

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
VARIOUS CHAPTERS AND SECTIONS OF THE CHULA
VISTA MUNICIPAL CODE TO REVISE GENERAL RULES
FOR BOARDS AND COMMISSIONS AND REVISE
CHAPTERS GOVERNING INDIVIDUAL BOARDS AND
COMMISSIONS TO AMEND CERTAIN ROLES,
RESPONSIBILITIES, AND MEMBERSHIP AND
CONSOLIDATE AND REPEAL CERTAIN BOARDS AND
COMMISSIONS

WHEREAS, in response to a City Council referral made on August 8, 2022, City staff conducted a review of the City's boards and commissions to determine any overlap in roles and responsibilities and propose changes, including possible consolidation, to improve efficiency and effectiveness; and

WHEREAS, staff presented its recommendations and received direction from the City Council at the City Council meeting on October 11, 2022; and

WHEREAS, the City Council desires to revise certain general rules for City boards and commissions, as well as the roles, responsibilities, and membership of certain City boards and commissions.

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

Section I.

A. Specified sections of Chapter 2.25 of the Chula Vista Municipal Code are hereby amended as follows:

[Sections in Chapter 2.25 that are not specifically listed below remain unchanged.]

2.25.020 Definitions.

For purposes of this chapter, the following words are defined:

“Board” and “Commission” include boards, commissions, and committees established by the Chula Vista Charter or ordinance.

“Brown Act” means the Ralph M. Brown Act, Government Code Section [54950](#) et seq., commonly referred to as the Brown Act or the California Open Meeting Law.

“Entire Voting Membership” or “Entire Membership” means those individuals who have been appointed to, have been sworn in to serve on, have not been removed from, have not vacated their seat on, and who are eligible and entitled to vote as Members of a Board or Commission. It does not include Ex Officio Members or Youth Advisory Members and does not include any seat

specified in the Charter provision or ordinance creating the Board or Commission that is unfilled due to a vacancy, pursuant to CVMC [2.25.105](#). Notwithstanding the foregoing, at least one-half of the voting seats specified in the Charter provision or ordinance creating the Board or Commission must be filled in order for the board or Commission to act. For example, if a seven-Member board has two vacancies, the remaining five voting members constitute the “Entire Membership.” Accordingly, an action that requires a majority vote could be taken if at least three of the voting board members vote in its favor. The City Council intends that this definition clarify the term “Entire Membership” as used in Section [603](#) of the City Charter.

“Ex Officio Members” means the individuals who are appointed by the City Council to serve in an advisory capacity on a Board or Commission, but who are not entitled to vote or to make motions. “Ex Officio Members” do not include City staff who provide information to or sit with a Board or Commission. “Interview” means the process by which applicants are given an opportunity to present themselves to the City Council, or other interview panel, and the City Council or other panel questions and evaluates the applicants. Should an applicant be unable to attend an interview, the Council or panel may elect to consider a letter of interest or interview by other means, such as telephone or video conference, in lieu of an in-person meeting.

“Member” means an individual who has been appointed to, has been sworn in to serve on, has not been removed from, and who has not vacated his or her seat on a Board or Commission.

“Members” includes Voting Members, Ex Officio Members, and Youth Advisory Members.

“Registered Voter” means an individual who is registered to vote in City of Chula Vista elections.

“Voting Member” means an individual appointed by the City Council who is entitled to vote and make motions in his or her capacity as a member of a Board or Commission.

“Youth Advisory Member” means the individuals who meet the qualifications specified in CVMC 2.25.030(E) and are appointed by the City Council to serve in an advisory capacity on a Board or Commission. Youth Advisory Members are not entitled to make motions or vote but may offer an advisory opinion on matters considered by the Board or Commission.

2.25.030 Membership – Qualifications and eligibility.

Member qualifications and eligibility shall be in accordance with Chula Vista Charter Section [602](#) and this Section:

- A. An individual is eligible to serve on only one Board or Commission at a time, unless the Member is filling a seat on another Board or Commission that was specifically created to represent the Board or Commission to which he or she was originally appointed.
- B. A paid officer or employee of the City is not eligible to be appointed to or to serve on a Board or Commission.
- C. A Member is ineligible to be appointed to another Board or Commission during the first 12 months of his or her term; this prohibition does not apply to appointments to serve as a representative Member on another Board or Commission, pursuant to Subsection [\(A\)](#) of this Section, or to appointments of Members to another Board or Commission when their original Board or Commission was disbanded within the first 12 months of their term.
- D. The City Council may appoint Ex Officio Members to any Board or Commission because of particular background or experience that the City Council deems will assist a particular Board or

Commission in handling a discrete set of issues. Ex Officio Members are not required to be Registered Voters and are subject to term limits as described in the Charter and CVMC [2.25.080](#) and [2.25.100](#). Ex Officio Members are not entitled to vote or to make motions.

E. The City Council may appoint Youth Advisory Members to Boards and Commissions as those seats are provided for in the Membership section of individual board and Commission chapters in this Code. Youth Advisory Members shall be between the ages of 16 and 22 years old at the time of their appointment, and are not required to be Registered Voters, but shall be a resident in the City and maintain that status throughout their tenure. Youth Advisory Members are subject to term limits as described in CVMC [2.25.080](#) and [2.25.100](#).

2.25.050 Membership – Applications and appointments – General.

A. The City Clerk shall maintain applications for prospective membership on Boards and Commissions for a period of one year from the date of application. The application shall provide a place for an individual to state the reasons he or she seeks appointment to a particular Board or Commission and his or her qualifications for service on a particular Board or Commission.

B. An individual who has submitted an application for appointment as a Voting Member, Ex Officio, or Youth Advisory Member of any Board or Commission may be interviewed as part of the nomination and selection process.

C. If a vacancy occurs on any Board or Commission within one year of interviews being conducted for that Board or Commission, interviews are not required if all of the following criteria are met: (1) the vacancy was properly noticed and new applications solicited; (2) no new, qualified applications were received; (3) one or more qualified applicants from the original interviews remain eligible and interested in being appointed; and (4) the appointment process for the Board or Commission does not specifically prohibit this subsection.

D. Members of each board and commission shall be appointed by at least three affirmative votes of the City Council.

2.25.060 Membership – Oath of office – Effective date of taking office.

The City Clerk or his or her designee shall administer the oath of office to newly appointed Voting Members, Ex Officio Members, and Youth Advisory Members. Newly appointed Members must take the oath of office before they may participate or vote as a Member of the Board or Commission to which they have been appointed. Members assume their office on the date they take the oath of office.

2.25.080 Membership – Terms – Standard term of office – Holdover office.

A. The standard term of office for Board and Commission Members, other than Youth Advisory Members, is four years. The standard term begins July 1st and ends June 30th four years later.

B. The standard term of office for Youth Advisory Members is two years. The standard term begins July 1st and ends June 30th two years later.

C. At the end of any Member's term, they shall be permitted to continue to exercise the privileges of their former office until the office is filled by the appointment of a qualified successor.

2.25.100 Membership – Terms – Filling unexpired terms.

A. Voting Member and Ex Officio Member terms shall be in accordance with Chula Vista Charter Section [602](#) and this Subsection A:

1. A Voting Member who currently sits on a particular Board or Commission may not be appointed to fill the unexpired term of another Voting Member's vacated seat on that same Board or Commission. An individual who currently sits as an Ex Officio Member or a Youth Advisory Member of a Board or Commission may be appointed to fill the unexpired term of a Voting Member's vacated seat on the same Board or Commission if the Ex Officio Member or Youth Advisory Member meets the eligibility criteria for voting membership. The appointment process shall be the same as provided for in the applicable membership section for the Board or Commission.
2. For purposes of determining whether the unexpired term of a vacated seat is less than, more than, or equals two years, the starting date of the unexpired term shall be the date the new appointee takes the oath of office, and the end date of the unexpired term shall be the expiration date of the vacating Member's term of office.

B. Youth Advisory Member terms shall be in accordance with this Subsection B:

1. Youth Advisory Members shall be limited to a maximum of two consecutive terms; provided, further, that for the purpose of this Section, an appointment to fill an initial term or an unexpired term of less than one year in duration shall not be considered as a term; however, any appointment to fill an initial term or an unexpired term in excess of one year shall be considered to be a full term.
2. For purposes of determining whether the unexpired term of a vacated seat is less than, more than, or equal to one year, the starting date of the unexpired term shall be the date the new appointee takes the oath of office, and the end date of the unexpired term shall be the expiration date of the vacating Member's term of office.

2.25.130 Code of ethics.

Voting Members, Ex Officio Members, and Youth Advisory Members of Boards and Commissions are public officials and, therefore, act as agents for the public's purpose and hold office for the public's benefit. As public officials, they are bound to uphold the law, observe in their official acts a high standard of morality and discharge faithfully the duties of their office, recognizing that the public interest must be a primary concern. Members of Boards and Commissions are expected to conform to the City's code of ethics, found in Chapter [2.01](#) CVMC. If a Board or Commission Member is in doubt about whether the code of ethics applies to a particular situation, the Member may request in writing an advisory opinion from the Board of Ethics.

2.25.150 Conflicts of interest – Recusal from discussion and voting.

A. Voting Members, Ex Officio Members, and Youth Advisory Members who are 18 years of age or older of certain Boards and Commissions may be required to file statements of economic interest as determined in the City's conflict of interest code. The City Clerk will notify Members who are required to file the statements.

B. The state's Political Reform Act and the City's conflict of interest code state that no person shall make or participate in the making of a governmental decision that he or she knows, or has reason to know, will have a reasonably foreseeable material financial effect on him or her distinguishable from its effect on the public generally. The Political Reform Act and implementing regulations require a public official diligently to monitor his or her business interests, real property, sources of income, gifts, and personal finances to ensure that he or she does not participate in an action in which he or she has a conflict of interest.

C. When a Member has a conflict of interest, or the appearance of a conflict of interest, he or she must publicly state the nature of the conflict. Unless the item is on the consent calendar, the Member must step down from the dais or table and leave the room until consideration of the particular item is finished. Additionally, the disqualified Member may not be counted toward achieving a quorum while the item is being discussed. A Member may consult the City Attorney if he or she has a question about whether or not a conflict exists and whether or not he or she should disqualify himself or herself from discussing or voting on an issue.

2.25.260 Operations – Staff support.

A. Pursuant to City Charter Section [603](#), the City Manager shall appoint a staff person to serve as secretary to each board and commission. In addition to other duties specified in this chapter, the secretary is responsible for finalizing resolutions and performing other administrative duties, as necessary.

B. The City Manager may make available other staff and clerical support as requested by a Board or Commission to fulfill its functions and duties, provided such staff and clerical support are available.

C. Staff persons assigned to assist Boards and Commissions shall not be considered Voting Members, Ex Officio Members, or Youth Advisory Members of those Boards and Commissions..

B. Section 2.32.060 of the Chula Vista Municipal Code is hereby amended as follows:

2.32.060 Membership.

The Sustainability Commission shall consist of seven Voting Members and two Youth Advisory Members, to be appointed in accordance with Article VI of the City Charter and Chapter [2.25](#) CVMC.

C. Specified sections of Chapter 2.33 of the Chula Vista Municipal Code are hereby amended as follows:

[Sections in Chapter 2.33 that are not specifically listed below remain unchanged.]

2.33.020 Purpose and intent.

It is the purpose and intent of the City Council in establishing the Cultural Arts Commission to create an advisory body to serve as a resource to advise and make recommendations to the City Council and the City Manager on cultural arts issues citywide, as well as exchanges and activities with the City and its sister cities. The focused efforts of the Cultural Arts Commission will be to identify cultural arts needs and issues.

The purpose of the Commission is to focus community energies and resources on developing a highly visible City with a cultural arts personality and to develop, support, and nurture those ideas that expand and enrich arts and cultural opportunities for the entire community in addition to promoting cultural exchanges and activities on the basis of mutual friendship and amity between the City and its sister cities.

2.33.030 Functions and duties.

The functions and duties of the Cultural Arts Commission shall be as follows:

- A. Encourage the preservation of Chula Vista’s cultural heritage and the creation of an atmosphere – a Chula Vista image – in which our citizens could take pride and have increased stature.
- B. Help coordinate and marshal support for the arts.
- C. Encourage the provision of cultural and artistic facilities and features in public and commercial construction.
- D. Formulate recommendations for a City arts program, including funding mechanisms, criteria for the selection and placement of public art, procedures for review plans, and guidelines to carry out a City arts program.
- E. Regularly assess, review and update recommended goals and long-range plans for the City; and regularly solicit public input on the arts.
- F. Encourage the development of arts and cultural programs for the youth of Chula Vista.
- G. Promote the creation of a cultural environment to attract visitors and economic development. The Commission, by having a definite focus and by demonstrating a high degree of commitment to the arts, can conduct strategic long-range planning to help reach these goals.
- H. Make recommendations for cultural exchanges and activities that are virtual and/or accessible on the basis of mutual friendship and amity between the City and its sister cities.
- I. The Commission may develop guidelines for consideration during the application and appointment processes for new Members, which may include relevant questions to be included on the application, recommended considerations when making an appointment, and definitions of terms referenced in CVMC [2.33.040](#), related to the qualifications of Members.

2.33.040 Membership.

- A. The Cultural Arts Commission shall consist of nine Voting Members and one Youth Advisory Member who represent a diversity of backgrounds, to be nominated and appointed in accordance with Article VI of the City Charter, Chapter [2.25](#) CVMC, and this chapter.
 - 1. All nine Voting Members shall demonstrate competence, knowledge and experience in cultural arts; and a minimum of six Members shall be appointed from among artists, educators, and those with professional qualifications and experience in disciplines of arts and culture, including the performing arts, fine arts, culinary arts, media arts or related arts disciplines.

2. The Cultural Arts Commission may recommend guidelines to be used during the application and appointment processes, which may include relevant questions to be included on the application, a checklist of qualifications, and definitions of terms referenced in this Section, related to the qualifications of Members.
3. When a vacancy occurs on the Cultural Arts Commission, the City Clerk shall forward applications received for the vacant position to the Mayor and Cultural Arts Manager or other staff assigned to the Cultural Arts Commission.
4. Throughout the review of applications, selection of applicants to be Interviewed and Interviews of selected applicants, the Mayor shall consider guidelines developed by the Cultural Arts Commission, as well as recommendations for interviews or appointments that may be made by the Cultural Arts Commission, City Councilmembers, and the Cultural Arts Manager or other staff assigned to the Cultural Arts Commission.
5. The Mayor shall review the forwarded applications and select applicants to be Interviewed. The Mayor shall Interview selected applicants and provide the opportunity for the Cultural Arts Manager or other staff assigned to the Cultural Arts Commission to attend and assist with the interviews. The Mayor shall make nominations for appointment, subject to the City Council's approval.

D. Specified sections of Chapter 2.35 of the Chula Vista Municipal Code are hereby amended as follows:

[Sections in Chapter 2.35 that are not specifically listed below remain unchanged.]

Chapter 2.35 – HOUSING AND HOMELESSNESS ADVISORY COMMISSION

2.35.010 Creation.

There is hereby created a Housing and Homelessness Advisory Commission, in accordance with the City Charter and with Section [34291](#) of the California Health and Safety Code. The provisions of Article VI of the City Charter, Chapter [2.25](#) CVMC and this chapter shall govern this Commission.

2.35.020 Purpose and intent.

It is the purpose and intent of the City Council, in establishing the Commission, to create an advisory and coordinating body which is to serve as a resource, to advise and to make recommendations to the Housing Authority, Successor Agency to the Redevelopment Agency, City Council, and City Manager on housing issues and opportunities that would benefit the community, including matters related to services, programs, and funding for the City's unsheltered community.

2.35.030 Functions and duties.

The functions and duties of the Housing and Homelessness Advisory Commission shall be as follows:

- A. Serve as an advisory body to the Housing Authority, City Council, Successor Agency to the Redevelopment Agency, and City Manager.

- B. Periodically assess the housing needs of the residents of Chula Vista and review housing policies and strategies, including the Housing Element of the General Plan, and to make recommendations to improve said policies and strategies to address identified community housing needs.
- C. Review and make recommendations on all matters to come before the Housing Authority, except emergency matters and matters which the Housing Authority, by resolution, excludes from its review.
- D. Review all proposed affordable housing projects to be assisted with public funds or incentives and make recommendations concerning said projects.
- E. Review all affordable housing projects proposed under the City's affordable housing program and related development agreements and make recommendations concerning said projects.
- F. Consider and make recommendations on matters related to services, programs, and funding for the City's unsheltered community.
- G. Review ongoing housing programs of the Housing Authority, City, and Successor Agency to the Redevelopment Agency and make recommendations for improvement thereof, including efforts to publicize the availability of housing opportunities to City residents.
- H. Perform such others functions or duties as may be delegated by the Housing Authority.

2.35.040 Membership.

A. The Housing and Homelessness Advisory Commission shall consist of seven Voting Members and up to two Ex Officio Members, to be appointed in accordance with Article VI of the City Charter, Chapter [2.25](#) CVMC, and this chapter.

B. The Voting Members shall be appointed according to the following specifications:

Three Members shall have expertise and experience in at least one of the following fields: lending, urban planning, real estate development, and real estate brokerage; two Members shall be appointed as representatives of tenants of the Housing Authority, and shall, at the time of their appointments and throughout their terms, reside in assisted housing or receive Section 8 rental housing assistance from the Housing Authority; one of these two Members shall be 62 years of age or older; and two Members shall be residents of the City at large, and shall, throughout their terms, maintain their residency and elector status.

E. Section 2.36.040 of the Chula Vista Municipal Code is hereby amended as follows:

2.36.040 Membership.

A. The Human Relations Commission shall consist of 11 Voting Members and one Youth Advisory Member, to be appointed in accordance with Article VI of the City Charter, Chapter [2.25](#) CVMC, and this chapter.

B. The Members shall be: (1) representative of the diversity of the City; (2) specifically chosen to reflect the interests and concern with protection of civil liberties of all people which make up the City's residents; (3) committed to fostering better human relations in the City of Chula Vista; and (4) associated with the business and/or civic activities of the City.

F. Chapter 2.37, Commission on Aging, is hereby repealed in its entirety.

G. Chapter 2.38, International Friendship Commission, is hereby repealed in its entirety.

H. Chapter 2.40, Growth Management Oversight Commission, is hereby repealed in its entirety.

I. Section 2.41.040 of the Chula Vista Municipal Code is hereby amended as follows:

2.41.040 Membership.

A. The Parks and Recreation Commission shall consist of seven Voting Members and one Youth Advisory Member appointed by the City Council in accordance with Article VI of the City Charter, Chapter [2.25](#) CVMC, and this chapter.

1. Three voting seats shall be nominated and appointed in accordance with the general appointment process specified in CVMC [2.25.052\(A\)](#).

2. The four remaining voting seats are nominated by a particular Council district seat and appointed in accordance with the district based appointment process specified in CVMC [2.25.052\(C\)](#). Members must be a resident of the corresponding Council district and must maintain their district residency throughout their tenure.

3. The Youth Advisory Member shall meet the qualifications of specified in CVMC 2.25.030(E) and shall be nominated and appointed in accordance with the general appointment process specified in CVMC [2.25.052\(A\)](#).

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

J. Section 2.42.015 of the Chula Vista Municipal Code is hereby added as follows:

2.42.015 Purpose and Intent.

The purpose of this chapter is to supplement City Charter Section 605, establishing the Planning Commission and setting forth its powers and duties. It is the intent of the City Council that the Planning Commission shall additionally meet the certified local government requirements, as defined by the national Historic Preservation Act, and serve as the authority on historic preservation matters and advise the Council and other City Boards and Commissions, as needed, on historic preservation matters, as is mandated by CVMC Title 21, Historic Preservation. If there is any conflict between this chapter and the Charter, the Charter shall govern.

K. Section 2.42.020 of the Chula Vista Municipal Code is hereby amended as follows:

2.42.020 Functions and duties.

A. In accordance with Charter Section [606](#), the Planning Commission shall have the power and duty to:

1. Recommend to the City Council, after a public hearing, the adoption, amendment, or repeal of a Master Plan or any part thereof for the physical development of the City.
2. Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance.

B. Additionally, the Planning Commission shall have the power and duty, in accordance with CVMC 21.02.030 to:

1. Approve Major Certificates of Appropriateness and Historic Designations.
2. Uphold the goals and policies of the General Plan related to historic preservation.
3. Carry out the purpose and intent of CVMC Title 21, Historic Preservation.
4. Assist staff in the development and maintenance of a certified historic preservation program that carries out the provisions of the certified local government program.
5. Approve designations of historical resources to the City of Chula Vista Register of Historical Resources.
6. Recommend to City Council delistings from the City of Chula Vista Register of Historical Resources.
7. Grant or deny applications for permits for major alterations of historical resources.
8. Grant or deny appeals from decisions of the Zoning Administrator for applications of minor alterations of historical resources.
9. 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.
10. Advise the City Council and other boards, commissions and committees as necessary on historic preservation issues.
11. Perform other functions as appropriate to safeguard the City's historic, aesthetic, social, economic, political, and architectural past.

L. Specified sections of Chapter 2.44 of the Chula Vista Municipal Code are hereby amended as follows:

[Sections in Chapter 2.44 that are not specifically listed below remain unchanged.]

Chapter 2.44 – TRAFFIC SAFETY COMMISSION

2.44.010 Creation.

There is created and established the Traffic Safety Commission. The provisions of Article VI of the City Charter, Chapter [2.25](#) CVMC, and this chapter shall govern this Commission.

2.44.020 Functions and duties.

The duties of the Traffic Safety Commission shall be to conceive and develop ideas or suggestions that would specifically or generally contribute to the improvement of personal or property safety within the City area, receive and process such ideas from any individual or groups of individuals, and after such suggestions have been given careful consideration and study by Members, both individually and collectively, make appropriate recommendations, by resolution, to the City Council. All recommendations shall be considered and acted upon favorably or unfavorably. The scope of the operations of the Commission may embrace any hazardous condition, whether it be physical or material, that would jeopardize human safety, or cause damage to property both within and outside the home or industry; provided, however, that the basic function of the Commission shall be related to matters of vehicular or pedestrian traffic safety within the public rights-of-way in the City and safety hazards that may exist on or about publicly owned land and facilities.

2.44.030 Membership.

The Traffic Safety Commission shall consist of seven Members who shall be appointed in accordance with Article VI of the City Charter and Chapter [2.25](#) CVMC.

M. Section 2.45.040 of the Chula Vista Municipal Code is hereby amended as follows:

2.45.040 Membership.

The Board of Library Trustees shall consist of five Voting Members appointed by the City Council from the Registered Voters of the City and one Youth Advisory Member. The City Council may change the number of Members comprising the Board by ordinance.

N. Specified sections of Chapter 2.47 of the Chula Vista Municipal Code are hereby amended as follows:

[Sections in Chapter 2.47 that are not specifically listed below remain unchanged.]

Chapter 2.47 – HEALTH, WELLNESS, AND AGING COMMISSION

2.47.010 Creation.

The Health, Wellness, and Aging Commission, originally named the Healthy Chula Vista Advisory Commission, was created as a result of the Healthy Chula Vista Action Plan adopted January 5, 2016. The Healthy Chula Vista Advisory Commission was combined with the Commission on Aging in 2022 to create a comprehensive advisory body that incorporated health, wellness, and aging matters. The general rules governing Boards and Commissions set forth in Chapter [2.25](#) CVMC shall govern the Health, Wellness, and Aging Commission, except as specifically provided below.

2.47.020 Purpose and intent.

It is the purpose and intent of the City Council, in establishing the Commission, to create an advisory and coordinating body which is to serve as a resource to advise and to make recommendations to the City Council and City Manager on health, wellness-, and aging-related policies and opportunities, including the General Plan, Healthy Chula Vista Action Plan, and

Age-Friendly Action Plan that would benefit the community, as well as provide a forum for older adults and the community to bring forward public health and aging matters.

2.47.030 Functions and duties.

The functions and duties of the Health, Wellness, and Aging Commission shall be as follows:

- A. Serve as an advisory body to the City Council and City Manager.
- B. Periodically assess the health, wellness, and aging needs of the residents of Chula Vista and review health-, wellness-, and aging-related policies and strategies, including the General Plan, Healthy Chula Vista Action Plan, and Age-Friendly Action Plan, to make recommendations to improve said plans to address identified community health, wellness, and aging needs.
- C. Serve as a forum for older adults and the community to bring forward public health and aging matters.
- D. Perform such others functions or duties as may be delegated by the City Council.

2.47.040 Membership.

A. The Health, Wellness, and Aging Commission shall consist of nine Voting Members and one Youth Advisory Member, to be nominated and appointed in accordance with Article VI of the City Charter, Chapter [2.25](#) CVMC, and this chapter.

1. Five Voting Members shall have expertise and experience in at least one of the focus areas of the Healthy Chula Vista Action Plan or the Age-Friendly Action Plan: land use, transportation, nutrition, health care, physical activity, environment, and/or older adults. These Members shall be nominated and appointed in accordance with the general appointment process specified in CVMC [2.25.052\(A\)](#).

2. The four remaining Voting Members shall be nominated by a particular Council district seat and appointed in accordance with the district based appointment process specified in CVMC [2.25.052\(C\)](#). Members must be a resident of the corresponding Council district and must maintain their district residency throughout their tenure.

3. The Youth Advisory Member shall meet the qualifications of specified in CVMC 2.25.030(E) and shall be nominated and appointed in accordance with the general appointment process specified in CVMC [2.25.052\(A\)](#).

O. Chapter 2.49, Historic Preservation Commission, is hereby repealed in its entirety.

P. Section 2.61.050 of the Chula Vista Municipal Code is hereby amended as follows:

2.61.050 Composition – Qualifications – Nomination.

A. *Members.* The COC shall be comprised of nine Members, each with equal rights and standing to act and vote on COC matters.

B. *Qualifications Applicable to All Members.* Per Charter Section [602\(d\)](#), all COC Members must be qualified electors of the City. A “qualified elector” of the City is a City resident that is qualified and registered to vote as a City resident. COC Members must be qualified electors at the

time they apply and must maintain such status throughout their tenure. No COC Member may be a current City employee or current elected City official per the requirements of Measure P (CVMC [3.33.160\(D\)](#)).

C. *Designated Members.* Four of the total nine COC Members shall be nominated, apply, and serve as “Designated Members.” Designated Members shall be nominated, one each, by the following nominating authorities (each a “nominating authority,” collectively the “nominating authorities”), subject to the additional membership qualifications, if any, specified for each:

1. Chula Vista Chamber of Commerce; nominee(s) must have expertise and experience in at least one of the following areas: accounting, finance, engineering, or a related discipline (including construction);
2. San Diego County Taxpayers Association; nominee(s) must have expertise and experience in at least one of the following areas: accounting, finance, engineering, or a related discipline (including construction);
3. Chula Vista Parks and Recreation Commission; nominee(s) must be from this Commission;
4. Sustainability Commission (formerly known as the Resource Conservation Commission); nominee(s) must be from this Commission;
5. San Diego and Imperial Counties Labor Council;
6. Alliance of Californians for Community Empowerment, San Diego branch.

D. *Designated Member Appointment Process.* Designated Members shall be appointed in accordance with the Designated Member appointment process identified below.

1. When a vacancy occurs, Designated Members shall be selected for nomination by the nominating authorities specified in Subsection [\(C\)](#) of this Section that do not have a Designated Member appointed to the COC (each an “unrepresented nominating authority,” collectively the “unrepresented nominating authorities”) at the time the vacancy occurs. If any of the unrepresented nominating authorities declines to exercise their nominating authority in a timely fashion, or if any ceases to function or exist, that party’s nominating authority may pass to a substantially similar organization if approved by the City Council.
2. Unrepresented nominating authorities shall submit the name and contact information for their nominee (“Designated Nominee”) to the City Clerk on a form prescribed by the City Clerk. The City Clerk shall provide each Designated Nominee with instructions to complete and submit the application to the City Clerk within a specified time period. Completed applications timely received by the City Clerk shall be forwarded to the Mayor.
3. The Mayor shall Interview all Designated Nominee who timely complete applications, and thereafter may make nominations for appointment as provided in Subsection [\(D\)\(4\)](#) of this Section, subject to the City Council’s approval.
4. After completing Interviews in accordance with Subsection [\(D\)\(3\)](#) of this Section, the Mayor may make a nomination to the City Council or may reject the proposed nomination. If the Mayor rejects a proposed nomination, the Mayor may request additional submittal for a

Designated Nominee. Once rejected, a Designated Nominee may not be resubmitted for the term at issue, but may be submitted for consideration for future terms.

E. *At-Large Members.* Five of the total nine COC Members shall apply and serve as representatives of the City “at-large.” Expertise and experience in accounting, finance, engineering, or a related discipline (including construction) is desirable but is not required. At-large Members shall be comprised of the following:

1. One Member may be a resident of any one of the four districts and shall be nominated and appointed in accordance with the general appointment process specified in CVMC [2.25.052\(A\)](#).

2. The four remaining Members shall be nominated by a particular Council district seat and appointed in accordance with the district-based appointment process specified in CVMC [2.25.052\(C\)](#). Members must be a resident of the corresponding Council district and must maintain their district residency throughout their tenure.

Q. Specified sections of Chapter 2.63 of the Chula Vista Municipal Code are hereby amended as follows:

[Sections in Chapter 2.63 that are not specifically listed below remain unchanged.]

2.63.050 Composition – Qualifications – Nomination.

A. *Members.* The COC shall be comprised of 11 Members, each with equal rights and standing to act and vote on COC matters.

B. *Qualifications Applicable to All Members.* Per Charter Section [602\(d\)](#), all COC Members must be qualified electors of the City. A “qualified elector” of the City is a City resident that is qualified and registered to vote as a City resident. COC Members must be qualified electors at the time they apply and must maintain such status throughout their tenure.

C. *Designated Members.* Seven of the total 11 COC members shall be nominated, apply and serve as “Designated Members.” Designated Members shall be nominated, one each, by the following nominating authorities (each a “Nominating Authority,” collectively the “Nominating Authorities”), subject to the additional membership qualifications, if any, specified for each:

1. Chula Vista Chamber of Commerce; nominee(s) must be a member of the Chamber;
2. Chula Vista Police Officers Association (POA); nominee(s) must be an active member of this association;
3. Chula Vista International Association of Fire Fighters (IAFF); nominee(s) must be an active member of this association;
4. Association of Chula Vista Employees (ACE); nominee(s) must be an active member of this association;
5. Chula Vista Fire Chief;
6. Chula Vista Police Chief;

7. Chula Vista Middle Managers/Professional Employee Group (MM/PROF).

Designated Members shall be appointed in accordance with the Designated Member appointment process specified in CVMC [2.25.052\(D\)](#).

D. *At-Large Members.* Four of the total 12 COC Members shall apply and serve as representatives of the City “at-large.” At-large Members shall be comprised of one resident from each of the four City Council districts and shall be nominated by a particular Council district seat and appointed in accordance with the district based appointment process specified in CVMC [2.25.052\(C\)](#). Members must be a resident of the corresponding Council district and must maintain their district residency throughout their tenure.

2.63.110 Dissolution date.

The COC may be disbanded following the implementation of “Phase I” critical needs, as reported in the Intended Public Safety Expenditure Plan and if the City Council elects to disband the COC a citizens’ group or committee designated by the City Council, shall be responsible for reporting to the City Council, in a manner determined by the City Council, regarding the collections and expenditure of Measure A revenues and the resulting impacts on public safety.

R. Section 3.34.160 of the Chula Vista Municipal Code is hereby amended as follows:

3.34.160 Citizens’ oversight and accountability.

In order to provide for citizens’ oversight, transparency and accountability in connection with expenditures of tax revenues generated under the terms of this chapter, the City shall do the following:

A. *Line Item Accounting.* All revenue generated by the tax (“Measure A revenues”) shall be accounted in the general fund as a separate line item entitled “Local Transactions and Use Tax – Measure ‘A’ Revenues.” Measure A revenues and expenditures will be tracked and accounted for by City Finance Department staff in accordance with generally accepted accounting principles (GAAP), and presented annually in a report (the “Finance Department Report”) to the Citizens’ Oversight Committee (“COC”) created pursuant to Subsection (D) of this Section.

B. *Annual Submittal of Measure A Public Safety Expenditure Plan.* If Measure ‘A’ is approved by the voters, beginning in fiscal year 2018-2019, and for each subsequent year, prior to City Council consideration of the City’s annual budget, City staff will prepare and present to the COC for its review a spending plan for the Measure ‘A’ Revenues. Such plan (the “Measure ‘A’ Spending Plan”) shall be (1) consistent with the City Council Intended Public Safety Expenditure Plan approved concurrently with the ordinance codified in this chapter; (2) include specific proposals for near term expenditures; and (3) a plan for expenditures for the next 10 years to address the “Phase I” critical needs described therein. After review by the COC, the Measure ‘A’ Spending Plan for the upcoming fiscal year shall be incorporated into the City Manager’s proposed budget, and then presented to the City Council for its consideration and action, in its discretion, as part of the City’s annual budget process. The City Council must consider for approval the expenditure of projected Measure ‘A’ revenues as a separate line item category in each year’s budget. The COC’s duties under this Section shall continue until and unless the City Council appoints another commission, committee, or group to be responsible for reporting to the City Council, pursuant to Subsection (D) of this Section.

C. Annual, Independent Audit. Beginning with the fiscal year 2018-2019, the City's independent auditors shall, as part of their annual audit of the City's financial statements, review the collection and expenditure of Measure 'A' revenues.

D. Measure A Oversight Committee. Prior to the Operative Date, the City shall create and convene a Citizens' Oversight Committee ("COC"). The function of the COC shall be to review and report on City compliance with the terms of this chapter and the spending guidelines contained in the City Council Intended Public Safety Expenditure Plan and each Measure A Spending Plan presented to and approved by the City Council thereafter. The COC shall operate in accordance with the Ralph M. Brown Act, which includes requirements that meetings be noticed in advance and held in public. The COC shall be created by City Council ordinance consistent with the terms of this section adopted no later than 150 days following the date of the election at which Measure A is approved by the voters. The COC may be disbanded following the implementation of "Phase I" critical needs, as reported in the Intended Public Safety Expenditure Plan. If the City Council elects to disband the COC, an appropriate alternative citizens' group or committee designated by the City Council, shall be responsible for reporting to the City Council, in a manner to be determined by the City Council, regarding the collection and expenditure of Measure A Revenues and the resulting impacts on public safety.

S. Specified sections of Chapter 10.04 of the Chula Vista Municipal Code are hereby amended as follows:

[Sections in Chapter 10.04 that are not specifically listed below remain unchanged.]

10.04.020 Intent and purpose of provisions.

A. It is the purpose and intent of the City Council in adopting this title to provide a convenient compilation of the rules and regulations governing and controlling the movement of motor vehicles and traffic in Chula Vista. These rules and regulations are further intended to supplement the regulations contained in the [Vehicle Code](#) of the state of California in those instances where the subject matter is not covered by state traffic laws, and to adopt local regulations where express power is granted to local authorities to control particular subject matter. It is the purpose of this title to provide standards and guidelines for the administration of motor vehicles and traffic regulations for those departments charged with such responsibility in the City. Certain definitions and regulations contained herein incorporate the exact language of the [Vehicle Code](#) of the state of California and should be cited with reference to the code sections of the [Vehicle Code](#) as indicated. If any definitions or regulations are not contained herein, or if definitions or regulations contained herein are inconsistent with the [Vehicle Code](#), such definitions or regulations as found in the [Vehicle Code](#) as it exists or as it may be amended shall apply.

B. It is further the purpose and intent of the City Council by enacting Ordinance [2670](#), which amends CVMC Title [10](#) to delegate to the City Engineer the responsibility and authority to adopt and promulgate traffic and parking control measures pursuant to the standards promulgated by the [California Vehicle Code](#) and the California Department of Transportation (Caltrans) Traffic Manual, with the concurrence of the Traffic Safety Commission, that such enactment and process constitute the enactment of an ordinance or resolution when required by the language of certain sections within Division 11 of the [California Vehicle Code](#), through which traffic and parking control is to be exercised and effected within the jurisdictional limits of the City of Chula Vista.

C. It is further the intent of the City Council, and it is hereby so authorized, that the City Engineer, upon the concurrence of the Traffic Safety Commission pursuant to CVMC [10.04.030](#),

shall have the power and authority to adopt, amend, alter or modify any regulation, as defined by CVMC [10.08.195](#), which creates or establishes a traffic or parking control measure. Where a traffic or parking control measure has been previously adopted by ordinance or resolution of the City Council, that regulation may be hereafter modified or abrogated by the City Engineer pursuant to the process outlined in CVMC [10.04.030](#).

10.04.030 Regulation and maintenance of schedules of streets and zones subject to regulatory provisions.

A. Subject to Subsection [\(G\)](#) of this Section, the City Council, at the concurrence of the City Manager, hereby delegates the authority and responsibility to establish and maintain vehicular and pedestrian traffic and parking control measures, standards and requirements in the public right-of-way to the City Engineer after review by the Traffic Safety Commission, unless, on affirmative vote of the majority of the membership of the Traffic Safety Commission, the Commission objects to the proposed action by the City Engineer, in which case the matter shall be referred to the City Council, and the authority as to such matters shall thereafter be revested in the City Council to be exercised upon the affirmative vote of at least three members of the City Council.

B. The Traffic Safety Commission may not initiate or order the implementation of a traffic control measure, but may recommend to the City Engineer the consideration of a proposed traffic or parking control measure. If the City Engineer declines to implement a traffic or parking control measure recommended by the Traffic Safety Commission, the Traffic Safety Commission may refer the matter to the City Council, and following such referral, the authority to implement or order the particular traffic safety measure recommended by the Traffic Safety Commission shall be vested in the City Council.

C. The Traffic Safety Commission shall utilize the standards and procedures established in the [California Vehicle Code](#) and the State of California Manual on Uniform Traffic Control Devices (CA MUTCD) in its deliberations and recommendations, but may base its recommendations to the City Engineer, or City Council when applicable, upon other matters of public policy affecting traffic safety.

D. The City Engineer shall exercise the responsibility and authority hereby delegated for the determination, design, administration and enforcement of traffic and parking control measures and installation of devices consistent with the standards and warrants contained in the latest effective edition of the State of California Traffic Manual as amended, a copy of which is on file in the office of the City Engineer. The City Engineer shall promptly file any amendments to or later editions of the State of California Manual on Uniform Traffic Control Devices (CA MUTCD) or successor manuals promulgated by the state of California pursuant to the authority of the [California Vehicle Code](#) and, upon filing, those standards will become applicable to the determinations and regulations adopted by the City Engineer.

E. Except as provided in CVMC [10.52.070](#), no traffic control measure or parking control measure shall be enforceable, nor shall a violation be punishable, until an appropriate traffic control device or parking control device meeting the standards prescribed in Subsection [\(D\)](#) of this Section is posted or installed. Posting or installation shall be prima facie evidence of the legality of any traffic control measure or parking control measure adopted under this title.

F. Administration and maintenance of records by the City Engineer shall be as follows:

1. The City Engineer shall maintain all regulations under this title and provide the Chief of Police copies of all administrative interpretations and determinations made pursuant to this Section which govern the installation and administration of traffic control measures and parking control measures in the City of Chula Vista.

2. The City Engineer shall maintain a register of all schedules which establish parking and traffic control measures for streets within the City, and shall incorporate into those schedules the streets, zones and intersections and restrictions or limitations previously listed in Schedules I through XVI as were previously codified in this title prior to their repeal by Ordinance [2670](#). The repeal or amendment of those sections by Ordinance [2670](#) is intended to merely delete reference to the street designations within the text of the Municipal Code. Parking and traffic control measures upon those streets, zones and intersections shall be administered by the City Engineer pursuant to this Section.

G. *Exceptions.* The City Council reserves the right to enact ordinances and resolutions, and the City Engineer shall make recommendations to the Council, as appropriate, on the following matters:

1. Traffic control measures budgeted by the City as a capital improvement project budget.
2. Regulations adopted pursuant to California Vehicle Code Section [21101\(a\)](#) and [\(c\)](#).
3. Traffic control measures affecting community businesses, and having an impact on the availability of parking within business districts including, but not limited to, angle parking and installation of parking meters.
4. Parking and traffic regulations on private property and roads pursuant to California Vehicle Code Sections [21107](#) and [21107.8](#).
5. Ordinances or resolutions which amend, modify or restrict the authority of the City Engineer or which establish policy to guide the City Engineer's exercise of authority pursuant to this code.
6. Establishment of parking meter zones and parking fees pursuant to Vehicle Code Section [22508](#).
7. Establishment of speed limits pursuant to California Vehicle Code Sections [22357](#) and [22358](#).

H. *Emergency, Special Events and Road Construction Events.* The City Engineer's authority regarding the adoption of traffic and parking control measures for emergencies and road construction is as follows:

1. *Road Construction.* The authority to establish and maintain traffic control measures for road construction events shall be vested solely in the City Engineer, unless overruled by the affirmative vote of three members of the City Council. Referral to and concurrence of the Traffic Safety Commission are not required. The City Engineer shall, under the following circumstances, advise the Council a minimum of seven days in advance in writing of the following proposed traffic control measures exercised under the authority of this subsection:

- a. The proposed measure may involve complete road closures on any road;

- b. The proposed measure may involve significant interference with traffic on high volume roads;
 - c. The proposed measure may involve long-term partial road closures on any road;
 - d. The proposed measure may involve interference with access to any business;
 - e. The proposed measure may involve the rerouting of traffic through residential areas.
2. *Emergency Traffic Regulations.* The City Engineer may enact emergency traffic regulations with the concurrence of the Chief of Police when necessary to immediately preserve the public health, safety and welfare, and shall report the same to the City Council within seven days. Emergency traffic regulations shall remain valid and effective until set aside or modified by the City Council. Referral to the Traffic Safety Commission is optional.
3. Special event regulations establishing and maintaining traffic control measures for special events and community events using the public right-of-way.

10.04.040 Criminal provisions and administrative remedies.

A. *General Provisions.* It is unlawful for any person to disobey the directions of any traffic control device or parking control device within the City of Chula Vista. This Section shall be cited as authority except when a more specific provision is contained in the [California Vehicle Code](#) or elsewhere in this title, in which case the more specific provisions will be used.

B. *Administrative Remedy.* Any person who contends that a traffic or parking control measure or device was not promulgated or installed according to the regulations contained in this title or the [California Vehicle Code](#) may petition the Traffic Safety Commission to examine the matter, and may appeal that determination to the City Council within 10 days following.

T. Section 10.12.020 of the Chula Vista Municipal Code is hereby amended as follows:

10.12.020 City Engineer powers and duties.

The City Engineer shall:

A. Except where reserved by the City Council pursuant to Council policy or as set forth in CVMC [10.04.030\(G\)](#), the City Engineer, with the concurrence of the Traffic Safety Commission, shall have the power to adopt traffic and parking control measures and install, modify or alter traffic and parking control devices; and

B. Determine the installation, proper timing and maintenance of official traffic control devices, conduct engineering analysis of traffic accidents and devise remedial measures, conduct engineering investigation of traffic conditions, and cooperate with other City officials in the development of ways and means to improve traffic conditions. Whenever, by the provisions of this code, a power is granted to the City Engineer or a duty imposed upon him, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him. Whenever the City Engineer makes a determination authorized by this chapter, pursuant to the provisions of the [California Vehicle Code](#), the violation of which is a misdemeanor, said determination shall promptly be filed in writing by the City Engineer, with a copy filed with the Chief of Police, so that enforcing officials shall be aware of any changes or modifications of regulatory determinations; and

C. Initiate and recommend necessary legislation for the efficient operation of traffic and the prevention of traffic accidents; and

D. Maintain schedules relating to parking and traffic control measures and devices on City streets as provided by regulations promulgated pursuant to this code.

U. Section 10.87.050 of the Chula Vista Municipal Code is hereby amended as follows:

10.87.050 City Council consideration and action.

The City Council shall consider a petition for designation of residential permit parking district presented in compliance with the terms of this chapter, the Traffic Safety Commission's recommendation, and the City Manager's recommendation with respect thereto at a public hearing. After the conduct of such public hearing and its consideration of (A) the City Manager's report and recommendation, (B) any and all testimony presented in favor or against the petition, and (C) the designation criteria set forth in CVMC [10.87.070](#), and (D) the Traffic Safety Commission's recommendation, the City Council may approve, disapprove or decline to act on any district petition in its discretion. Any City Council resolution approving the designation of a district shall include, at a minimum (A) the applicable parking regulations, (B) the period of the day or week for their application, (C) the fee to be charged upon permit issuance, and (D) findings of compliance with the terms of this chapter. The City Council resolution may also limit the number of resident or guest permits issued to a resident if a limitation would further the goals of the residential parking permit program

V. Chapter 19.09, Growth Management, is hereby repealed in its entirety.

W. Section 19.14.020 of the Chula Vista Municipal Code is hereby amended as follows:

19.14.020 Zoning Administrator – Creation of position – Authority.

A. In order to relieve the Planning Commission or Successor Agency to the Redevelopment Agency, within designated redevelopment project areas, of certain routine functions necessary to the proper administration of this chapter, a Zoning Administrator is created.

B. *Authority.* The Director of Development Services or designee may serve as a Zoning Administrator. The Zoning Administrator shall have the authority to consider applications, preside at hearings, and make impartial decisions on permits, maps, or other matters based on the application, written materials prepared prior to the hearing, and information received at the hearing.

X. Section 19.56.310 of the Chula Vista Municipal Code is hereby amended as follows:

19.56.310 HP historic preservation modifying district – Application.

A. The HP modifying district may be applied only to properties within those areas designated as historic preservation districts and shall meet the provisions of CVMC [21.06.070](#). An HP modifier shall apply to all properties within an HPD.

B. An HP modifying district may be applied for concurrently with an application for a historic preservation district, or may be applied for subsequent to the formation of an HPD.

C. All applications shall be reviewed by the Planning Commission with recommendations forwarded to City Council in accordance with the findings of fact found in CVMC [21.06.110](#).

Y. Chapter 19.92 of the Chula Vista Municipal Code is hereby added as follows:

CHAPTER 19.92 – PUBLIC FACILITIES FINANCING PLANS (PFFPS), AIR QUALITY IMPROVEMENT PLANS, AND WATER CONSERVATION PLANS.

19.92.010 Purpose/Intent.

The purpose and intent of this chapter is to establish compliance mechanisms and standards to ensure public Facilities, infrastructure and services will exist, or concurrently be provided, to meet the demands of infrastructure and climate protection generated by new Development.

19.92.020 Definitions.

Whenever the following terms are used in this chapter, they shall have the meaning established by this Section unless from the context it is apparent that another meaning is intended:

“Air Quality Improvement Plan” (AQIP) means a project-specific Air Quality Improvement Plan prepared and approved in accordance with CVMC 19.92.030

“Development” means any land use, building or other alteration of land and construction incident thereto.

“Director of Development Services” or “Director” means the Director of the City’s Development Services Department or their designee.

“Discretionary Planning Approval” means any permit, entitlement or approval issued under the authority of the zoning and subdivision titles of the Chula Vista Municipal Code (CVMC), and any legislative actions such as Zone Changes, General Plan Amendments, Sectional Planning Area (SPA) Plans or General Development Plan approvals or amendments.

“Facilities” means any schools, public safety facilities, infrastructure, civic buildings, corporation yards, park/recreational areas or structures providing for fire, libraries, traffic controls, streets and highways, including curbs, gutters and sidewalks, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, lighting facilities or other governmental services, required to be identified in a Public Facilities Financing Plan.

“Facility Master Plan” means any adopted master plan for future facility needs including, but not limited to: sewer, drainage, water, transportation, police, fire and emergency services, libraries, and parks.

“Project” means the activity for which either an application for a Sectional Planning Area (SPA) Plan, a Tentative Map (TM), a Conditional Use Permit (CUP), or a similar activity has been or is required to be submitted and which may be subject to discretionary approvals by the City.

“Public Facilities Financing Plan (PFFP)” means a Project-specific Public Facilities Financing Plan prepared and approved in accordance with CVMC 19.92.030 through 19.92.120

“SPA Plan” means a Sectional Planning Area Plan, as prescribed in CVMC Chapter [19.48](#).

“Substantial Compliance” means performance meeting the intent of the parties with respect to the obligations imposed pursuant to the PFFP.

“Threshold Standards” means those certain standards identified in CVMC [Sections](#) specifying the Facilities and services required to support the present and future needs of the City.

“Water Conservation Plan” means a Project-specific Water Conservation Plan prepared and approved in accordance with CVMC Section 19.92.030.

19.92.030 Requirements for Public Facilities Financing Plans (PFFP), Air Quality Improvement Plans, and Water Conservation Plans.

A. *Public Facilities Financing Plans.* No application for a SPA Plan, or, if a SPA Plan is not required, no application for a Tentative Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by a PFFP which has been approved by the City; or
2. A PFFP, that includes the Project, has already been initiated; or
3. The applicant initiates the preparation of a PFFP.

The PFFP may be waived by the City Council upon a showing that there are no public facilities, infrastructure and service needs warranting the preparation of a PFFP.

B. *Air Quality Improvement Plans.* No application for a SPA Plan, or, if a SPA Plan is not required, no application for a Tentative Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by an Air Quality Improvement Plan that has been approved by the City; or
2. An Air Quality Improvement Plan, that includes the Project, has already been initiated; or
3. The applicant initiates the preparation of an Air Quality Improvement Plan in such form and/or containing such information, including maps, drawings, diagrams, etc., as the Director of Development Services shall require.

C. *Water Conservation Plans.* No application for a SPA Plan, or, if a SPA Plan is not required, no application for a Tentative Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by a Water Conservation Plan that has been approved by the City; or
2. A Water Conservation Plan, that includes the Project, has already been initiated; or
3. The applicant initiates the preparation of a Water Conservation Plan in such form and/or containing such information, including maps, drawings, diagrams, etc., as the Director of Development Services shall require.

D. No SPA Plan, nor any Tentative Map, shall be approved, or deemed approved, without an approved PFFP, an approved Air quality Improvement Plan and an approved Water Conservation Plan. To provide consistency and implementation of said plans, the City Council may impose any

condition to the approval of a SPA Plan or Tentative Map necessary to implement the PFFP, the Air Quality Improvement Plan, the Water Conservation Plan, or the Facility Master Plans.

E. No Final Map shall be approved until all the conditions of the PFFP, the Air Quality Improvement Plan, the Facility Master Plans, and the Water Conservation Plan have been met, or the Project applicant has provided adequate security to the City that said plans will be implemented.

F. No other discretionary planning approvals shall be granted unless the City Council finds that the Project is consistent with an approved PFFP, an Air Quality Improvement Plan, the Facility Master Plans, and a Water Conservation Plan.

G. No building permit shall be issued unless the permit is consistent with any applicable PFFP, the Air Quality Improvement Plan and the Water Conservation Plan and all applicable fees, including, but not limited to, development impact fees, traffic impact fees, drainage fees, school fees, park fees, sewer fees, water fees, or other development fees adopted by the City Council, have first been paid or provision for their payment has been made to the satisfaction of the City Council.

H. No Development shall occur in a PFFP area if the demand for any public facilities, infrastructure and services exceeds capacity and it is not feasible to increase capacity prior to completion of Development unless the means, schedule and financing for increasing the capacity are established through the execution of a binding agreement providing for installation and maintenance of such Facilities or improvements in advance of the City's phasing schedule.

19.92.040 Threshold Standards for External Facilities and Services.

The thresholds within this Section shall be considered when preparing PFFPs, AQIPs, and Water Conservation Plans.

A. Air Quality and Climate Protection.

1. *Goal.* To maintain and improve the ambient air quality enjoyed by the residents of Chula Vista.
2. *Objectives.*
 - a. In an effort to address the impacts of transportation and building-related energy use at both the regional and local level, the City shall endeavor to implement applicable air quality improvement strategies and programs that meet or exceed those established through the current adopted Regional Air Quality Strategy (RAQS), California's Global Warming Solutions Act of 2006 (AB32), and the Chula Vista climate protection program.
 - b. In an effort to maintain and improve ambient air quality, the City shall endeavor to locally mitigate any new stationary source development project's criteria air pollutant emissions that exceed local air quality standards.
3. *Threshold Standard.* The City shall pursue a greenhouse gas emissions reduction target consistent with appropriate City climate change and energy efficiency regulations in effect at the time of Project application for SPA Plans or for the following, subject to the discretion of the Director of Development Services:

- a. Residential projects of 50 or more residential dwelling units;
- b. Commercial projects of 12 or more acres (or equivalent square footage);
- c. Industrial projects of 24 or more acres (or equivalent square footage); or
- d. Mixed use projects of 50 equivalent dwelling units or greater.

B. *Water.*

1. *Goal.* To ensure that adequate supplies of potable and recycled water are available to the City of Chula Vista.

2. *Objectives.*

- a. Ensure that adequate storage, treatment, and transmission facilities are constructed concurrently with planned growth.
- b. Ensure that water quality standards requirements are met during growth and construction.
- c. Encourage diversification of water supply, conservation and use of recycled water where appropriate and feasible.

3. *Threshold Standards.*

- a. Adequate water supply must be available to serve new Development. Therefore, developers shall provide the City with a service availability letter from the appropriate water district for each Project.

19.92.050 Public Facilities Financing Plan (PFFP) Contents.

The required contents of a Public Facilities Finance Plan (PFFP), including a fiscal impact analysis, drawings, diagrams, etc., shall be prescribed by the Director of Development Services. The fiscal analysis/economic impact report shall be provided for each proposed Project and the Project shall be conditioned to provide funding for periods where expenditures exceed projected revenues.

19.92.060 Public Facilities Financing Plan (PFFP) Preparation.

- A. A PFFP, an Air Quality Improvement Plan, and a Water Conservation Plan may be processed concurrently with the SPA Plan or Tentative Map.
- B. A PFFP may be initiated by filing an application with the Director of Development Services. The applicant shall pay a deposit at the time any application for a PFFP is accepted.
- C. A PFFP for a Project shall be prepared by the City, or a consultant selected by the City, according to the procedures established by this chapter.
- D. The cost of PFFP preparation shall be advanced to the City by the applicant and any participating owner or owners prior to PFFP preparation.

19.92.070 Public Facilities Financing Plan (PFFP) Review.

PFFPs shall be reviewed according to the following procedure:

- A. A completed PFFP complying with this chapter, and accompanied by a processing fee in an amount established by City Council resolution, may be submitted to the Director of Development Services for processing. If the Director of Development Services determines that the plan complies with the provisions of this chapter, the Director shall accept the PFFP for review. Once the PFFP has been reviewed and complies with the provisions of this chapter, it shall be set for public hearing before the Planning Commission together with the accompanying development plan.
- B. The hearing shall be noticed according to the provisions of CVMC [19.12.070](#). A staff report containing recommendations on the PFFP shall be prepared and furnished to the public, the applicant, and the Planning Commission prior to the hearing.
- C. The Planning Commission shall hear and consider the application and shall by resolution prepare recommendations and findings for the City Council. The action of the Commission shall be filed with the City Clerk, and a copy shall be mailed to the applicant.
- D. When the Planning Commission action is filed with the City Clerk, the Clerk shall set the matter for public hearing before the City Council. The hearing shall be noticed according to the provisions of CVMC [19.12.070](#).
- E. The City Council shall hear the matter, and after considering the findings and recommendations of the Planning Commission, may approve, conditionally approve, or deny the plans. The City Council may include in the resolution adopting the PFFP any fees or Facilities improvement requirements provided for in City ordinances in order to implement the Facility Master Plans and the PFFP.
- F. A PFFP may be amended following the same procedures for the original adoption.

19.92.080 Public Facilities Financing Plan (PFFP) Implementation.

- A. The Director of Development Services shall ensure that PFFPs are prepared for all SPA Plans and Tentative Maps or equivalent Projects pursuant to CVMC Chapter [19.48](#).
- B. In the event that the Director of Development Services or their designee finds that the Project is not in Substantial Compliance with the PFFP as modified or amended, the developer may be deemed to be in default and continued issuance of building or development permits may be affected.

19.92.090 Public Facilities Finance Plan (PFFP) Amendment.

- A. Adoption of a PFFP does not establish any entitlement or right to any particular General Plan or zoning designation or any particular development proposal.
- B. If the Director of Development Services determines that such events or changed circumstances adversely affect the health, safety or welfare of the City, the City may require the amendment, modification, suspension, or termination (hereinafter “change”) of an approved PFFP. If the City requires such change, the City shall (1) give notice to applicant or owner of (a) the City’s intended action to change the PFFP, and (b) the reasons and factual basis for the City’s

determination; (2) give notice to the applicant or owner, at least 30 days prior to the hearing date, of the time and place of the hearing; and (3) hold a City Council hearing on the determination, at which hearing the applicant or owner shall have the right to present witnesses, reports, and oral and written testimony. Prior to approving any change, the City shall find that (1) the circumstances were unknown or that the circumstances have changed; and (2) the health, safety or welfare of the community requires the change of the PFFP. This provision shall neither limit nor expand the rights of liabilities of either of the parties with respect to the PFFP or the Development of the property.

If, after notice and hearing, the Council determines that a deficiency exists, then no further building or development permits shall be issued within the affected area and Development shall cease until an amendment to the applicable PFFP mitigating the deficiency is approved by the City Council.

C. The City Council may initiate an amendment to any PFFP at any time if, in its discretion, it determines that an amendment is necessary to provide adequate Facilities and improvements and subsequent permits will be conditioned on conformance.

19.92.100 Exceptions and Exclusions.

A. *Exceptions.* Nothing in this chapter shall alter or amend the terms and conditions of any development agreement entered into between the City and a developer.

B. *Exclusions.* Development projects which consist of Facilities or structures constructed by a city, county, special district, state, or federal government or any agency, department, or subsidiary thereof for governmental purposes are excluded from the provisions of this chapter. To the extent that the City has authority to regulate such development projects, such projects shall not be exempt. For example, any private Development occurring on land leased from a public agency would not be exempt. This exclusion shall not apply to development projects to which a possessory interest tax would be applicable.

19.92.110 Extensions of Prior Approvals.

After approval of an applicable PFFP for a development project, an extension of the expiration date of a Tentative Map may only be granted if the project is in conformance with the PFFP. The extension may be conditioned on such matters as the City deems appropriate or necessary to make the Tentative Map conform to the PFFP, including, but not limited to, requiring the developer to submit any information, studies, plans and diagrams to show compliance with the applicable PFFP.

19.92.120 Obligation to Pay Fees or Install Facilities Required by Any Other Law.

Nothing in this chapter shall be construed as relieving a builder, developer or subdivider from any requirement to provide public facilities, to dedicate property or to pay fees, which requirement is imposed pursuant to this title or pursuant to any City Council policy.

19.92.130 Implementing Procedures.

The City Council may adopt any procedures it deems necessary to implement this chapter, including procedures for administering Threshold Standards or Facility Master Plans.

19.92.140 Council Actions, Fees, Notice.

A. Whenever this chapter requires or permits an action or decision of the City Council, that action or decision shall be accomplished by resolution and/or ordinance, as appropriate.

B. The City Council shall establish application and processing fees for the submission and processing of public facilities financing plans (PFFPs).

C. Whenever written notice is required to be given to property owners under this chapter, the notice shall be mailed by first class mail to the owners shown on the last equalized assessment roll.

19.92.150 Facility Master Plans.

The City shall maintain a series of Facility Master Plans, as may be amended from time to time, for infrastructure and services throughout the City that regard the Threshold Standards in this chapter, including, but not limited to, police, fire and emergency services, libraries, parks and recreation, wastewater, drainage and circulation. In anticipation of service demands, these master plans shall contain an analysis of existing Facilities, existing and projected demand, and proposed maintenance and capital improvement projects. They shall also identify financing plans to accomplish identified improvements.

Z. Section 21.02.030 of the Chula Vista Municipal Code is hereby amended as follows:

21.02.030 Historic preservation authority.

The Planning Commission governs processes and activities presented in this title as further defined in Chapter [2.49](#) CVMC. The discretionary project review responsibility of the Planning Commission shall include the review of major alterations, historical resource demolition applications, historic determinations and appeals, and consistency of said projects with the [City's HPP](#), applicable historic district guidelines, and this title.

AA. Specified sections of Chapter 21.03 of the Chula Vista Municipal Code are hereby amended as follows:

[Sections in Chapter 21.03 that are not specifically listed below remain unchanged.]

21.03.026 Commission.

“Commission” means the City of Chula Vista Planning Commission.

21.03.135 Zoning Administrator (ZA).

CVMC [19.14.020](#) creates a Zoning Administrator, who shall be the Director of Development Services or his authorized designee. The Zoning Administrator may relieve the Planning Commission of certain routine functions.

BB. Specified sections of Chapter 21.04 of the Chula Vista Municipal Code are hereby amended as follows:

[Sections in Chapter 21.04 that are not specifically listed below remain unchanged.]

21.04.030 Chula Vista register of historical resources.

Buildings, structures, objects, sites, signs, landscapes, archaeological sites, historic preservation districts, or contributing resources determined historically or architecturally significant and designated by the City of Chula Vista Planning Commission (formerly the Historic Preservation Commission) shall be compiled on a comprehensive list officially known as the City of Chula Vista register of historical resources and herein shall commonly be referred to as the “local register.” (Also see the City’s [HPP Appendix](#) – Local Register of Historical Resources.)

21.04.040 Historical resources to be included in the local register.

The following resources shall be included in the local register:

- A. Those properties previously designated prior to the effective date of the ordinance codified in this title;
- B. Those properties designated by the Planning Commission or Council;
- C. Any Chula Vista resource listed as a National Historic Landmark;
- D. Any Chula Vista resource listed on the National Register of Historic Places;
- E. Any Chula Vista resource listed on the California Register of Historical Resources by the California State Historical Resources Commission.

21.04.060 Designation – Authority.

Upon a recommendation of the Zoning Administrator, the Planning Commission shall have authority to approve or deny applications for historical designation, excluding designation of exceptional historical resources and publicly owned historical resources which shall require Council approval. All resources that are approved for designation shall be listed on the local register.

21.04.080 Designation – Owner consent not required – Exceptional historical resource.

In exceptional circumstances, the Planning Commission may recommend that the Council designate a resource without owner consent pursuant to CVMC [21.04.100\(B\)\(1\)](#) through [\(3\)](#).

21.04.090 Historical designation – Application, requirements and procedures.

A. *Applications and Submittal Requirements.* All applications for designation, including exceptional historical resources, shall be made to the Zoning Administrator in writing on a form prescribed by the [City’s HPP](#) and shall be accompanied by sufficient information to determine that a resource meets the criteria and findings of fact for designation pursuant to CVMC [21.04.100](#). Designation applications may run concurrent with other permit applications; however, the designation shall be acted upon prior to consideration of any discretionary permits. (Also see City’s [HPP Section 3.0](#), Historical Resources – Designation Procedural Guide.)

1. *Owner Applicant.* A property owner, or authorized agent of the property owner, may seek historical designation without the assistance of an expert unless the City, at its

discretion, determines that an expert technical analysis is necessary to provide sufficient information on the historical significance of the resource.

2. *Nonowner Applications (Exceptional Historical Resource).*

- a. Applicants that apply for an exceptional resource designation shall pay all fees and costs associated with the designation of the exceptional historical resource including but not limited to staff time, expert technical analysis or expert review of documentation.
- b. An application for an exceptional resource designation may be initiated in any of the following three ways:
 - i. By a minimum of 10 City residents (with verifiable signatures); or
 - ii. Through a Planning Commission recommendation to Council; or
 - iii. By a majority vote of Council.

3. *Publicly Owned Resources – Council Approval Required.*

- a. Shall require the same application submittal requirements of this Section and findings of fact and eligibility criteria of CVMC [21.04.100\(A\)\(1\)](#) and [\(2\)](#).
- b. Shall require a recommendation from the Planning Commission and Council approval.
- c. An application for designation of publicly owned historical resources and historical landscapes may be initiated in any of the following three ways:
 - i. By any interested citizen who resides in the City of Chula Vista; or
 - ii. Through a Planning Commission recommendation to Council; or
 - iii. By a majority vote of Council.

B. *Procedures for Historical Designation Consideration.*

1. The application review shall follow the City's Development Services Department review process for discretionary permits.
2. Upon determination of completeness, the Zoning Administrator shall prepare, in the form of a staff report, a brief discussion of the resource as presented in the submitted documentation and shall include recommendations to the Planning Commission to either designate or not designate under the findings of fact and eligibility criteria set forth in CVMC [21.04.100](#).
3. The Zoning Administrator shall schedule the application for consideration and give notice thereof to the applicant and to other interested persons. A public hearing shall be held to review the evidence as presented in order to determine if the resource meets the criteria for designation pursuant to CVMC [21.04.100](#).

4. If a resource is designated, the property owner or applicant shall be required to record the Planning Commission resolution of designation with the County Assessor's office within 10 business days after the appeal period of said designation.

C. Denial or Delay of Decision.

1. The City shall have the authority to delay consideration of a resource for up to 90 days as part of a request of the applicant for additional information on the subject resource proposed for designation. If the requested information is not provided within 90 calendar days, the application will be closed pursuant to CVMC [19.14.700](#).

2. If an application is closed pursuant to Subsection [\(C\)\(1\)](#) of this Section, or a designation request is denied as a result of the resource not meeting the findings of fact or eligibility criteria set forth in CVMC [21.04.100](#), the City shall provide a written explanation for the denial within 10 business days of the decision.

3. The applicant may, under a new application and required fees, submit for designation reconsideration of any resource, which has previously been denied, if new information is presented to support a statement of historical significance for the resource.

D. Appeals. All appeals shall be processed pursuant to CVMC [21.12.030](#).

21.04.100 Historical designation – Findings of fact and eligibility criteria.

A. Designation of historical resources, excluding exceptional historical resources, by the Planning Commission may occur when the following findings of fact are made:

1. A resource is at least 45 years old; and
2. A resource possesses historical integrity defined under CVMC [21.03.084](#) and the resource is determined to have historical significance by meeting at least one of the following criteria:

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| Criterion 1: | It is associated with an event that is important to prehistory or history on a national, state, regional, or local level. |
| Criterion 2: | It is associated with a person or persons that have made significant contributions to prehistory or history on a national, state or local level. |
| Criterion 3: | It embodies the distinctive characteristics of a style, type, period, or method of construction, or represents the work of a master or important, creative individual, and/or possesses high artistic values. |
| Criterion 4: | It is an outstanding example of a publicly owned historical landscape, that represents the work of a master landscape architect, horticulturist, or landscape designer, or a |

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| | publicly owned historical landscape that has potential to provide important information to the further study of landscape architecture or history. |
| Criterion 5: | It has yielded or may be likely to yield information important in prehistory or the history of Chula Vista, the state, region, or nation. |

- B. Designation of an exceptional historical resource may be considered only if:
1. The Planning Commission considers and makes a recommendation to the Council; and
 2. It has been demonstrated through expert technical analysis and verifiable evidence that all of the following findings of fact are made:
 - a. The resource meets criteria and the findings of fact for designation found in Subsections [\(A\)\(1\)](#) and [\(A\)\(2\)](#) of this section; and
 - b. The resource is the best representative sample of its kind or the last of its kind; and
 - c. The resource is an exceptionally important component of the City's history and loss or impairment of the resource would be detrimental to the City's heritage; and
 3. Four-fifths vote of the Council vote to designate the resource as an exceptional historical resource.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

Ordinance

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The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Kerry K. Bigelow, MMC
City Clerk

Glen R. Googins
City Attorney