 2.16.060, RELATED TO THE PARKS AND RECREATION COMMISSION

WHEREAS, Title 2 of the Municipal Code contains provisions for all of the City's boards and commissions except the Civil Service Commission, Board of Library Trustees, and Design Review Board, and it is desirable to have rules and regulations for the boards and commissions uniformly located in the Municipal Code; and

WHEREAS, provisions for the Parks and Recreation Commission, a Charter-created commission, are currently housed in Chapter 2.16 pertaining to the Recreation Department, and it is desirable to have provisions for the Parks and Recreation Commission contained in a separate chapter, in keeping with other boards and commissions; and

WHEREAS, provisions for the Design Review Board are currently housed in Chapter 19.14, sections 19.14.581 through 19.14.589, and it is desirable to have provisions for the Design Review Board contained in a separate chapter in Title 2, in keeping with other boards and commissions; and

WHEREAS, the City Clerk proposes to retain the substantive functions, duties, and responsibilities of the commissions currently set forth in the Charter and make the general rules in CVMC chapter 2.25 applicable to all boards and commissions.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

SECTION I. Chapter 2.43 is hereby added to the Municipal Code, to read as follows:

**Chapter 2.43**  
**Civil Service Commission**

Sections:  
2.43.010 Creation.  
2.43.020 Purpose and intent.  
2.43.030 Functions and duties.  
2.43.040 Meeting schedule.  
2.43.050 Membership.  
2.43.010 Creation.

The Civil Service Commission is created by City Charter section 609. The provisions of Article VI of the City Charter, the general rules governing boards and commissions set forth in CVMC Chapter 2.25, and this chapter shall govern the Civil Service Commission.

2.43.020 Purpose and intent.

The purpose of this chapter is to supplement City Charter Sections 609 and 610, establishing the Civil Service Commission and setting forth its powers and duties. If there is any conflict between this chapter and the Charter, the Charter shall govern.

2.43.030 Functions and duties.

In accordance with City Charter section 610, the Civil Service Commission shall:

- A. After a public hearing, recommend to the City Council the adoption, amendment or repeal of civil service rules and regulations not in conflict with Article VI of the City Charter.
- B. Hear appeals of any person in the classified service relative to suspension, demotion or dismissal.
- C. Conduct any investigation that it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council.
- D. Perform other duties and powers as the City Council may, by ordinance or resolution, confer upon the Commission in order to carry out the principles of civil service in accordance with the laws of the state and the City Charter, and assist in the implementation of proper employer-employee relations.

2.43.040 Meeting schedule.

The Commission shall hold regular meetings on the first Thursday of each month at 5:15 p.m. in Conference Room B129, located in Building 300 (Public Services), located in the Civic Center at 276 Fourth Avenue. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC section 2.25.200.

2.43.050 Membership.

In accordance with City Charter Section 609, the Civil Service Commission shall consist of five members appointed by the City Council from the registered voters of the City. Two members shall be appointed by the City Council from a list of four persons to be nominated by election of the employees in the Classified Service; two members shall be appointed by the City Council directly; the fifth member shall be appointed by the City Council from a list of three persons nominated by the four thus appointed. The successor of any member of the Commission shall be nominated and appointed in the same manner as such member was nominated and appointed.

SECTION II. Chapter 2.45 is hereby added to the Municipal Code, to read as follows:

**Chapter 2.45**  
**Board of Library Trustees**

Sections:

- 2.45.010 Creation.
- 2.45.020 Purpose and intent.
- 2.45.030 Functions and duties.
- 2.45.040 Membership.
- 2.45.050 Meeting schedule.

2.45.010 Creation.

The Board of Library Trustees is created by City Charter Section 607. The provisions of Article VI of the City Charter, the general rules governing boards and commissions set forth in CVMC Chapter 2.25, and the provisions of this chapter shall govern this Board.

2.45.020 Purpose and intent.

The purpose of this chapter is to supplement City Charter Sections 607 and 608, establishing the Board of Library Trustees and setting forth its powers and duties. If there is any conflict between this chapter and the Charter, the Charter shall govern.

2.45.030 Functions and duties.

In accordance with City Charter section 608, the Board of Library Trustees shall have the power and duty to:

- A. Act in an advisory capacity to the City Council in all matters pertaining to City libraries.
- B. Recommend to the City Council the adoption of bylaws, rules and regulations the Board may deem necessary for the administration and protection of City libraries.

2.45.040 Membership.

The Board of Library Trustees shall consist of five members appointed by the City Council from the registered voters of the City. The City Council may change the number of members comprising the Board by ordinance.

2.45.050 Meeting schedule.

The Board of Library Trustees shall hold regular meetings on the third Wednesday of each month at 4:00 p.m. in the Conference Room located in the Civic Center Library at 365 F Street. The Board may change its regular meeting day, time or location by written resolution in accordance with CVMC section 2.25.200.

SECTION III. Chapter 2.47 is hereby added to the Municipal Code, to read as follows:

**Chapter 2.47  
Design Review Board**

Sections:

- 2.47.010 Creation.
- 2.47.020 Purpose and intent.
- 2.47.030 Functions and duties.
- 2.47.040 Membership.
- 2.47.050 Meeting schedule.

2.47.010 Creation.

The City Council created a Design Review Board in 2010 by Ordinance 3153. That Board was previously known as the Design Review Committee, created by Ordinance 1771 in 1977. The provisions of Article VI of the City Charter, CVMC Chapter 2.25, this chapter, and CVMC Sections 19.14.581 through 19.14.588 shall govern this Board.

2.47.020 Purpose and Intent.

The City Council created the Board to relieve the Planning Commission of certain routine functions necessary to the proper administration of Chapter 19.14, to intensify this municipality's efforts to improve its townscape, and to promote the orderly growth and amenity of the City and environs. The Design Review Board's purpose is to ensure that development within the City of Chula Vista is orderly, of a high quality, and consistent with City-approved design guidelines.

2.47.030 Functions and Duties.

A. The Design Review Board shall review plans for the establishment, location, expansion or alteration of structures in all multifamily residential zones, all commercial and industrial zones, and shall approve, conditionally approve or deny such plans, except as to those areas for which the Chula Vista Redevelopment Corporation performs those functions, pursuant to CVMC Chapter 2.55.

B. The responsibility of the Design Review Board shall be limited to the review of site plans, landscaping, and the exterior design of buildings, for consistency with City-approved design guidelines. In reviewing a residential project, the Board shall consider the costs/benefits of any recommended improvement as reported by the applicant.

C. The Board shall prepare and adopt operational procedures, bylaws and business forms.

D. The Board shall submit annual reports on its operations to the City Planning Commission.

2.47.040 Membership.

A. The Design Review Board shall consist of five members, to be appointed in accordance with Article VI, CVMC Chapter 2.25, and this chapter.

- B. Members shall be persons sensitive to design consideration and interested in townscape matters. Persons qualified for membership shall include architects, landscape architects, land planners, and other design professionals with suitable experience.
- C. All members should be familiar with and able to read and interpret architectural drawings, and be able to judge the effect of a proposed project, structure or sign upon the surrounding neighborhood and community.

#### 2.47.050 Meeting schedule.

The Design Review Board shall meet on the first and third Mondays of the month at 4:30 p.m. in the Council Chambers, located in Building 100 (City Hall) at 276 Fourth Avenue. The Board may establish regular meeting dates by written resolution and may change its regular meeting day, time or location by written resolution in accordance with CVMC section 2.25.200

SECTION IV. Chula Vista Municipal Code sections 19.14.581, 19.14.582, 19.14.583, are hereby amended to read as follows:

#### 19.14.581 Design Review Board.

The purpose and intent, and functions and duties of the Design Review Board are provided in CVMC Chapter 2.47.020 and 2.47.030.

#### 19.14.582 Design Review Approval.

- A. Plans for the establishment, location, expansion or alteration of structures in all multifamily residential zones, and all commercial and industrial zones shall require design review by the Design Review Board or, for projects within a designated redevelopment project area, the Chula Vista Redevelopment Corporation.
- B. The Board shall approve, conditionally approve or deny such plans. The Design Review Board shall base its findings and actions on the design review provisions of the effected design manuals of the City.
- C. The Zoning Administrator has the discretion, with the concurrence of the applicant, to act in the place of the Design Review Board in the case of minor projects, including new construction or additions to commercial, industrial, or institutional projects with a total floor area of 20,000 square feet or less, and residential projects of 10 units or less. The Zoning Administrator shall base its findings and actions upon the provisions of the effected design manuals of the City.

#### 19.14.583 Design Review Application and Fee.

- A. Applications for design review and modifications thereto shall be made to the Development Services Director in writing on a form prescribed by the Development Services Director and shall be accompanied by plans and data sufficient to show the detail of the proposed building(s) and site layout.
- B. The fee for a hearing before the Design Review Board is the required fee(s). The fee for Zoning Administrator design review shall be the required fee(s).

SECTION V. Chula Vista Municipal Code section 19.14.584 and 19.14.586 are hereby repealed.

19.14.584 Repealed.  
19.14.586 Repealed.

SECTION VI. Chula Vista Municipal Code sections 19.14.587 and 19.14.588 are hereby amended to read as follows:

19.14.587 Design Review Board – Final Approval Process when Lack of Quorum.

If a project is scheduled for a meeting of the Design Review Board for final approval, and a quorum, as defined by CVMC 2.25.240, is not available for the scheduled meeting, the applicant may choose to have the matter considered by the Design Review Board at its next meeting, may request a special Design Review Board meeting to consider the matter, or may request that the Design Review Board application be considered by the Planning Commission (at no additional cost to the applicant) at its next available meeting (subject to public noticing requirements) for action.

19.14.588 Design Review - Appeal Procedure.

- A. The applicant or other interested persons may file an appeal from the decision of the Design Review Board, or Zoning Administrator for minor projects, to the City Council within 10 business days after the decision is made. The appeal shall be in writing and filed with the Development Services Department on forms prescribed for the appeal, and shall specify therein the argument against the decision of the Design Review Board. If an appeal is filed within the time limit specified, it automatically stays proceedings in the matter until a determination is made by the City Council.
- B. Upon the hearing of such appeal, the City Council may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Design Review Board, or Zoning Administrator for minor projects. The resolution must contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual.
- C. The decision of the City Council is final.

SECTION VII. Chula Vista Municipal Code section 19.14.589 is hereby repealed.

19.14.589 Repealed.

SECTION VIII. Chula Vista Municipal Code Section 2.16.060 is hereby repealed.

2.16.060 Repealed.

SECTION IX. Chapter 2.41 is hereby added to the Municipal Code, to read as follows:

Chapter 2.41  
PARKS AND RECREATION COMMISSION

Sections:

- 2.41.010 Creation.
- 2.41.020 Purpose and intent.
- 2.41.030 Functions and duties.
- 2.41.040 Membership.
- 2.41.050 Meeting schedule.

2.41.010 Creation.

The Parks and Recreation Commission is created by City Charter section 611. The Provisions of Article VI of the City Charter, the general rules governing boards and commissions set forth in CVMC Chapter 2.25, and the provisions of this chapter shall govern the Parks and Recreation Commission.

2.41.020 Purpose and intent.

The purpose of this chapter is to supplement City Charter Section 611, establishing the Parks and Recreation Commission and setting forth its powers and duties. If there is any conflict between this chapter and the Charter, the Charter shall govern.

2.41.030 Functions and duties.

The Parks and Recreation Commission shall have the power and duty to:

- A. Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation and playgrounds.
- B. Consider the annual budget for parks and recreation purposes during the process of its preparation and make recommendations regarding the budget to the City Council and the City Manager.
- C. Assist in the planning of a recreation program for the inhabitants of the City, promote and stimulate public interest in a recreation program and, to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested in a recreation program.

2.41.040 Membership.

- A. The Parks and Recreation Commission shall consist of seven members appointed by the City Council from the registered voters of the City. The City Council may change the number of members comprising the Commission by ordinance.

B. In the event the City Council contracts with other agencies interested in recreation and parks for joint exercise of any functions, the contract may provide that the other agencies may have representation on the Commission during the term of the contract.

2.41.050 Meeting schedule.

The Parks and Recreation Commission shall hold regular meetings on the third Thursday of the month at 6:30 p.m., in Conference Room 129, in Building 300 (Public Services), located in the Civic Center at 276 Fourth Avenue. The Board may change its regular meeting day, time or location by written resolution in accordance with CVMC Section 2.25.200.

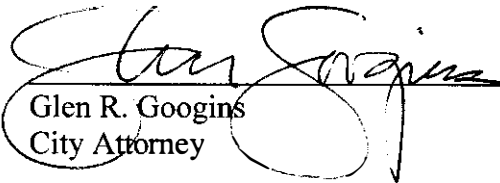
SECTION X. This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

Approved as to form by



Donna R. Norris  
City Clerk



Glen R. Googins  
City Attorney

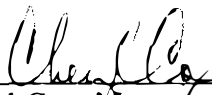


PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 25th day of October 2011, by the following vote:


AYES: Councilmembers: Aguilar, Bensoussan and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: Castaneda and Ramirez

  
Cheryl Cox, Mayor

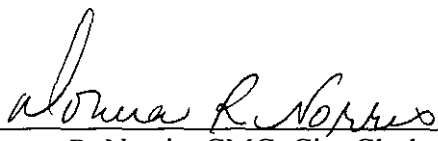
ATTEST:

  
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. 3212 had its first reading at a regular meeting held on the 18th day of October 2011 and its second reading and adoption at a regular meeting of said City Council held on the 25th day of October 2011; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

November 4, 2011  
Dated

  
Donna R. Norris, CMC, City Clerk