

## [CHAPTER 2.25 GENERAL RULES FOR BOARDS AND COMMISSIONS]

### 2.25.020 Definitions.

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

“Boards” and ~~“commissions~~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 ~~v~~Voting ~~m~~Membership” or “~~e~~Entire ~~m~~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 ~~member~~Members of a ~~board or commission~~Board or Commission. It does not include ~~e~~Ex ~~o~~Officio ~~m~~Members or Youth Advisory Members and does not include any seat specified in the Charter provision or ordinance creating the ~~board or commission~~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~~Board or Commission must be filled in order for the board or ~~commission~~Commission to act. For example, if a seven-~~member~~Member board has two vacancies, the remaining five voting members constitute the “~~entire membership~~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~~Entire Membership” as used in Section [603](#) of the City Charter.

“Ex ~~o~~Officio ~~m~~Members” means the individuals who are appointed by the City Council to serve in an advisory capacity on a ~~board or commission~~Board or Commission, but who are not entitled to vote or to make motions.

“~~Ex-officio members~~Ex Officio Members” do not include City staff who provide information to or sit with a ~~board or commission~~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~~Board or Commission.

“Members” includes ~~v~~Voting ~~m~~Members, ~~and~~ ~~e~~Ex ~~o~~Officio ~~m~~Members, ~~and~~ Youth Advisory Members.

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

“Voting ~~m~~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~~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~~Section:

- A. An individual is eligible to serve on only one ~~board or commission~~Board or Commission at a time, unless the ~~member~~Member is filling a seat on another ~~board or commission~~Board or Commission that was specifically created to represent the ~~board or commission~~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~~Board or Commission.
- C. A ~~member~~Member is ineligible to be appointed to another ~~board or commission~~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~~Member on another ~~board or commission~~Board or Commission, pursuant to ~~subsection~~Subsection (A) of this ~~section~~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 ~~e~~Ex ~~o~~Officio ~~m~~Members to any ~~board or commission~~Board or Commission because of particular background or experience that the City Council deems will assist a particular ~~board or commission~~Board or Commission in handling a discrete set of issues. ~~Ex~~ Ex ~~o~~Officio ~~m~~Members are not required to be ~~registered voter~~Registered Voters and are subject to term limits as described in the Charter and CVMC [2.25.080](#) and [2.25.100](#). ~~Ex~~ Ex ~~o~~Officio ~~m~~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~~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~~Board or Commission and his or her qualifications for service on a particular ~~board or commission~~Board or Commission.
- B. An individual who has submitted an application for appointment as a Voting Member, ~~or e~~Ex ~~o~~Officio, or Youth Advisory M-member of any ~~board or commission~~Board or Commission may be interviewed as part of the nomination and selection process.
- C. If a vacancy occurs on any ~~board or commission~~Board or Commission within one year of interviews being conducted for that ~~board or commission~~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~~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, and Ex Officio Members, and Youth Advisory Members. Newly appointed ~~voting members~~ Members must take the oath of office before they may participate or vote as a ~~member~~ Member of the ~~board or commission~~ Board or Commission to which they have been appointed. ~~Voting m~~ 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 ~~b~~ Board and ~~e~~ Commission ~~member~~ 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.

BC. At the end of any ~~voting member~~ Member's term, ~~he or she~~ they shall be permitted to continue to exercise the privileges of ~~his or her~~ 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:

A.— 1. A ~~V~~oting ~~M~~ember who currently sits on a particular ~~board or commission~~ Board or Commission may not be appointed to fill the unexpired term of another ~~V~~oting ~~M~~ember's vacated seat on that same ~~board or commission~~ Board or Commission. An individual who currently sits as an ~~e~~ Ex Officio ~~m~~ Member or a Youth Advisory Member of a ~~board or commission~~ Board or Commission may be appointed to fill the unexpired term of a ~~V~~oting ~~M~~ember's vacated seat on the same ~~board or commission~~ Board or Commission if the ~~e~~ Ex Officio ~~m~~ 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~~ Board or Commission.

B.— 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~~ 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, and e~~Ex ~~e~~Officio ~~m~~Members, and Youth Advisory Members ~~of boards and commissions~~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~~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~~Board or Commission memberMember is in doubt about whether the code of ethics applies to a particular situation, the ~~member~~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, and e~~Ex ~~e~~Officio ~~m~~Members, and Youth Advisory Members who are 18 years of age or older of certain ~~boards and commissions~~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 ~~member~~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~~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~~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~~Member may not be counted toward achieving a quorum while the item is being discussed. A ~~member~~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~~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~~Boards and Commissions shall not be considered ~~Voting Members, or e~~Ex ~~e~~Officio ~~m~~Members, or Youth Advisory ~~M~~members ~~of those boards and commissions~~Boards and Commissions.

**[CHAPTER 2.32 SUSTAINABILITY COMMISSION]****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.

**[CHAPTER 2.33 CULTURAL ARTS COMMISSION]****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- ~~affecting the citizens of the City~~. 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.

H. The Commission may develop guidelines for consideration during the application and appointment processes for new ~~member~~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 ~~member~~Members.

### 2.33.040 Membership.

A. The Cultural Arts Commission shall consist of nine ~~V~~oting M~~m~~embers and one Youth Advisory Member ~~that~~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 ~~V~~oting M~~m~~embers shall demonstrate competence, knowledge and experience in cultural arts; and a minimum of six ~~member~~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~~Section, related to the qualifications of ~~members~~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 ~~interview~~Interviewed and ~~interview~~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 ~~interview~~Interviewed. The Mayor shall ~~interview~~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.



**[CHAPTER 2.35 HOUSING ADVISORY COMMISSION]****Chapter 2.35****HOUSING AND HOMELESSNESS ADVISORY COMMISSION****2.35.010 Creation.**

~~Pursuant to Section 34291 of the California Health and Safety Code, there~~ 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, ~~the Comprehensive Housing Affordability Strategy, and the Redevelopment Agency Housing Plan;~~ and to make recommendations to improve said plans, 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.
- ~~FG.~~ 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.
- ~~GH.~~ 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 ~~V~~oting ~~M~~members and up to two ~~ex-officio members~~Ex Officio Members, to be appointed in accordance with Article VI of the City Charter, Chapter 2.25 CVMC, and this chapter.

B. The ~~V~~oting ~~M~~members shall be appointed according to the following specifications:

Three ~~member~~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 ~~member~~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 ~~member~~Members shall be 62 years of age or older; and two ~~member~~Members shall be residents of the City at large, and shall, throughout their terms, maintain their residency and elector status.

## [CHAPTER 2.36 HUMAN RELATIONS COMMISSION]

### 2.36.040 Membership.

A. The Human Relations Commission shall consist of 11 ~~V~~oting ~~M~~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 ~~member~~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.

## [CHAPTER 2.37 COMMISSION ON AGING]

### ~~Chapter 2.37~~ ~~COMMISSION ON AGING~~

#### ~~2.37.010 — Creation.~~

~~There is hereby created a Commission on Aging. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3211 § 11, 2011; Ord. 2016 § 1, 1982).~~

#### ~~2.37.020 — Purpose and intent.~~

~~A. It is the purpose and intent of the City Council to establish the Commission on Aging to make recommendations and advise the City Council and the City Manager on all matters affecting the older residents of the City, who constitute nearly 16 percent of the population of the City.~~

~~B. It is the intent of the City Council to create healthy, enlightened attitudes, policies and practices by establishing this Commission as an official body, not as an enforcement or reviewing agency, but as a commission that will carefully survey, intelligently plan and use the tools of education and motivation to the realization of the objectives stated in this chapter. (Ord. 3211 § 11, 2011; Ord. 2016 § 1, 1982).~~



### ~~2.37.030 — Functions and duties.~~

~~A. The Commission shall undertake investigations and studies for the purpose of making recommendations to the City Council concerning, but not limited to, the following:~~

- ~~1. Social service and/or human service programs and facilities;~~
- ~~2. Leisure time activities and recreational and social programs;~~
- ~~3. Development of part-time employment opportunities;~~
- ~~4. Programs for the understanding of the problems of senior citizens.~~

~~B. In addition to investigative research activities, the Commission on Aging is specifically charged with a responsibility to:~~

- ~~1. Take such steps as are necessary based upon their analysis of the current situation to develop a mutual understanding and respect between seniors and the balance of the community;~~
- ~~2. Promote new and improved programs of service to older residents in cooperation with peer boards and commissions as well as the City Manager;~~
- ~~3. Review the effectiveness of programs presently being used and, when necessary, recommend modification, redirection, and use of alternate or additional resources;~~
- ~~4. Work together with City, county, state and federal agencies in developing programs for the older residents;~~
- ~~5. Actively encourage local retirement clubs, churches and senior groups to exchange ideas on programs, activities and social action which will benefit seniors and decrease their isolation from the community;~~
- ~~6. Promote intergenerational programs that will cause and result in an interchange of ideas and activities between the elderly and the youth of our community;~~
- ~~7. Determine the extent of, and make recommendations with regard to, senior citizen involvement and participation in the processes of government;~~
- ~~8. Provide a forum for senior citizens to bring specific problems;~~
- ~~9. Periodically prepare comprehensive reports to the City Council describing the Commission's activities, accomplishments and recommendations as to future efforts;~~
- ~~10. Establish a list of priorities on needs and programs and to advocate appropriate action by the City Council in accordance with the list of needs and programs. (Ord. 3211 § 11, 2011; Ord. 2016 § 1, 1982).~~

### ~~2.37.040 — Membership.~~

~~The Commission on Aging shall consist of seven members, to be appointed in accordance with Article VI of the City Charter, Chapter 2.25 CVMC, and this chapter. The members shall be representative of the total racial, religious, ethnic and social spectrum of the senior citizens. (Ord. 3211 § 11, 2011; Ord. 2016 § 1, 1982).~~

### ~~2.37.050 — Meeting frequency.~~

~~The Commission's meeting schedule shall include at least one regular meeting every two months, at the day, time, and location established by written resolution of the Commission. (Ord. 3435 § 1, 2018; Ord. 3211 § 11, 2011).~~

### ~~2.37.060 — Funding.~~

~~In the event that private funds or funds from other governmental agencies are made available for special projects, surveys, educational programs or general program support, the City Manager is authorized, upon recommendation of the Commission and approval of the City Council, to enter into appropriate contracts for the utilization of such funds in furtherance of the purpose and intent and the duties and functions of the Commission. (Ord. 3211 § 11, 2011; Ord. 2016 § 1, 1982).~~

## **[CHAPTER 2.38 INTERNATIONAL FRIENDSHIP COMMISSION]**

### ~~Chapter 2.38~~

### ~~INTERNATIONAL FRIENDSHIP COMMISSION~~

### ~~2.38.010 — Creation.~~

~~There is created the International Friendship Commission. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3211 § 12, 2011; Ord. 2085 § 1, 1984; Ord. 1206 § 1, 1969; prior code § 2.9).~~

### ~~2.38.020 — Functions and duties.~~

~~The functions and duties of the International Friendship Commission shall be as follows:~~

~~A. Recommend to the City Council a city (or cities) in a foreign land or lands, with which, in its opinion, it would be appropriate for the City of Chula Vista to carry on and promote cultural and economic interchange. Such city or cities, when finally chosen by the City Council, may be referred to as a sister city;~~

~~B. Further the economic cooperation, cultural interchange and mutual understanding on the basis of mutual friendship and amity between the City and such sister city or cities, as well as other foreign communities both local and national wherein the City has economic and cultural interests;~~

~~C. Plan, develop and carry out mutual economic and cultural activities with the counterpart commission in the foreign land or lands, and with the officials and citizens of such sister city or cities, and such other local and national foreign communities. (Ord. 3211 § 12, 2011; Ord. 1206 § 1, 1969; prior code § 2.10).~~

### ~~2.38.030 — Membership.~~

~~The International Friendship Commission shall consist of nine members, to be appointed by the City Council in accordance with the provisions of Article VI of the City Charter and Chapter 2.25 CVMC. (Ord. 3211 § 12, 2011).~~

### ~~2.38.040 — Meeting frequency.~~

~~The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission. (Ord. 3435 § 1, 2018; Ord. 3211 § 12, 2011; prior code § 2.12).~~

### ~~2.38.050 — Recommendations subject to City Council approval.~~

~~After the International Friendship Commission has submitted to the City Council the name of an appropriate city or cities in a foreign land or lands, the City Council shall have the power, upon receiving the recommendation of the Commission, to accept or reject the Commission's recommendation. (Ord. 3211 § 12, 2011; Ord. 1206 § 1, 1969; prior code § 2.13).~~

### ~~2.38.060 — Authorized expenditures.~~

~~If sufficient funds are provided in the annual budget, the International Friendship Commission may expend funds for the following purposes:~~

- ~~A. Visits or expenses incurred by reason of visits by official sister city dignitaries to the City.~~
- ~~B. Sister city cultural visitors, such as Odawara's Lantern Dancers.~~
- ~~C. Sister city student visitors.~~
- ~~D. Gifts for official representatives of sister cities.~~
- ~~E. Two receptions per year for all foreign exchange students in Chula Vista.~~
- ~~F. Other expenditures as may be approved by the City Council on a case-by-case basis. (Ord. 3211 § 12, 2011).~~

## **[CHAPTER 2.40 GROWTH MANAGEMENT OVERSIGHT COMMISSION]**

### **Chapter 2.40**

### **~~GROWTH MANAGEMENT OVERSIGHT COMMISSION~~**

#### ~~2.40.010 — Creation.~~

~~There is hereby created a Growth Management Oversight Commission. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3211 § 14, 2011; Ord. 2447 § 1, 1991; Ord. 2129 § 1, 1985).~~

#### ~~2.40.020 — Purpose and intent.~~

~~It is the purpose and intent of the City Council in establishing the Growth Management Commission to create an advisory body to provide an independent annual review of the effectiveness of the General Plan regarding development issues. The Commission should use the threshold criteria to make determinations regarding the impact of development on the "quality of life" in Chula Vista, publish findings and make recommendations regarding those findings. (Ord. 3211 § 14, 2011; Ord. 2447 § 1, 1991; Ord. 2129 § 1, 1985).~~

#### ~~2.40.030 — Functions and duties.~~

~~The functions and duties of the Growth Management Oversight Commission are as follows:~~

~~A. Consider the quality of life threshold standards set forth in the growth management plan (and, when adopted, in the new growth management ordinance) and make determinations, or recommendations, as appropriate, regarding the following:~~

- ~~1. Whether compliance with the thresholds has been met on both a project and cumulative basis;~~
- ~~2. Whether each threshold is appropriate for its goal;~~
- ~~3. Whether any new threshold should be adopted for any issue;~~
- ~~4. Whether any new issues should be added to or deleted from the thresholds analysis group;~~

~~5. Whether the City has been using fees and funds derived from developers for the intended purpose;~~

~~6. Whether enforcement is being achieved.~~

~~B. Annually, on or before June 30th, make and publish its findings and recommendations, including those for imposition of a moratorium or formal “statement of concern” regarding water, sewer, schools, and air quality thresholds.~~

~~C. The Commission’s annual report shall be forwarded to City Council in a timely manner through the Planning Commission.~~

~~D. Annually review implementation of the Growth Management Element of the General Plan and the growth management program. Such review shall include the adequacy of master facility plans to account for the effective use of public facilities required by future growth in connection with the planning and phasing of development projects. (Ord. 3211 § 14, 2011; Ord. 2447 § 1, 1991; Ord. 2129 § 1, 1985).~~

#### ~~2.40.040 — Membership.~~

~~A. The Commission shall consist of nine voting members and up to three 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 as follows:~~

~~1. Four of the members shall be appointed based on the City Council district in which they reside. This classification of members shall be comprised of one resident from each of the four City Council districts. Those members shall reside in their respective City Council districts at the time of their appointment and shall reside in their respective City Council districts for the duration of their membership on the Commission.~~

~~2. One member shall represent local educational interests.~~

~~3. One member shall represent development interests.~~

~~4. One member shall represent environmental interests.~~

~~5. One member shall represent business interests.~~

~~6. One member shall be a member of the Planning Commission.~~

~~C. The members shall be appointed in accordance with the full Council interview appointment process specified in CVMC 2.25.052(B). (Ord. 3490 § 1, 2020; Ord. 3435 § 1, 2018; Ord. 3211 § 14, 2011; Ord. 2447 § 1, 1991; Ord. 2129 § 1, 1985).~~

#### ~~2.40.050 — Meeting frequency.~~

~~The Commission’s meeting schedule shall include at least two regular meetings per month, at the day, time, and location established by written resolution of the Commission. (Ord. 3435 § 1, 2018; Ord. 3211 § 14, 2011; Ord. 2447 § 1, 1991; Ord. 2129 § 1, 1985).~~

## [CHAPTER 2.41 PARKS AND RECREATION COMMISSION]

### 2.41.040 Membership.

A. The Parks and Recreation Commission shall consist of seven ~~V~~voting ~~M~~members ~~and one Youth Advisory Member~~ appointed by the City Council ~~from the registered voters of the City~~ 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.

## [CHAPTER 2.42 PLANNING COMMISSION]

### 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.

### 2.42.020 Functions and duties.

A. In accordance with Charter Section 606, the Planning Commission shall have the power and duty to:

1.A. 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; ~~and.~~

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

## [CHAPTER 2.44 SAFETY COMMISSION]

### 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 ~~member~~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 ~~member~~Members who shall be appointed in accordance with Article VI of the City Charter and Chapter 2.25 CVMC.

### [CHAPTER 2.45 BOARD OF LIBRARY TRUSTEES]

#### 2.45.040 Membership.

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

### [CHAPTER 2.47 HEALTHY CHULA VISTA ADVISORY COMMISSION]

#### Chapter 2.47

#### HEALTHY CHULA VISTA ADVISORY HEALTH, WELLNESS, AND AGING COMMISSION\*

#### 2.47.010 Creation.

The ~~Healthy Chula Vista Advisory 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~~Boards and Commissions set forth in Chapter 2.25 CVMC shall govern the ~~Healthy Chula Vista Advisory Board~~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 ~~Board~~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, under the Healthy Chula Vista InitiativeAction 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 ~~Healthy Chula Vista Advisory 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, ~~and~~ 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.



~~ED.~~ Perform such others functions or duties as may be delegated by the City Council.

#### 2.47.040 Membership.

A. The ~~Healthy Chula Vista Advisory~~Health, Wellness, and Aging Commission shall consist of nine ~~V~~oting ~~M~~embers 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 ~~V~~oting ~~M~~embers 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, and/or environment, and/or older adults. These ~~member~~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 seats 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).

### [CHAPTER 2.49 HISTORIC PRESERVATION COMMISSION]

#### Chapter 2.49

#### HISTORIC PRESERVATION COMMISSION

##### 2.49.010 ~~Creation.~~

~~There is hereby created a Historic Preservation Commission. (Ord. 3197 § 3, 2011).~~

##### 2.49.020 ~~Purpose and intent.~~

~~It is the purpose and intent of the City Council in establishing the Historic Preservation Commission to create a commission that meets the certified local government requirements, as defined by the national Historic Preservation Act, which would serve as the authority on historic preservation matters, and that would advise the Council and other City boards and commissions, as needed, on historic preservation matters as is mandated by CVMC Title 21, Historic Preservation. (Ord. 3197 § 3, 2011).~~

##### 2.49.030 ~~Functions and duties.~~

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

~~A. Uphold the goals and policies of the General Plan related to historic preservation.~~

~~B. Carry out the purpose and intent of CVMC Title 21, Historic Preservation.~~

~~C. Assist staff in the development and maintenance of a certified historic preservation program that carries out the provisions of the certified local government program.~~

~~D. Ensure that appropriate historic contexts are identified and utilized for resource interpretation, evaluation, and recognition.~~

~~E. Assist staff in the preparation and maintenance of a historical resources survey of recognized and potentially historically and architecturally significant structures and areas.~~

~~F. Approve designations of historical resources to the City of Chula Vista Register of Historical Resources.~~

~~G. Recommend to City Council delistings from the City of Chula Vista Register of Historical Resources.~~

~~H. Grant or deny applications for permits for demolition, or major alterations of historical resources.~~

~~I. Grant or deny appeals from decisions of the Zoning Administrator for applications of minor alterations of historical resources.~~

~~J. Encourage public understanding of and involvement in the unique historical, architectural, and environmental heritage of the City through educational programs.~~

~~K. Explore means and support implementation strategies for the protection, retention and use of any historical resource, historic preservation district, or potential historical resource.~~

~~L. Support the use of incentives and benefits for the protection, retention, and preservation of historical resources.~~

~~M. Make recommendations to City Council on applications for participation in City approved historic preservation incentive programs including but not limited to the Mills Act Property Tax Abatement Program.~~

~~N. Encourage cooperation between public and private historical and cultural preservation groups.~~

~~O. Advise the City Council and other boards, commissions and committees as necessary on historic preservation issues.~~

~~P. Perform other functions as appropriate to safeguard the City's historic, aesthetic, social, economic, political and architectural past. (Ord. 3197 § 3, 2011).~~

#### ~~2.49.040 — Membership.~~

~~The Historic Preservation Commission membership shall follow the provisions of CVMC 2.25.030 through 2.25.060 and shall consist of seven members to be appointed by the Mayor and confirmed by the City Council from the qualified voters of the City in a manner prescribed in accordance with the provisions of Section 600 et seq. of the City Charter. A minimum of four members shall be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, prehistoric archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture or related disciplines. In addition, at least one member should be a California licensed real estate agent, and all seven members shall demonstrate an interest, competence or knowledge in historic preservation. (Ord. 3197 § 3, 2011).~~

#### ~~2.49.050 — Term of office.~~

~~Repealed by Ord. 3435, 2018.~~

#### ~~2.49.060 — Operation of the Commission.~~

~~Operation of the Historic Preservation Commission shall follow the provisions of CVMC 2.25.170 through 2.25.280.~~

~~A. *Staff Support.* All officers and department heads shall cooperate with, and render reasonable assistance to, the Commission. The City Manager may make available staff and clerical support to the Commission to fulfill its functions and duties, provided such staff and clerical support is available. (Ord. 3197 § 3, 2011).~~

#### ~~2.49.070 — Vacancies.~~

~~Repealed by Ord. 3435, 2018.~~

#### ~~2.49.080 — Meeting frequency.~~

~~The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission. (Ord. 3435 § 1, 2018).~~

### [CHAPTER 2.61 MEASURE P CITIZENS OVERSIGHT COMMITTEE]

#### 2.61.050 Composition – Qualifications – Nomination.

A. *Members.* The COC shall be comprised of nine ~~member~~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 ~~member~~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 ~~member~~Members must be qualified electors at the time they apply and must maintain such status throughout their tenure. No COC ~~member~~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 ~~member~~Members shall be nominated, apply, and serve as “~~D~~esignated ~~m~~Members.” Designated ~~m~~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 Youth Sports Council; nominee(s) must be a Youth Sports Council Board Member;~~

- ~~4.~~ 3. Chula Vista Parks and Recreation Commission; nominee(s) must be from this Commission;

- ~~5. Chula Vista Growth Management Oversight Commission; nominee(s) must be from this Commission;~~

~~64.~~ Sustainability Commission (formerly known as the Resource Conservation Commission); nominee(s) must be from this Commission;

~~75.~~ San Diego and Imperial Counties Labor Council;

~~86.~~ Alliance of Californians for Community Empowerment, San Diego branch.

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

1. When a vacancy occurs, ~~designated members~~Designated Members shall be selected for nomination by the nominating authorities specified in ~~subsection~~Subsection (C) of this ~~section~~Section that do not have a Designated Member ~~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~~Designated Nominee”) to the City Clerk on a form prescribed by the City Clerk. The City Clerk shall provide each Designated Nominee ~~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~~Interview all Designated Nominee ~~designated nominees~~ who timely complete applications, and thereafter may make nominations for appointment as provided in ~~subsection~~Subsection (D)(4) of this ~~section~~Section, subject to the City Council’s approval.

4. After completing ~~interview~~Interviews in accordance with ~~subsection~~Subsection (D)(3) of this ~~section~~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 ~~designated nominee~~. Once rejected, a Designated Nominee ~~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 ~~member~~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 ~~member~~Members shall be comprised of the following:

1. One ~~member~~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 ~~member~~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.

## **[CHAPTER 2.63 MEASURE P CITIZENS OVERSIGHT COMMITTEE]**

### **2.63.050 Composition – Qualifications – Nomination.**

A. *Members.* The COC shall be comprised of ~~12-11 member~~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 ~~member~~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 ~~member~~Members must be qualified electors at the time they apply and must maintain such status throughout their tenure.

C. *Designated Members.* ~~Eight-Seven~~ of the total ~~12-11~~ COC members shall be nominated, apply and serve as “~~designated members~~Designated Members.” Designated ~~member~~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. Chula Vista Growth Management Oversight Commission; nominee(s) must be from this Commission;~~

~~54.~~ Association of Chula Vista Employees (ACE); nominee(s) must be an active member of this association;

~~65.~~ Chula Vista Fire Chief;

~~76.~~ Chula Vista Police Chief;

~~87.~~ Chula Vista Middle Managers/Professional Employee Group (MM/PROF).

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

D. *At-Large Members.* Four of the total 12 COC ~~member~~Members shall apply and serve as representatives of the City “at-large.” At-large ~~member~~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, ~~the City’s Growth Management Oversight Commission, or an alternative~~ 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.

### 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~~ [Subsection](#) (D) of this ~~section~~ [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~~ [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~~ [Subsection](#) (D) of this ~~section~~ [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, ~~the City’s Growth Management Oversight Commission, or~~ 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.

## **[TITLE 10: VEHICLES AND TRAFFIC]**

### **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 ~~Safety-Commission~~[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 ~~Safety-Commission~~[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~~Subsection (G) of this ~~section~~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 ~~Safety Commission~~Traffic Safety Commission, unless, on affirmative vote of the majority of the membership of the ~~Safety Commission~~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 ~~Safety Commission~~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 ~~Safety Commission~~Traffic Safety Commission, the ~~Safety Commission~~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 ~~Safety Commission~~Traffic Safety Commission shall be vested in the City Council.
- C. The ~~Safety Commission~~Traffic Safety Commission shall utilize the standards and procedures established in the [California Vehicle Code](#) and the ~~State of California (Caltrans) Traffic Manual~~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 (Caltrans) Traffic Manual~~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~~ Subsection (D) of this ~~section~~ 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~~ 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~~ 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 ~~Safety Commission~~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 ~~Safety Commission~~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~~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 ~~Safety Commission~~Traffic Safety Commission to examine the matter, and may appeal that determination to the City Council within 10 days following.

#### 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 ~~Safety Commission~~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.

#### 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 ~~Safety Commission~~[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 ~~Safety Commission~~[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.

## [TITLE 19: PLANNING AND ZONING]

### ~~Chapter 19.09~~

### ~~GROWTH MANAGEMENT~~

#### ~~19.09.010 — Purpose/intent, policies and findings.~~

~~A. — Purpose/Intent. The purpose and intent of this chapter are to: (1) implement the policy framework established by Chula Vista's General Plan for Chula Vista's growth management program; (2) codify threshold standards designed to assure that, as new development occurs, public facilities, infrastructure and services will~~

~~exist, or concurrently be provided, to meet the demands generated by new development, and service levels to existing residents will not be reduced; and (3) establish administration and compliance mechanisms.~~

~~B. *Policies.* It is the policy of the City of Chula Vista to:~~

- ~~1. Provide that public facilities, infrastructure and services meet the threshold standards set forth in this chapter, and are provided in advance of, or concurrent with, the demands created by new development;~~
- ~~2. Assure that individual development projects measure potential impacts upon public facilities, infrastructure and services, and provide a plan for funding improvements needed to meet the threshold standards set forth in this chapter;~~
- ~~3. Provide quality housing opportunities for all economic segments of the community;~~
- ~~4. Provide a balanced community with adequate commercial, industrial, recreational and open space areas to support the residential areas of the City;~~
- ~~5. Balance the regional housing needs against the public service needs of Chula Vista residents and available fiscal resources, environmental constraints, and quality of life considerations;~~
- ~~6. Provide that all development is consistent with the Chula Vista General Plan;~~
- ~~7. Provide the City Council the regulatory framework to limit or prevent additional development if certain public facilities, infrastructure and services meeting the threshold standards set forth in this chapter are not provided in a timely, phased and logical manner, as required by the General Plan;~~
- ~~8. Control the timing and location of development by tying the pace of development to the provision that public facilities, infrastructure and services conform to the City's threshold standards, and to meet the goals and objectives of the growth management program;~~
- ~~9. Promote orderly revitalization and redevelopment of older portions of the City, including the urban core and the commercial corridors;~~
- ~~10. Provide that the air quality of the City of Chula Vista is maintained consistent with applicable standards;~~
- ~~11. Require development to conserve water so that an adequate supply is maintained to serve the needs of current and future residents.~~

~~C. *Findings.* The City Council of the City of Chula Vista hereby finds:~~

- ~~1. New development creates incremental demands for public facilities, infrastructure and services provided by the City and other public agencies serving the area.~~
- ~~2. New development demand for public facilities, infrastructure and services, if not concurrently met with expansion of public facilities, infrastructure and services, would result in facility and service~~

~~shortages, including, but not limited to, streets, schools, libraries and general governmental facilities. These shortages would be detrimental to the public health, safety, and welfare of the citizens of Chula Vista.~~

~~3. The City has adopted and regularly updates facility master plans to ensure adequate infrastructure and services will be available to support the build-out demands of the adopted General Plan.~~

~~4. Since 1991, the City has maintained a growth management ordinance to achieve the purpose outlined in subsection (A) of this section, and has adopted a variety of related fee and funding programs to ensure that public improvements keep pace with growth.~~

~~5. Chula Vista's adopted General Plan includes provisions requiring facilities and services in advance of, or concurrent with, growth.~~

~~6. Prohibiting or limiting development unless adequate public facilities, infrastructure and services are available in advance of, or concurrent with, development is consistent with the City's policy to provide housing opportunities for all economic segments of the community. Development of housing for low and moderate income persons and families would most likely occur in areas of the City that are designated for highest development priority.~~

~~7. Adoption of this chapter will not adversely affect the regional welfare. By providing that adequate and safe public facilities, infrastructure and services will exist to serve all of the development in Chula Vista, and because many of these facilities and improvements are used by persons residing in neighboring areas and cities, the public health, safety and welfare of the whole region are enhanced.~~

~~8. This chapter will further the policies set forth above by: (a) requiring identification for all public facilities, infrastructure and services required as a result of development; (b) prohibiting or limiting development until adequate provisions for certain public facilities, infrastructure and services are made within the City, as herein provided; and (c) giving development priority to areas of the City where public facilities, infrastructure and services are already in place.~~

~~9. The City has influence upon, but not control of, the actions of other public agencies involved in providing services to the residents of Chula Vista, including school districts and water service purveyors.~~

#### ~~19.09.020 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:~~

~~A. "Air quality improvement plan" (AQIP) means a project specific air quality improvement plan prepared and approved in accordance with CVMC 19.09.080 and Appendix A of the Growth Management Program Implementation Manual.~~

~~B. “Available facility and service capacity” shall be determined by the Development Services Director, using generally accepted planning standards and criteria, including the threshold standards set forth in this chapter. Specific facility service capacity shall be determined by subtracting from the total capacity for a specific facility service the demand of existing development plus the demand that will be created by approved development.~~

~~C. “Developed areas of the City” means those areas of a predominantly urban character where development has already occurred and public facilities, infrastructure and services serving that development are in place.~~

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

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

~~F. “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.~~

~~G. “External public facilities and services” means the threshold standard topics that pertain to facilities and services provided from outside the City, such as schools, water and air quality.~~

~~H. “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 finance plan.~~

~~I. “Facility master plan” means any adopted master plan for future facility needs for services associated with the growth management program’s threshold standards, including, but not limited to: sewer, drainage, water, police, fire and emergency services, libraries and parks.~~

~~J. “Facility and service capacity” means the maximum amount of development which could take place prior to increasing the number or size of a facility or the level of service as determined by applying the appropriate threshold standard.~~

~~K. “Growth Management Program Implementation Manual” means a plan prepared and approved according to CVMC 19.09.030, which establishes compliance with the threshold standards, as provided in CVMC 19.09.040 and 19.09.050.~~

~~L. “Moratorium” means building permits will not be issued for an area that has been identified as having a direct causal relationship to a specified threshold standard failure. City Council must make specific findings and follow specific procedures as provided in CVMC 19.09.070.~~



~~M. “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.~~

~~N. “Public facilities finance plan (PFFP)” means a project specific public facilities finance plan prepared and approved in accordance with CVMC 19.09.080 through 19.09.130 and Appendix C of the Growth Management Program Implementation Manual.~~

~~O. “SPA plan” means a sectional planning area plan, as prescribed in Chapter 19.48 CVMC.~~

~~P. “Statement of concern” means an implementation measure the Growth Management Oversight Commission (GMOC) may issue in its annual report: (1) for an external public facilities and services threshold standard, to highlight what action the City can take in order to solve a specified issue and encourage further or additional inter agency cooperation/coordination. There may also be a recommendation for the issuance of correspondence or a resolution by the City Council to the external agency, if the situation so warrants, as determined by the GMOC; or (2) for a threshold standard that is currently failing or forecasted to fail, and may include elements dealing with City management and organization, budget priorities, and responsiveness to previous GMOC requests; or (3) in response to an overall or general quality of life consideration, irrespective to whether a particular threshold standard has been exceeded, or if it is a non-growth-related issue. It can offer a finding or make recommendations regarding City management, organization and budget priorities.~~

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

~~R. “Threshold standards” means those certain standards identified in CVMC 19.09.040 and 19.09.050 specifying the facilities and services required to support the present and future needs of the City.~~

~~S. “Transportation monitoring program (TMP)” means the technical analysis of traffic operation on all urban and suburban arterials with average weekday traffic volumes greater than 20,000 vehicles per day. The TMP shall be based on the current Highway Capacity Manual, as may be amended from time to time. The technical analysis shall be conducted annually or as directed by the City Council in order to monitor actual traffic operations and to predict future traffic levels and related deterioration in the level of service.~~

~~T. “Water conservation plan” means a project specific water conservation plan prepared and approved in accordance with CVMC 19.09.080 and Appendix B of the Growth Management Program Implementation Manual.~~

### ~~19.09.030 — Growth Management Program Implementation Manual.~~

~~A. The City Council shall adopt, by resolution, a Growth Management Program Implementation Manual that specifies how the policies and threshold standards set forth in this chapter are to be implemented, and, in so doing, assure that new development does not occur unless public facilities, infrastructure and services consistent with the threshold standards are available in advance of, or concurrently with, development.~~

~~B. The Growth Management Program Implementation Manual shall incorporate and interpret the threshold standards as set forth in this chapter.~~

~~C. The Growth Management Program Implementation Manual shall incorporate, by reference, the adopted facility master plans prepared by certain City departments, and shall address air quality and fiscal issues.~~

~~D. The Growth Management Program Implementation Manual shall provide procedures for implementing any limits on building permits established pursuant to CVMC 19.09.070, and address growth-related fiscal and economic issues.~~

~~E. The Growth Management Program Implementation Manual shall define the contents of public facilities finance plans (PFFPs) that are required for all development projects pursuant to CVMC 19.09.080.~~

~~F. The City Council shall appoint a Growth Management Oversight Commission (GMOC), and the GMOC shall annually prepare a report and, upon doing so, the GMOC shall submit such report to the Planning Commission for input and recommendation and to the City Council for their action.~~

~~G. The City Council should annually review and, by resolution, act upon the Growth Management Oversight Commission's annual report.~~

~~H. Amendments to the Growth Management Program Implementation Manual may be initiated by action of the Planning Commission or City Council, or upon request of an applicant. The City Council shall act on the requested application.~~

#### ~~19.09.040 — Threshold standards for City facilities and services.~~

~~Threshold standards for City facilities and services are those under the direct control of the City, and apply to eight public facility and services topics, including: drainage, fire and emergency services, fiscal, libraries, parks and recreation, police, sewer, and traffic.~~

~~In order to provide that public facilities and services, government and other utility services, and improvements are adequate to meet present and future needs of the City, the City Council hereby adopts threshold standards for each facility or improvement listed below:~~

##### ~~A. Police.~~

~~1. *Goal.* To maintain and improve the current level of police service in the City of Chula Vista.~~

~~2. *Objective.* Ensure that police staff is adequately equipped and trained to provide police service at the desired level throughout the City.~~

~~3. *Threshold Standards.*~~

~~a. *Priority 1—Emergency Calls*<sup>1</sup>. Properly equipped and staffed police units shall respond to at least 81 percent of Priority 1 calls within seven minutes 30 seconds and shall maintain an average response time of six minutes or less for all Priority 1 calls (measured annually).~~

~~b. *Priority 2—Urgent Calls*<sup>2</sup>. Properly equipped and staff police units shall respond to all Priority 2 calls within 12 minutes or less (measured annually).~~

~~c. Note: For growth management purposes, response time includes dispatch and travel time to the building or site address, otherwise referred to as “received to arrive.”~~

~~4. *Implementation Measures.*~~

~~a. Should the GMOC determine that the Priority 1 emergency calls threshold standard is not being met due to growth impacts, then the City Council can, within 60 days of the GMOC’s report, schedule and hold a public hearing to: (i) consider adopting a moratorium on the issuance of new building permits; or (ii) adopt other actions sufficient to rectify the deficiency(ies).~~

~~b. Should the GMOC determine that the Priority 2 urgent calls threshold standard is not being met, it may issue a statement of concern in its annual report.~~

~~B. *Fire and Emergency Medical Services.*~~

~~1. *Goal.* To maintain and improve the quality of fire protection and emergency medical services (EMS) in the City of Chula Vista.~~

~~2. *Objective.* Ensure that fire/EMS staff are properly equipped and trained to provide the desired level of service throughout the City.~~

~~3. *Facility Master Plan.* A minimum of every five years, or whenever an update is needed, the City Manager shall bring a fire and emergency medical services master plan to the City Council for their consideration. The master plan shall include provisions for facilities, equipment and deployment.~~

~~4. *Threshold Standard.*~~

~~a. *Emergency Response.* Properly equipped and staffed fire and medical units shall respond to calls throughout the City within seven minutes in at least 80 percent of the cases (measured annually).~~

~~b. Note: For growth management purposes, response time includes dispatch, turnout and travel time to the building or site address.~~

~~5. *Implementation Measures.*~~

~~a. Should the GMOC determine that the threshold standard is not being met due to growth impacts, and the facility master plan milestone targets are not being met, then the City Council can, within 60 days of the GMOC’s annual report, schedule and hold a public hearing to (i) consider adopting a~~

~~moratorium on the issuance of building permits, or (ii) adopt other actions sufficient to rectify the deficiency(ies).~~

~~b. The GMOC may issue a statement of concern in its annual report if it determines that the threshold standard: (i) is not being met, but the reason is not due to growth impacts; or (ii) is not being met due to growth impacts, but the facility master plan is meeting its milestone targets, in which case the Fire Department will address the adequacy of the facility master plan.~~

~~C. Libraries.~~

~~1. Goal. To provide a high quality, contemporary library system that meets the varied needs of the community.~~

~~2. Objective. Supplement existing libraries by providing and operating library facilities sufficient to meet the needs of City residents.~~

~~3. Facility Master Plan. A minimum of every five years, or whenever an update is needed, the City Manager shall bring a libraries master plan to City Council for their consideration. The master plan shall define the adequacy of library facilities and equipment and what constitutes adequate staffing and appropriate hours of operation, and identify library square footage needs consistent with the threshold standard at build out.~~

~~4. Threshold Standard. The City shall not fall below the Citywide ratio of 500 gross square feet (GSF) of library space, adequately equipped and staffed, per 1,000 population.~~

~~5. Implementation Measures.~~

~~a. Should the GMOC determine that the threshold standard is not being met or is expected to fail within three years (based on forecasted growth and planned improvements), then the City Council can, within 60 days of the GMOC's report, schedule and hold a public hearing to: (i) consider adopting a moratorium on the issuance of new building permits; or (ii) adopt other actions sufficient to rectify the deficiency(ies).~~

~~b. The GMOC shall be provided with an annual report that documents the appropriate staffing levels, equipment and operating hours of library facilities over the past year, current year operation, and anticipated hours of operation. Should the GMOC determine that the libraries are not adequately staffed, equipped, or are not maintaining appropriate hours of operation, it may issue a statement of concern in its annual report.~~

~~D. Parks and Recreation Areas.~~

~~1. Goal. To provide a diverse and flexible park system which meets both the active and passive recreational needs of the residents of Chula Vista.~~

~~2.—Objective. Provide public park and recreational opportunities in a timely manner, implementing a five-year master plan which describes the location, facility improvements and funding program for proposed neighborhood and community parks.~~

~~3.—Threshold Standard Population Ratio. Three acres of neighborhood and community park land with appropriate facilities per 1,000 residents east of I-805.~~

~~4.—Implementation Measures.—~~

~~a.—Should the GMOC determine that the threshold standard is not being satisfied, then the City Council shall formally adopt and fund tactics to bring the park and recreation system into conformance. Construction or other actual solution shall be scheduled to commence within three years.~~

~~b.—If construction of needed new park and recreation facilities is not started within three years of the deficiency reported by the GMOC, then the City Council shall, within 60 days of the GMOC's report, schedule and hold a public hearing for the purpose of adopting a moratorium on the acceptance of new tentative map applications, based on all of the following criteria:~~

~~i.—That the moratorium is limited to an area wherein a causal relationship to the problem has been established; and~~

~~ii.—That the moratorium provides mitigation measure to a specifically identified impact.~~

~~c.—Should a moratorium be established, the time shall be used to expeditiously prepare specific mitigation measures for adoption, which are intended to bring the condition into conformance. Any such moratorium shall be in effect until construction of the needed new park and recreation facilities has commenced.~~

~~E.—Sewer.—~~

~~1.—Goal. To provide a healthful and sanitary sewer collection and disposal system for the residents of the City of Chula Vista, consistent with the City's wastewater master plan.~~

~~2.—Objective. Individual projects will provide necessary improvements consistent with City engineering standards. Treatment capacity should be acquired in advance of demand.~~

~~3.—Threshold Standards.—~~

~~a.—Existing and projected facility sewage flows and volumes shall not exceed City engineering standards for the current system and for budgeted improvements, as set forth in the Subdivision Manual.~~

~~b.—The City shall annually ensure adequate contracted capacity in the San Diego Metropolitan Sewer Authority or other means sufficient to meet the projected needs of development.~~

~~4. Implementation Measures.~~

~~a. The City Engineering Department shall annually gather and provide the following information to the GMOC:~~

- ~~i. Amount of current capacity in the Metropolitan Sewer System now used or committed and the status of Chula Vista's contracted share;~~
- ~~ii. Ability of sewer facilities and Chula Vista's share of the Metropolitan Sewer System's capacity to absorb forecasted growth over the next five years;~~
- ~~iii. Evaluation of funding and site availability for budgeted and projected new facilities; and~~
- ~~iv. Other relevant information.~~

~~b. Should the GMOC determine that a potential problem exists with meeting the projected needs of development with respect to sewer, it may issue a statement of concern in its annual report.~~

~~F. Drainage.~~

~~1. Goal. To provide a safe and efficient storm water drainage system to protect residents and property in the City of Chula Vista.~~

~~2. Objective. Individual projects will provide necessary improvements consistent with current City engineering standards and local, state and federal regulations.~~

~~3. Threshold Standards.~~

~~a. Storm water flows and volumes shall not exceed City engineering standards and shall comply with current local, state and federal regulations, as may be amended from time to time.~~

~~b. The GMOC shall annually review the performance of the City's storm drain system, with respect to the impacts of new development, to determine its ability to meet the goal and objective for drainage.~~

~~4. Implementation Measures.~~

~~a. Should the GMOC determine that the threshold standards are not being met, with respect to new development, then the City Manager should present to the City Council, for their consideration, a plan of action that includes timing benchmarks and a finance plan that will bring the storm drain system into conformance. Construction or other actual solution shall be scheduled to commence within three years.~~

~~b. Should the GMOC determine that the threshold standard is not being met, with respect to existing development, it may issue a statement of concern in its annual report.~~

~~G. Traffic.~~~~1. Goals.~~

- ~~a. To provide and maintain a safe and efficient street system for all modes of transportation within the City of Chula Vista.~~
- ~~b. To accurately determine existing and projected levels of service (LOS) for motorists, using the Highway Capacity Manual (HCM) performance measurement methodology.~~
- ~~c. To recognize the unique nature of urbanizing neighborhoods as destinations, and to establish a commensurate street classification and LOS threshold that encourages alternative modes of transportation, such as public transit, biking and walking.~~
- ~~d. To maintain a level of service value that represents an acceptable level of traffic flow under constrained operating conditions during peak periods of traffic activity.~~

~~2. Objectives.~~

- ~~a. Ensure timely provision of adequate local, multi-modal circulation system capacity in response to planned growth, and maintain acceptable levels of service.~~
- ~~b. Plan, design and construct new roadway segments and signalized intersections to maintain acceptable LOS standards at build-out of the General Plan's Land Use and Transportation Element.~~
- ~~c. Plan, design and construct bicycle and pedestrian infrastructure improvements pursuant to the most current bikeway master plan and pedestrian master plan.~~

~~3. Threshold Standards.~~

- ~~a. Arterial Level of Service (ALOS) for Nonurban Streets. Those traffic monitoring program (TMP) roadway segments classified as other than urban streets in the Land Use and Transportation Element of the City's General Plan shall maintain LOS "C" or better as measured by observed average travel speed on those segments, except that during peak hours LOS "D" can occur for no more than two hours of the day.~~
- ~~b. Urban Street Level of Service (ULOS). Those TMP roadway segments classified as urban streets in the Land Use and Transportation Element of the City's General Plan shall maintain LOS "D" or better, as measured by observed or predicted average travel speed, except that during peak hours LOS "E" can occur for no more than two hours per day.~~

~~4. Notes to Standards.~~

- ~~a. Arterial Segment. LOS measurements shall be for the average weekday peak hours, excluding seasonal and special circumstance variations.~~



~~b. The LOS measurement of arterial segments at freeway ramps shall be a growth management consideration in situations where proposed developments have a significant impact at interchanges.~~

~~c. Circulation improvements should be implemented prior to anticipated deterioration of LOS below established standards.~~

~~d. The criteria for calculating arterial LOS and defining arterial lengths and classifications shall follow the procedures detailed in the most recent Highway Capacity Manual (HCM) and shall be confirmed by the City's Traffic Engineer.~~

~~e. Level of service values for arterial segments shall be based on the HCM.~~

~~5. Implementation Measures.~~

~~a. Should the GMOC determine that the threshold standards are not being met, due to growth impacts, then the City Council can, within 60 days of the GMOC's report, schedule and hold a public hearing to consider adopting: (i) a moratorium on the acceptance of new building permits, or (ii) other actions sufficient to rectify the deficiency(ies).~~

~~b. The GMOC may issue a statement of concern in its annual report if it determines that the threshold standard will likely not be met within three years, due to growth impacts.~~

~~c. The Department of Public Works shall annually report on progress made in implementing construction of facilities listed in the bikeway master plan, pedestrian master plan, the transportation development impact fee program (TDIF), and the Western TDIF.~~

~~6. Monitoring Methodology.~~

~~a. Identify all traffic monitoring program (TMP) corridors and classify according to the latest Highway Capacity Manual (HCM) methodology. Typically, a TMP roadway is four lanes with a volume of 16,500 trips and at least one and one-half miles in length. If the average daily trip (ADT)-based level of service is "C" or worse on a street segment located within a City TMP corridor, then the City shall consider conducting a TMP measurement. ADT volume data shall not be older than two years.~~

~~b. A TMP measurement shall consist of a two-hour a.m. peak period measurement, a two-hour midday period measurement, and a two-hour p.m. peak period measurement.~~

~~c. TMP measurement shall be conducted by following the current protocol in the latest adopted HCM.~~

~~d. Any speed collection and volume data methodology that utilizes the latest technology consistent with HCM protocol can be used in obtaining arterial LOS, subject to approval by the City's Traffic Engineer.~~

## ~~H. Fiscal.~~

~~1. Goal. To implement land uses and activities that generate an adequate tax and revenue base that meets the economic needs of the residents of the City of Chula Vista, with new project development providing self financing of capital projects.~~

### ~~2. Objectives.~~

~~a. Monitor the impacts of growth on the City of Chula Vista's fiscal well being, considering both operating and capital improvement costs and revenues.~~

~~b. Monitor and update the effectiveness of the development impact fee programs, considering the appropriate and timely use of such funds.~~

~~c. Monitor and update the effectiveness of various public facility master plans to ensure adequate funding will be available to meet the demands of growth.~~

### ~~3. Threshold Standards.~~

~~a. Fiscal impact analyses and public facilities financing plans, at the time they are adopted, shall ensure that new development generates sufficient revenue to offset the cost of providing municipal services and facilities to that development.~~

~~b. The City shall establish and maintain, at sufficient levels to ensure the timely delivery of infrastructure and services needed to support growth, consistent with the threshold standards, a development impact fee, capital improvement funding, and other necessary funding programs or mechanisms.~~

### ~~4. Implementation Measures.~~

~~a. Use fiscal impact analyses (FIA) and public facility financing plans (PFFPs) to evaluate and ensure that new development requiring the preparation of an SPA plan, or equivalent, pursuant to Chapter 19.48 CVMC, contribute to the City's fiscal well being by generating revenues and related economic activity that, at a minimum, offset the cost of providing municipal services for the new development.~~

~~b. The GMOC shall be provided with an annual fiscal impact report that provides an evaluation of the impacts of growth on the City in terms of operations and capital improvements. This report should evaluate actual growth over the previous 12 month period, as well as projected growth over the next five year period.~~

~~c. The GMOC shall be provided with an annual development impact fee report, which provides an analysis of development impact fees collected and expended over the previous 12 month period and projected for expenditure for projects included within the DIF programs.~~

### ~~19.09.050 — Threshold standards for external facilities and services.~~

#### ~~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 Development Services Director:~~

~~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.~~

#### ~~4. Implementation Measures.~~

~~a. In order to determine compliance with the air quality and climate protection threshold standard, City staff shall provide the GMOC with an annual report that evaluates the City's progress toward adherence with relevant federal, state, regional, and local air quality improvement strategies, regulations, and programs. The report shall include the following:~~

~~i. An overview and evaluation of local development projects approved during the prior year identifying compliance levels and progress towards meeting the air quality and climate protection threshold standard.~~

~~ii. An assessment of whether the greenhouse gas emissions reduction levels should be revised based on updated state and federal standards, as applicable.~~

~~iii.—Additional information on non-development activities being undertaken by the City that contribute to meeting or furthering the air quality and climate protection threshold standard, including the City's most recent greenhouse gas emissions inventory.~~

~~b.—After the City prepares an annual evaluation report, it shall provide a copy of the report to the Air Pollution Control District (APCD) for its response. The APCD should provide the City with a report on overall regional and local air quality conditions, the status of regional air quality improvement implementation efforts under the Regional Air Quality Strategy and related federal and state programs, and the effect of those efforts/programs on the City of Chula Vista and local planning and development activities.~~

~~e.—Should the GMOC determine that a deficiency exists with respect to any of the above air quality and climate protection implementation measures, either locally, regionally or both, it may issue a statement of concern in its annual report.~~

~~B.—Schools.—~~

~~1.—Goal.—To ensure that the Chula Vista Elementary School District (CVESD) and Sweetwater Union High School District (SUHSD) have the necessary school sites, infrastructure and funding mechanisms to meet the needs of students in new development areas in a timely manner.~~

~~2.—Objective.—Provide school district personnel with current development forecasts so that they may plan and implement school building and/or allocation programs in a timely manner.~~

~~3.—Facility Master Plan.—The GMOC will request updates of the school districts' facility master plans or equivalent documents that define the schools' essential facility needs necessary to provide adequate physical accommodation.~~

~~4.—Threshold Standard.—The City shall annually provide the Chula Vista Elementary School District (CVESD) and the Sweetwater Union High School District (SUHSD) with the City's annual five-year residential growth forecast and request an evaluation of their ability to accommodate forecasted growth, both Citywide and by subarea. Replies from the school districts should address the following:~~

~~a.—Amount of current classroom and "essential facility" (as defined in the facility master plan) capacity now used or committed;~~

~~b.—Ability to absorb forecasted growth in affected facilities and identification of what facilities need to be upgraded or added over the next five years;~~

~~c.—Evaluation of funding and site availability for projected new facilities identified; and~~

~~d.—Other relevant information the school district(s) desire(s) to communicate to the City and the Growth Management Oversight Commission (GMOC).~~

~~5. *Implementation Measure.* Should the GMOC determine that a capacity problem exists with respect to physically accommodating students, either currently or within the next five years, it may issue a statement of concern in its annual report. The annual report shall be provided to both school districts, with follow-up, to assure appropriate response.~~

~~C. *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.~~
- ~~b. The City shall annually provide the San Diego County Water Authority, the Sweetwater Authority and the Otay Municipal Water District with the City's annual five year residential growth forecast and request that they provide an evaluation of their ability to accommodate forecasted growth. Replies should address the following:~~
  - ~~i. Water availability to the City, considering both short and long term perspectives.~~
  - ~~ii. Identify current and projected demand, and the amount of current capacity, including storage capacity, now used or committed.~~
  - ~~iii. Ability of current and projected facilities to absorb forecasted growth.~~
  - ~~iv. Evaluation of funding and site availability for projected new facilities.~~
  - ~~v. Other relevant information the district(s) desire to communicate to the City and the Growth Management Oversight Commission (GMOC).~~

~~4. *Implementation Measure.* Should the GMOC determine that a current or potential problem exists with respect to water, it may issue a statement of concern in its annual report.~~

~~19.09.060 — Amendments and supplemental threshold standards.~~

~~These standards may be amended from time to time on approval by the City Council.~~

~~19.09.070 — Moratorium on building permits allowed.~~

~~A. — Imposing Temporary Limits on Building Permits. The City Council may, by ordinance, impose a limit on building permits for construction of residential and/or nonresidential development after making specific findings as to the health, safety and welfare concerns of continued development, as set forth in subsection (B) of this section.~~

~~B. — Findings Required. Prior to adopting an ordinance imposing a limit on building permits, the City Council shall consider making one or more of the following findings:~~

- ~~1. That continued development will make it unlikely for the intent of the growth management program to be achieved, as expressed by the Growth Management Element of the General Plan and this chapter.~~
- ~~2. That continued development will cause deterioration of the City's quality of life, and compromise the health, safety and welfare in the City of Chula Vista.~~
- ~~3. That continued development will strain the City's fiscal resources and ability to deliver high quality services to all its residents.~~

~~C. — Procedures for Implementing Limits on Building Permits. If the City Council makes the necessary required findings to impose a limit on building permits, then it shall adopt an ordinance that specifies:~~

- ~~1. Area where the moratorium applies;~~
- ~~2. Duration of the moratorium (when it begins and ends);~~
- ~~3. Any exemptions or exceptions or conditions. These shall be consistent with the overall objectives of the City action and broader land use policy. Exemptions could include "affordable" housing units (units sold or rented at below market rates to meet the City's Housing Element requirements). Exceptions might include units that have been allocated as part of a separate agreement (e.g., a development agreement);~~
- ~~4. Any conditions that would allow the moratorium to be lifted prematurely; and~~
- ~~5. How the building permits shall be allocated.~~

~~19.09.080 — Requirement for public facilities finance plans (PFFP), air quality improvement plans, and water conservation plans.~~

~~A. — Public Facilities Financing Plans. No application for an SPA plan, or, if an 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 an SPA plan, or, if an 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 City Development Services Director shall require.~~

~~The required contents of an air quality improvement plan are outlined in Appendix A of the City's Growth Management Implementation Manual, as may be amended from time to time.~~

~~C. *Water Conservation Plans.* No application for an SPA plan, or, if an 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 City Development Services Director shall require.~~

~~The required contents of a water conservation plan are outlined in Appendix B of the City's Growth Management Implementation Manual, as may be amended from time to time.~~

~~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 an SPA plan or tentative map necessary to implement the PFFP, the air quality improvement plan, the water conservation plan, the growth management program, or the facility master plans.~~

~~E. No final map shall be approved until all the conditions of the PFFP, the air quality improvement plan 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, 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.~~

#### ~~19.09.090 — Public facilities finance plan (PFFP) contents.~~

~~The required contents of a public facilities finance plan (PFFP), including a fiscal impact analysis, are outlined in Appendix C of the City's Growth Management Program Implementation Manual, as may be amended from time to time. 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.~~

#### ~~19.09.100 — Public facilities finance 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 Development Services Director. 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.~~

#### ~~19.09.110 — Public facilities finance 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 Development Services Director for processing. If the Development Services Director 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 growth management program, the facility master plans and the PFFP.~~

~~F. A PFFP may be amended following the same procedures for the original adoption.~~

#### ~~19.09.120 — Public facilities finance plan (PFFP) implementation.~~

~~A. The Development Services Director shall ensure that PFFPs are prepared for all SPA plans and tentative maps or equivalent projects pursuant to Chapter 19.48 CVMC.~~

~~B. In the event that the Development Services Director or his 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.~~

#### ~~19.09.130 — 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 Development Services Director, pursuant to CVMC 19.09.110, determines that facilities or improvements within a PFFP are inadequate to accommodate any further development within that area, then development shall cease or be metered until a remedy is implemented. If the Development Services Director 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 or 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.~~

#### ~~19.09.140 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.~~

#### ~~19.09.150 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 and the growth management program. The extension may be conditioned on such matters as the City deems appropriate or necessary to make the tentative map conform to the PFFP and the growth management program, including, but not limited to, requiring the developer to submit any information, studies, plans and diagrams to show compliance with the applicable PFFP.~~

#### ~~19.09.160 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.~~

~~19.09.170 — Implementing procedures.~~~~The City Council may adopt any procedures it deems necessary to implement this chapter, including procedures for administering the growth management program or facility master plans.~~~~19.09.180 — 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.~~~~19.09.190 — Severability.~~~~If any section, subsection, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The City Council declares that it would have passed the ordinance codified in this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any part thereof be declared invalid or unconstitutional.~~~~19.09.200 — 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.~~

## 19.14.020 Zoning Administrator – Creation of position – Authority.

A. In order to relieve the Planning Commission or Successor Agency to the Redevelopment Agency, ~~the Historic Preservation Commission or Chula Vista Redevelopment Corporation~~, 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 ~~Director~~ 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.

### 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 ~~Historic Preservation Commission and the~~ Planning Commission with recommendations forwarded to City Council in accordance with the findings of fact found in CVMC [21.06.110](#).

## 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.~~

#### ~~19.09.020~~ 19.92.020 Definitions.

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

~~A. “Air eQuality iImprovement pPlan” (AQIP) means a project-specific aAir eQuality iImprovement pPlan prepared and approved in accordance with CVMC 19.92.030 19.09.080 and Appendix A of the Growth Management Program Implementation Manual.~~

~~B. “Available facility and service capacity” shall be determined by the Development Services Director, using generally accepted planning standards and criteria, including the threshold standards set forth in this chapter. Specific facility service capacity shall be determined by subtracting from the total capacity for a specific facility service the demand of existing development plus the demand that will be created by approved development.~~

~~C. “Developed areas of the City” means those areas of a predominantly urban character where development has already occurred and public facilities, infrastructure and services serving that development are in place.~~

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

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

~~F. “Discretionary pPlanning aApproval” 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 zZone eChanges, General Plan aAmendments, sSectional pPlanning aArea (SPA) pPlans or gGeneral dDevelopment pPlan approvals or amendments.~~

~~G. “External public facilities and services” means the threshold standard topics that pertain to facilities and services provided from outside the City, such as schools, water and air quality.~~

~~H. “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 pPublic fFacilities fFinancinge pPlan.~~

~~I. “Facility mMaster pPlan” means any adopted master plan for future facility needs for services associated with the growth management program’s threshold standards, including, but not limited to: sewer, drainage, water, transportation, police, fire and emergency services, libraries, and parks.~~

~~J. “Facility and service capacity” means the maximum amount of development which could take place prior to increasing the number or size of a facility or the level of service as determined by applying the appropriate threshold standard.~~

~~K. “Growth Management Program Implementation Manual” means a plan prepared and approved according to CVMC 19.09.030, which establishes compliance with the threshold standards, as provided in CVMC 19.09.040 and 19.09.050.~~

~~L. “Moratorium” means building permits will not be issued for an area that has been identified as having a direct causal relationship to a specified threshold standard failure. City Council must make specific findings and follow specific procedures as provided in CVMC 19.09.070.~~

~~M. “Project” means the activity for which either an application for a sSectional pPlanning aArea (SPA) pPlan, a tTentative mMap (TM), a eConditional uUse pPermit (CUP), or a similar activity has been or is required to be submitted and which may be subject to discretionary approvals by the City.~~

~~N.—“Public fFacilities fFinancinge pPlan (PFFP)” means a Pproject-specific pPublic fFacilities finance-  
Financing pPlan prepared and approved in accordance with CVMC 19.92.030 through 19.92.12019.09.080-  
through 19.09.130 and Appendix C of the Growth Management Program Implementation Manual.~~

~~Q.—“SPA pPlan” means a sSectional pPlanning aArea pPlan, as prescribed in CVMC Chapter 19.48-CVMC.~~

~~P.—“Statement of concern” means an implementation measure the Growth Management Oversight  
Commission (GMOC) may issue in its annual report: (1) for an external public facilities and services threshold  
standard, to highlight what action the City can take in order to solve a specified issue and encourage further or  
additional inter-agency cooperation/coordination. There may also be a recommendation for the issuance of  
correspondence or a resolution by the City Council to the external agency, if the situation so warrants, as  
determined by the GMOC; or (2) for a threshold standard that is currently failing or forecasted to fail, and may  
include elements dealing with City management and organization, budget priorities, and responsiveness to  
previous GMOC requests; or (3) in response to an overall or general quality of life consideration, irrespective  
to whether a particular threshold standard has been exceeded, or if it is a non-growth-related issue. It can offer  
a finding or make recommendations regarding City management, organization and budget priorities.~~

~~Q.—“Substantial eCompliance” means performance meeting the intent of the parties with respect to the  
obligations imposed pursuant to the PFFP.~~

~~R.—“Threshold sStandards” means those certain standards identified in CVMC 19.09.040 and  
19.09.050Sections specifying the fFacilities and services required to support the present and future needs of the  
City.~~

~~S.—“Transportation monitoring program (TMP)” means the technical analysis of traffic operation on all urban  
and suburban arterials with average weekday traffic volumes greater than 20,000 vehicles per day. The TMP  
shall be based on the current Highway Capacity Manual, as may be amended from time to time. The technical  
analysis shall be conducted annually or as directed by the City Council in order to monitor actual traffic  
operations and to predict future traffic levels and related deterioration in the level of service.~~

~~T.—“Water eConservation pPlan” means a Pproject-specific wWater eConservation pPlan prepared and  
approved in accordance with CVMC Section 19.92.030, 19.09.080 and Appendix B of the Growth  
Management Program Implementation Manual.~~

~~The purpose and intent of this chapter is to establish a supplemental compliance mechanism to ensure public  
facilities, infrastructure and services will exist, or concurrently be provided, to meet the demands generated by  
new development.~~

~~19.09.08019.92.030 Requirements for pPublic fFacilities fFinancinge pPlans (PFFP),  
aAir qQuality iImprovement pPlans, and wWater eConservation pPlans.~~

~~A. *Public Facilities Financing Plans.* No application for an SPAa SPA pPlan, or, if an SPAa SPA pPlan is  
not required, no application for a tTentative mMap, 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 ~~P~~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 an ~~SPA~~~~a SPA~~ ~~p~~Plan, or, if an ~~SPA~~~~a SPA~~ ~~p~~Plan is not required, no application for a ~~t~~Tentative ~~m~~Map, shall be deemed complete or accepted for review unless:

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

The required contents of an air quality improvement plan are outlined in Appendix A of the City's Growth Management Implementation Manual, as may be amended from time to time.

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

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

The required contents of a water conservation plan are outlined in Appendix B of the City's Growth Management Implementation Manual, as may be amended from time to time.

D. No SPA ~~p~~Plan, nor any ~~t~~Tentative ~~m~~Map, shall be approved, or deemed approved, without an approved PFFP, an approved ~~a~~Air ~~e~~Quality ~~i~~Improvement ~~p~~Plan and an approved ~~w~~Water ~~e~~Conservation ~~p~~Plan. To provide consistency and implementation of said plans, the City Council may impose any condition to the approval of an ~~SPA~~~~a SPA~~ ~~p~~Plan or ~~t~~Tentative ~~m~~Map necessary to implement the PFFP, the ~~a~~Air ~~e~~Quality ~~i~~Improvement ~~p~~Plan, the ~~w~~Water ~~e~~Conservation ~~p~~Plan, the growth management program, or the ~~f~~Facility ~~m~~Master ~~p~~Plans.

E. No ~~F~~Final ~~m~~Map shall be approved until all the conditions of the PFFP, the ~~a~~Air ~~e~~Quality ~~i~~Improvement ~~p~~Plan, the Facility Master Plans, and the ~~w~~Water ~~e~~Conservation ~~p~~Plan have been met, or the ~~P~~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 ~~P~~project is consistent with an approved PFFP, an ~~a~~Air ~~e~~Quality ~~i~~Improvement ~~p~~Plan, the Facility Master Plans, and a ~~w~~Water ~~e~~Conservation ~~p~~Plan.

G. No building permit shall be issued unless the permit is consistent with any applicable PFFP, the ~~a~~Air ~~e~~Quality ~~i~~Improvement ~~p~~Plan and the ~~w~~Water ~~e~~Conservation ~~p~~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 ~~D~~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 ~~D~~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 ~~F~~facilities or improvements in advance of the City's phasing schedule.

#### 19.09.05019.92.040 Threshold sStandards for eExternal fFacilities and sServices.

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 ~~P~~project

application for SPA pPlans or for the following, subject to the discretion of the Director of Development Services-Direector:

- 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.

EB. 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 Ddevelopment. Therefore, developers shall provide the City with a service availability letter from the appropriate water district for each Pproject.

~~19.09.090~~19.92.050 Public fFacilities finance-Financing pPlan (PFFP) eContents.

The required contents of a Ppublic Ffacilities Ffinance Pplan (PFFP), including a fiscal impact analysis, drawings, diagrams, etc., shall be prescribed by the Director of Development Services-are outlined in Appendix C of the City's Growth Management Program Implementation Manual, as may be amended from time to time. The fiscal analysis/economic impact report shall be provided for each proposed Pproject and the Pproject shall be conditioned to provide funding for periods where expenditures exceed projected revenues.

~~19.09.100~~19.92.060 Public fFacilities finance-Financing pPlan (PFFP) pPreparation.

A. A PFFP, an aAir eQuality iImprovement pPlan, and a wWater eConservation pPlan may be processed concurrently with the SPA pPlan or tTentative mMap.

B. A PFFP may be initiated by filing an application with the ~~Director of~~ Development Services ~~Director~~. The applicant shall pay a deposit at the time any application for a PFFP is accepted.

C. A PFFP for a ~~P~~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.

#### ~~19.09.110~~19.92.070 Public ~~F~~facilities ~~finance~~ ~~Financing~~ ~~p~~Plan (PFFP) ~~r~~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 ~~Director~~ for processing. If the ~~Director of~~ Development Services ~~Director~~ 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 ~~F~~facilities improvement requirements provided for in City ordinances in order to implement the growth management program, the ~~f~~Facility ~~m~~Master ~~p~~Plans and the PFFP.

F. A PFFP may be amended following the same procedures for the original adoption.

#### ~~19.09.120~~19.92.080 Public ~~f~~Facilities ~~finance~~ ~~Financing~~ ~~p~~Plan (PFFP) ~~i~~Implementation.

A. The ~~Director of~~ Development Services ~~Director~~ shall ensure that PFFPs are prepared for all SPA ~~p~~Plans and ~~t~~Tentative ~~m~~Maps or equivalent ~~P~~projects pursuant to ~~CVMC~~ Chapter 19.48 ~~CVMC~~.

B. In the event that the ~~Director of~~ Development Services ~~Director or his~~their designee finds that the ~~P~~project is not in ~~s~~Substantial ~~e~~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.

#### ~~19.09.130~~19.92.090 Public ~~f~~Facilities ~~f~~Finance ~~p~~Plan (PFFP) ~~a~~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 Development Services Director, pursuant to CVMC 19.09.110, determines that facilities or improvements within a PFFP are inadequate to accommodate any further development within that area, then development shall cease or be metered until a remedy is implemented.~~ If the ~~Director of~~ Development Services ~~Director~~ 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 ~~D~~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 ~~D~~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 ~~F~~facilities and improvements and subsequent permits will be conditioned on conformance.

#### ~~19.09.140~~19.92.100 Exceptions and ~~e~~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 ~~F~~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 ~~D~~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.

### ~~19.09.150~~19.92.110 Extensions of ~~p~~Prior ~~a~~Approvals.

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

### ~~19.09.160~~19.92.120 Obligation to ~~p~~Pay ~~f~~Fees or ~~i~~Install ~~f~~Facilities ~~r~~Required by ~~a~~Any ~~e~~Other ~~l~~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.

### ~~19.09.170~~19.92.130 Implementing ~~p~~Procedures.

The City Council may adopt any procedures it deems necessary to implement this chapter, including procedures for administering the growth management program ~~T~~hreshold ~~S~~tandards or ~~f~~Facility ~~m~~Master ~~p~~Plans.

### ~~19.09.180~~19.92.140 Council ~~a~~Actions, ~~f~~Fees, ~~n~~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.

### ~~19.09.200~~19.92.150 Facility ~~m~~Master ~~p~~Plans.

The City shall maintain a series of ~~f~~Facility ~~m~~Master ~~p~~Plans, as may be amended from time to time, for infrastructure and services throughout the City that regard the ~~T~~hreshold ~~S~~tandards 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 ~~F~~acilities, existing and projected demand, and proposed maintenance and capital improvement projects. They shall also identify financing plans to accomplish identified improvements.

**[TITLE 21: HISTORIC PRESERVATION]****21.02.030 Historic preservation authority.**

~~There is created a Historic Preservation Commission (HPC) pursuant to Chapter 2.49 CVMC.~~ The ~~HPC~~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 ~~HPC~~ 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.

**21.03.026 Commission.**

“Commission” means the City of Chula Vista ~~Historic Preservation Planning~~ Commission ~~(HPC)~~.

**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 ~~Historic Preservation Planning~~ Commission of certain routine functions.

**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 ~~Historic Preservation 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~~HPC~~ 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 ~~Historic Preservation 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 ~~HPC 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 ~~an HPC~~HPC 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~~Section and findings of fact and eligibility criteria of CVMC 21.04.100(A)(1) and (2).
- b. Shall require a recommendation from the HPC 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 ~~an HPC~~HPC 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 HPC 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 HPC 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~~ Subsection (C)(1) of this ~~section~~ 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 ~~HPC~~ 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:

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 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 ~~HPC~~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~~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.