

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS SECTIONS OF TITLE 19 “PLANNING AND ZONING” OF THE CITY OF CHULA VISTA MUNICIPAL CODE TO ADDRESS COMPLIANCE WITH STATE LAWS GOVERNING SUPPORTIVE RESIDENTIAL USES, AS DEFINED IN CHAPTER 19.04 “DEFINITIONS,” AND FOUND IN CHAPTERS 19.14 “ADMINISTRATIVE PROCEDURES – PERMITS – APPLICATIONS – HEARINGS - APPEALS,” 19.16 “EXCEPTIONS AND MODIFICATIONS,” 19.20 “AGRICULTURAL ZONE,” 19.28 “R-3 – APARTMENT RESIDENTIAL ZONE,” 19.38 “C-V – VISITOR COMMERCIAL ZONE,” 19.40 “C-T - THOROUGHFARE COMMERCIAL ZONE,” 19.44 “I-L - LIMITED INDUSTRIAL ZONE,” 19.48 “P-C – PLANNED COMMUNITY ZONE”, 19.54 “UNCLASSIFIED USES,” 19.58 “USES,” AND 19.62 “OFF-STREET PARKING AND LOADING” TO DEFINE AND ESTABLISH PROCEDURES TO PERMIT EMERGENCY SHELTERS, SINGLE ROOM OCCUPANCY RESIDENCES, TRANSITIONAL AND SUPPORTIVE HOUSING, QUALIFIED EMPLOYEE HOUSING, AND RESIDENTIAL FACILITIES

WHEREAS, it is the policy of the City of Chula Vista (City), pursuant to the Federal Fair Housing Act Amendments (42 U.S.C. Section 3601), hereinafter “FHAA,” the California Fair Employment and Housing Act, hereinafter “Fair Housing Laws,” and the Housing Element of the City’s General Plan to facilitate housing for individuals with disabilities and those in need of emergency shelter, and to facilitate housing affordable to lower-income households, through reasonable and objective rules, policies, practices and procedures that ensure equal access to housing in accordance with applicable laws; and

WHEREAS, pursuant to Article 10.6 of the Government Code (Article 10.6), the City, on April 23, 2013, adopted its 2013-2020 Housing Element of the General Plan, which specifies its goals, policies, and implementing programs to address the identified needs of the community, including individuals with disabilities and lower-income households; and

WHEREAS, the Housing Element contains programs and policies that require amendments to the City of Chula Vista Municipal Code in compliance with [Senate Bill 2 \(Chapter 644, Statutes, 2007\)](#), [Assembly Bill 2634 \(Chapter 892, Statutes of 2006\)](#) and Sections [17021.5](#) and [17021.6](#) of the California Health and Safety Code (qualified employee housing) to address emergency shelters, single room occupancy residences (SROs), transitional and supportive housing, residential facilities and qualified employee housing; and

WHEREAS, the revisions to Title 19 “Planning and Zoning” of the Chula Vista Municipal Code contained in this Ordinance address the required amendments and provide for

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greater clarification or repeal of other definitions of similar land uses such as hotels, motels, efficiency apartments and labor camps; and

WHEREAS, the Development Services Director has reviewed the Ordinance for compliance with the California Environmental Quality Act (CEQA) and has determined that the adoption and implementation of the Ordinance amending Title 19 of the Chula Vista Municipal Code (Municipal Code) is not a Project pursuant to State CEQA Guidelines Section 15378 because the modifications to the Municipal Code are administrative actions that will not result in physical changes to the environment; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required. In addition, notwithstanding the foregoing, the Development Services Director has also determined that the adoption and implementation of the Ordinance amending Title 19 of the Municipal Code by adding definitions and procedures for emergency shelters, single room occupancy residences, transitional and supportive housing, residential facilities, and qualified employee housing and providing for greater clarification or repealing of other definitions of similar land uses such as hotels, motels, efficiency apartments and labor camps will not result in any physical development in and of itself, and thus will not cause a significant effect on the environment. Further, the changes implement existing General Plan policies, objectives, and programs contained in the Housing Element, and are required to be adopted to conform with State law. The amendment therefore qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines, which means that the activity is not subject to CEQA; and

WHEREAS, the Planning Commission and the Housing Advisory Commission held an advertised public hearing on the subject Ordinance on September 26, 2018.

WHEREAS, the Planning Commission voted 5-0-0 to adopt PC Resolution No. MPA 18-0009 and thereby recommend that the City Council adopt the Ordinance; and

WHEREAS, the Housing Advisory Commission voted 5-0-0 to adopt HAC Resolution No. 18-003 and thereby recommend that the City Council adopt the Ordinance; and

WHEREAS, the City Council set the time and place for a hearing on the Municipal Code Amendment (MPA 2018-0009) and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City at least ten days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely October 16, 2018, at 5:00 p.m. in the Council Chambers, 276 Fourth Avenue, before the City Council and said hearing was thereafter closed.

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

Section I. Consistency with General Plan

The amendments provided for herein are consistent with the City of Chula Vista General Plan and local, state, and federal law, and the public necessity, convenience, general welfare and good zoning practice support the amendments.

The City Council has duly considered the Staff Report, considered all recommendations by staff and public testimony, and all other information available and believes that the Municipal Code amendments are in the best interest of the public because they 1) establish objective standards and, therefore, more certainty in the residential development review process; and 2) address compliance with housing element law relative to emergency shelters, single room occupancy residences, transitional and supportive housing, residential facilities, and qualified employee housing. The amendments include, but are not limited to, updated and/or new definitions for emergency shelters, single room occupancy residences, transitional and supportive housing, residential facilities, and qualified employee housing and greater clarification or repeal of other definitions of similar land uses such as hotels, motels, efficiency apartments, and labor camps.

Section II. Amendment of Chula Vista Municipal Code Title 19 (Planning and Zoning)

This Ordinance amends Municipal Code Title 19, specifically Chapters 19.04 “Definitions,” 19.14 “Administrative Procedures – Permits – Applications – Hearings - Appeals,” 19.16 “Exceptions and Modifications,” 19.20 “Agricultural Zone,” 19.28 “R-3 – Apartment Residential Zone,” 19.38 “C-V – Visitor Commercial Zone,” 19.40 “C-T - Thoroughfare Commercial Zone,” 19.44 “IL - Limited Industrial Zone,” 19.48 “P-C – Planned Community Zone,” 19.54 “Unclassified Uses,” 19.58 “Uses,” and 19.62 “Off-Street Parking and Loading” to define and establish standard procedures for the development and permitting of emergency shelters, single room occupancy dwellings, transitional and supportive housing, residential facilities and qualified employee housing and provide greater clarification or repeal of other definitions of similar land uses such as hotels, motels, efficiency apartments, and labor camps. (Added text is shown in underline format, and deleted text shown in strike-through format.)

A. Chapter 19.04, “Definitions” is hereby amended to add and renumber accordingly, the definitions of “Emergency shelter,” “Qualified employee housing,” “Residence, single room occupancy (SRO),” “Residential facility,” “Supportive housing,” and “Transitional housing,” as follows:

19.04.089.2 Emergency shelter.

“Emergency shelter” means housing with minimal supportive services for homeless persons, with occupancy limited to a six-month term or less by homeless persons. Emergency shelter shall have the same meaning as defined in [Section 50801\(e\) of the California Health and Safety Code.](#)

19.04.191 Qualified employee housing.

“Qualified employee housing” means accommodations for employees as defined in [Section 17008 of the California Health and Safety Code](#), as may be amended, which has qualified or where the owner intends to qualify for a permit to operate under the Employee Housing Act (Health & Safety Code §§ 17000 et seq.).

19.04.194.1 Residence, single room occupancy (SRO).

“Residence, single room occupancy (SRO)” means a rooming unit or efficiency living unit located in a building containing six or more such dwellings that are offered for occupancy by residential tenants for at least thirty consecutive days. Kitchen and bathroom facilities may be wholly or partially included in each living space or may be fully shared.

19.04.198.1 Residential facility.

“Residential facility” means any family home, group care facility, or similar facility, licensed by the State of California, for 24-hour nonmedical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

19.04.290.1 Supportive housing.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community ([Section 65582\(g\) of the State Government Code](#)). “Target population” means persons with low incomes who have one or more disabilities as described in [Section 65582\(i\) of the State Government Code](#).

19.04.299 Transitional housing.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance ([Section 65582\(j\) of the State Government Code](#)).

B. Chapter 19.04, “Definitions” is hereby amended to revise or repeal the definitions of “Agriculture,” “Crop and tree farming,” “Dwelling,” “Efficiency apartment,” “Efficiency living unit,” “Family,” “Hotel,” and “Motor hotel, including motel and hotel,” to specifically address qualified employee housing as an allowable use and clarify efficiency living units within these definitions, to eliminate redundancy of terms, and to renumber accordingly, as follows:

19.04.010 Agriculture.

“Agriculture” means the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, animal husbandry (excluding swine); incidental to other agricultural uses; and the necessary accessory uses for storing produce and qualified employee housing; provided, however, that the operation of any such accessory use shall be secondary to that of primary uses and shall not include stockyards or

the commercial feeding of garbage or offal to animals. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.014 Repealed.

19.04.014 Apartment, efficiency.

~~“Efficiency apartment” means a dwelling unit in a multifamily building, consisting of not more than one habitable room, together with cooking and sanitary facilities. (Ord. 1212 § 1, 1969; prior code § 33.1401).~~

19.04.062 Crop and tree farming.

“Crop and tree farming” means the raising for commercial purposes of any truck, field or orchard crops or wholesale nurseries or greenhouses, including necessary buildings incidental to such crop and qualified employee housing. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.074 Dwelling.

“Dwelling” means any building or portion thereof designed or used exclusively as the residence of one or more persons, but not including a hotel/motel, tent, cabin, trailer or mobile home. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.088 Efficiency living unit.

“Efficiency living unit” means a dwelling unit for occupancy, which has a minimum floor area of one hundred fifty (150) square feet and a maximum floor area of four hundred fifty (450) square feet and which may also have partial kitchen or bathroom facilities and shall have the same meaning as “Efficiency Unit” as defined in Section 17958.1 of the California Health and Safety Code (Ord. 1212 § 1, 1969; prior code § 33.1401). ~~means any room having cooking facilities and used for combined living, dining and sleeping purposes and meeting the requirements of Section 17315 of Part 7 of the State Housing Law, Title 8, Chapter 9, Article 8~~

19.04.092 Repealed.

19.04.092 Family.

~~“Family” means an individual, or two or more persons, related by blood, marriage or adoption, or a group including unrelated individuals bearing the generic character of and living together as a relatively permanent bona fide housekeeping unit sharing such needs as cooking facilities. (Ord. 2034 § 1, 1983; Ord. 1697 § 1, 1976; Ord. 1212 § 1, 1969; prior code § 33.1401).~~

19.04.112 Hotel/motel.

“Hotel/motel” means a building or group of buildings comprised of six or more guestrooms or suites of rooms, where a majority of such rooms are occupied, intended or designed for occupancy by guests for temporary lodging or sleeping purposes for less than thirty (30) consecutive calendar days, and is held out as such to the public ~~individual sleeping or living units without kitchens, except as otherwise provided herein, for the accommodation of transient guests (not including hospitals, residential facilities, qualified employee housing, boarding or lodging houses or single room occupancy residences).~~ (Ord. 2034 § 1, 1983; Ord. 1212 § 1, 1969; prior code § 33.1401.)

19.04.156 Repealed.

19.04.156 Motor hotel, including motel and hotel.

~~“Motor hotel, including motel and hotel” means a building or group of buildings comprising individual sleeping or living units, provided not more than 30 percent of the individual living units may contain kitchen facilities. (Ord. 1212 § 1, 1969; prior code § 33.1401).~~

C. Chapter 19.14 “Administrative Procedures – Permits – Applications – Hearings – Appeals,” Section 19.14.030 “Zoning Administrator – Actions authorized without public hearing” is hereby amended to add residential facilities for seven or more persons, and renumber accordingly, as follows:

19.14.030 Zoning Administrator – Actions authorized without public hearing.

The Zoning Administrator is authorized to consider and to approve, disapprove or modify applications on the following subjects, and/or issue the following required permits without setting the matter for a public hearing:

A. Conditional Use Permit. The Zoning Administrator shall be empowered to issue conditional use permits, as defined herein, in the following circumstances:

...8. Residential facilities for seven or more persons, in accordance with CVMC 19.58.268.

9. An amendment of an existing Conditional Use Permit for a church or religious institution that is necessary to accommodate an Emergency Shelter as an accessory use to a church or religious institution that is permitted by right in accordance with CVMC 19.58.110.

D. Chapter 19.16 “Exceptions and Modifications,” Section 19.16.030 “Agricultural uses – Permitted when – Conditional use permit required when” is hereby amended to include qualified employee housing as an accessory building in crop and tree farming, as follows:

19.16.030 Agricultural uses – Permitted when – Conditional use permit required when.

Crop and tree farming and any associated qualified employee housing, as defined herein, shall be permitted as an interim use in any zone, provided the area in which said use is located has not

been subdivided or plotted so as to result in parcels of less than one acre. Any buildings, such as accessory farm buildings, packing sheds, wholesale nurseries, qualified employee housing, etc., shall be subject to a conditional use permit. (Ord. 1212 § 1, 1969; prior code § 33.1001(B)).

E. Chapter 19.20 “Agricultural Zone,” Section 19.20.030 “Accessory uses and buildings” is hereby amended to delete housing for transient labor and renumber accordingly, as follows:

19.20.030 Accessory uses and buildings.

Accessory uses and buildings customarily incidental to any of the above uses permitted in the agriculture zone, subject to the regulations for such as required herein, include:

~~“A. Living quarters of persons regularly employed on the premises and transient labor, maximum of two families; but not including labor camps, labor dwellings, or other accommodations or areas for transient labor (see CVMC 19.58.200 for provisions for labor dwellings or camps);~~

F. Chapter 19.20 “Agricultural Zone,” Section 19.20.040 “Conditional uses” is hereby amended to delete housing for transient labor and renumber accordingly, as follows:

19.20.040 Conditional uses.

The following uses shall be permitted in the A zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

~~...”E. Quarters, accommodations, or areas for transient labor in excess of two families, such as labor dwellings or camps, subject to the provisions of CVMC 19.58.200;~~”

G. Chapter 19.28 “R-3 – Apartment Residential Zone,” Section 19.28.020 “Permitted uses” is hereby amended to add a single room occupancy residence and boarding or lodging house as a permitted residential use and renumber accordingly, as follows:

19.28.020 Permitted uses.

Principal permitted uses in the R-3 zone are as follows:

...G. Residence, single room occupancy (SRO).

H. Boarding or lodging houses;

H. Chapter 19.28 “R-3 – Apartment Residential Zone,” Section 19.28.040 “Conditional uses” is hereby amended to delete boarding or lodging houses as a conditional residential use and renumber accordingly, as follows:

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19.28.040 Conditional uses.

The following uses shall be permitted in the R-3 zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

~~A. Boarding or lodging houses;~~

I. Chapter 19.38 “C-V – Visitor Commercial Zone,” Section 19.38.020 “Permitted uses” is hereby amended to revise the term hotels, motels and motor hotels to hotel/motel, and renumber accordingly, as follows:

19.38.020 Permitted uses.

Principal permitted uses in the C-V zone are as follows:

A. ~~Hotels/motels and motor hotels~~, subject to the provisions of CVMC 19.58.210, with such incidental businesses to serve the customer or patron; provided, such incidental uses and businesses not otherwise permitted in this zone shall be operated in the same building and in conjunction with this permitted use; (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2160 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.510(B)).

J. Chapter 19.40 “C-T – Thoroughfare Commercial Zone,” Section 19.40.020 “Permitted uses” is hereby amended to revise the term motor hotels and motels to hotels/motels, and renumber accordingly, as follows:

19.40.020 Permitted uses.

Principal permitted uses in a C-T zone are as follows:

...C. ~~Motor h~~~~Hotels and /motels~~, subject to the provisions of CVMC 19.58.210 (Ord. 3316 § 5, 2014; Ord. 3153 § 2 (Exh. A), 2010; Ord. 2273 § 7, 1988; Ord. 2160 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 1954 § 1, 1981; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.511(B)).

K. Chapter 19.40 “C-T – Thoroughfare Commercial Zone,” Section 19.40.030 “Conditional uses” is hereby amended to add emergency shelters as conditional use and renumber accordingly, as follows:

19.40.030 Conditional uses.

The following uses shall be permitted in the C-T zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

...T. Emergency shelters subject to the provisions of CVMC 19.58.143.

L. Chapter 19.44 “I-L – Limited Industrial Zone,” Section 19.44.020 “Permitted uses” is hereby amended to add emergency shelters as a permitted use, and renumber accordingly, as follows:

19.44.020 Permitted uses.

Permitted uses in an I-L zone are as follows:

...R. Emergency shelters, limited subject to the provisions of CVMC 19.58.143. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(B)).

M. Chapter 19.48 “P-C – Planned Community Zone,” Section 19.48.025 “Community purpose facilities – Minimum acreage required – Permitted uses.” is hereby amended to revise and clarify homeless services as a permitted use subject to a conditional use permit with emergency shelters permitted under the terms and conditions governing its development:

19.48.025 Community purpose facilities – Minimum acreage required – Permitted uses.

C. The required CPF acreage shall have a CPF, community purpose facilities, land use designation. All of the following uses are permitted subject to approval of a conditional use permit:

... 3. Services for homeless. Emergency shelters for the homeless may be allowed subject to and in accordance with the provisions of CVMC 19.58.110 or 19.58.143, as may be applicable;

N. Chapter 19.54 “Unclassified Uses,” Section 19.54.020 “Designated – Limitations and standards” is hereby amended to add residential facilities, and renumber accordingly, as follows:

19.54.020 Designated – Limitations and standards.

The following uses may be considered for location in any zone, subject to the provisions set forth herein, and additional conditions set forth in Chapter 19.58 CVMC (references indicated for uses):

...V. Residential facilities: See CVMC 19.58.268.

Conditional use permit applications for the uses listed in this section shall be considered and approved by the following body or official. The Zoning Administrator shall approve all ambulance services, trailers (commercial coaches), ~~and~~ certified farmers’ markets, and residential facilities for seven or more persons. The City Council, subsequent to its receipt of recommendations thereon from the Planning Commission, shall approve establishments or enterprises involving large assemblages of people or automobiles (subsection (J) of this section), and public or quasi-public uses (subsection (M) of this section). The Planning Commission shall approve all other conditional use permits for unclassified uses not mentioned in this paragraph. (Ord. 3268 § 3, 2013; Ord. 3153 § 2 (Exh. A), 2010; Ord. 2958 § 1, 2004; Ord. 2921 § 2, 2003;

Ord. 2449 § 1, 1991; Ord. 2296 § 6, 1989; Ord. 2169 § 1, 1986; Ord. 2075 § 3, 1984; Ord. 2054 § 1, 1983; Ord. 1878 § 2, 1979; Ord. 1711 § 1, 1976; Ord. 1697 § 1, 1976; Ord. 1626 §§ 1, 2, 1975; Ord. 1464 § 2, 1973; Ord. 1456 § 2, 1973; Ord. 1356 § 1, 1971; Ord. 1281 § 2, 1970; Ord. 1246 § 2, 1969; Ord. 1232 § 2, 1969; Ord. 1212 § 1, 1969; prior code § 33.535(A)).

O. Chapter 19.58 “Uses” is hereby amended to add terms and conditions governing the development of emergency shelters, qualified employee housing, residential facilities, single room occupancy residences and transitional and supportive housing, delete labor camps and renumber accordingly, as follows:

19.58.110 Church, hospital, convalescent hospital, religious or eleemosynary institution.

...B. The provision of ~~temporary~~ an emergency shelter for the homeless in accordance with the following standards and requirements is considered accessory to the church use or religious institution (no conditional use permit required) subject to compliance with the following standards:

1. Temporary emergency shelters operating for thirty (30) days or less in any 365-day period which are accessory uses to religious institutions or religious organizations are exempt from this section.

2. The primary church use or religious institution was authorized through a conditional use permit approval.

3. Appropriate design accommodations for the emergency shelter were included in the original facility design, and the emergency shelter was listed as an accessory use and identified in the original conditional use permit application. Where the emergency shelter was not initially contemplated and included in the original conditional use permit, such conditional use permit must be amended in accordance with the provisions of CVMC 19.14.030 (A).

4. Emergency shelters shall comply with current California Health and Safety Codes and California Building Codes in effect upon its construction.

5. No rent or fees of any kind shall be charged for emergency shelter services offered to homeless persons.

6. Within Residential Zones, emergency shelter accommodations shall be limited to twelve (12) persons at a single time.

7. A person residing at the facility shall be limited to sixty (60) days of accommodations.

~~1. A shelter may accommodate a maximum of 12 guests for two weeks per year. Two additional nonconsecutive two-week periods may be authorized by the Zoning Administrator, provided no opposition has been expressed by surrounding property owners or residents; otherwise the City Council shall have the authority to grant such extensions.~~

~~2. The guests shall be prescreened by a recognized social service agency to determine resident suitability. Active alcohol or drug abusers as well as those with criminal convictions of a felony or any crime of violence or significant mental illness shall be excluded from the program. Supervision shall be provided at all times both on site and during arrivals and departures from the shelter.~~

~~3. A floor plan and set up of the space to be occupied shall be submitted along with a description of the prescreening agency and criteria.~~

~~A post set up, pre-shelter inspection shall be conducted by the City in order to determine compliance with applicable building, health, safety and fire regulations.~~

~~4. A church which is providing shelter for the first time, or which has not provided shelter in the last 18 months, shall provide the City with certification that written notice of the proposal has been given to properties within 300 feet of the shelter site. The host congregation is encouraged to hold a neighborhood meeting to inform residents of the proposal and answer questions well before the commencement date.~~

~~5. The shelter may be subject to closure for the violation of the standards or determination by the Zoning Administrator that the shelter guests have been the negligent or intentional cause of one or more neighborhood disturbances.~~

~~6. Shelter proposals beyond the limit noted in subsection (B)(1) of this section, including extensions, are considered conditional uses and may only be permitted by issuance of a conditional use permit. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2485 § 1, 1991; Ord. 2290 § 1, 1989; Ord. 2287 § 2, 1988; Ord. 2285 § 1, 1988; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(10)).~~

19.58.143 Emergency Shelters.

Consistent with Government Code Sections 65582, 65583(a), and 65589.5, all California cities are required to identify a minimum of one zone that permits emergency shelters by right. The purpose of this section is to establish standards to ensure that the development of emergency shelters does not adversely impact adjacent parcels or the surrounding neighborhood, and that they are developed in a manner that protects the health, safety, and general welfare of the nearby residents and businesses, and the character of the City of Chula Vista.

Emergency shelters may be allowed in the I-L industrial zone or an equivalent limited industrial zone within a City approved Sectional Planning Area plan or Specific Plan, subject to a non-discretionary Development Review Permit pursuant to Government Code Section 65583 (a)(4).

Emergency shelters may be allowed in the C-T thoroughfare commercial zone or an equivalent commercial zone or on land designated as "community purpose facilities" (CPF) within a City approved Sectional Planning Area plan or Specific Plan with an approved conditional use permit authorized in accordance with the provisions of CVMC 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090.

Emergency shelters are subject to the following standards. Emergency shelters operating for thirty (30) days or less in any 365-day period which are accessory uses to religious institutions or religious organizations are exempt from this section:

- A. No individual shall be denied emergency shelter because of an inability to pay.
- B. Emergency shelters shall be operated under the authority of a governing agency or private organization that provides, or that contracts to provide, emergency shelters and which, when required by law, is properly registered and licensed.
- C. Emergency shelters shall comply with applicable California Health and Safety Codes.
- D. Emergency shelters shall comply with all property development standards of the zone in which they are located, and in addition, no emergency shelter shall be located within three hundred feet of another such facility, said measurement being defined as the shortest distance between the outside walls of the structures housing such facilities.
- E. Parking shall be as required by [Chapter 19.62](#) “Off-Street Parking and Loading.”
- F. Each emergency shelter shall include, at a minimum, the following:
 - 1. Interior and exterior lighting necessary for security, safety, and operational purposes shall conform to the California Code of Regulations Title 24, Parts 2, 2.5 and 6 or any successor provisions as applicable in effect at the time the application is deemed complete. Exterior lighting shall be stationary, directed away from adjacent properties and public right-of-ways;
 - 2. If client intake is to occur on-site, there shall be an indoor client intake/waiting area equal to a minimum of ten square feet per bed provided at the facility. If an exterior waiting area is also provided, it shall be enclosed or screened from public view and adequate to prevent obstructing of the public right-of-way and required parking and access;
 - 3. Clean, sanitary beds and sanitation facilities, including showers and toiletries; and
 - 4. Segregated sleeping, lavatory and bathing areas if the emergency shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.
- G. At least one facility manager shall be on-site at all hours the facility is open and one hour prior to and after facility operating hours. At least one full-time equivalent employee shall be required to be on-site during facility operating hours for every 20 beds in the facility.

H. Emergency shelters may provide one or more of the following types of supportive facilities or services for the exclusive use or benefit of the shelter clients:

1. Central cooking and dining room(s);
2. Recreation areas, indoor and/or outdoors;
3. Laundry facilities for clients to wash their clothes;
4. Intake and administrative offices;
5. Counseling and other supportive services; or
6. Secure storage areas for bicycles and other personal possessions.

I. The agency or organization operating the shelter shall have a written Facility Management Plan consisting of, as applicable, provisions for staff training; neighborhood outreach; security; screening of residents to ensure compatibility with services provided at the facility; training, counseling, and treatment programs for residents, and facility information, including the number of persons who can be served nightly, the location of onsite waiting and intake areas, the provision of onsite management, and onsite security during hours of operation, as established in Government Code Section 65583 (a)(4)(A).

19.58.144 Qualified employee housing.

A. Qualified employee housing providing accommodations for six or fewer employees, pursuant to Health and Safety Code Section 17021.5 (b), shall be deemed a single-family dwelling and is allowed in residential zones. Qualified employee housing is subject to all municipal codes, regulations and other standards generally applicable to other residential dwellings of the same type in the same zone.

B. Qualified employee housing providing accommodations for seven or more employees and consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household, pursuant to Health and Safety Code Section 17021.6 (b), shall be deemed an agricultural land use and is allowed in such zones for agricultural use or an equivalent agricultural zone within a City approved Sectional Planning Area plan or Specific Plan. Qualified employee housing is subject to all municipal codes, regulations and other standards generally applicable to other agricultural activity in the same zone.

19.58.200 Labor camps.

~~No labor camp structure shall be located closer than 20 feet from any property line, and not closer than 50 feet from the front lot line. When adjoining an R zone, no structure shall be closer than 100 feet from the adjoining property line. The aggregate site area shall contain not less than 3,000 square feet of land area for each tent or trailer space or cabin or for each three workers, and no structure shall be closer than 10 feet from any other structure. A usable recreation area shall be provided for each labor camp, and shall contain not less than 200 square feet of area for each dwelling space or unit or each three workers. Access roads and parking areas shall have a~~

~~durable and dustless surface and areas shall be so graded as to dispose of all surface water accumulated within the area. A temporary certificate of occupancy will be issued for a period not to exceed one year, subject to renewal. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(19)).~~

19.58.265 Residence, single room occupancy (SRO).

Single room occupancy residences, as defined in CVMC 19.04.194.1 are allowed in multiple-family residential zones or an equivalent residential zone within a City approved Sectional Planning Area plan or Specific Plan, subject to Government Code Sections 65589.5 and 65583(c)(1). Single room occupancy residences are subject to all municipal codes, regulations and other standards generally applicable to multiple-family residential buildings in the same zone.

19.58.268. Residential facility

Residential facilities, as defined in CVMC 19.04.198.1, for six or fewer residents are allowed in residential zones or an equivalent residential zone within a City approved Sectional Planning Area plan or Specific Plan. Residential facilities for seven or more persons are allowed in any zone as an unclassified use with an approved conditional use permit and shall be authorized in accordance with the provisions of CVMC 19.14.030 (A), subject to the following standards:

A. If the residential facility consists of individual dwelling units, the maximum density shall not exceed the maximum permitted residential density of the applicable zone.

B. Only one residential facility may be permitted per lot or premises.

C. Residential facilities are not permitted three hundred (300) feet from another licensed residential facility with said measurement being defined as the shortest distance between the outside walls of the structures housing such facilities; provided, however, that residential facilities for the elderly, drug and alcohol treatment, foster family housing, or transitional shelter care facilities, as defined in Section 1502(A)(11) of the California Health and Safety Code, are exempt from the requirements of this Section 19.58.268(C).

D. The facility shall provide off-street parking spaces as required by CVMC 19.62.050 (34).

E. All units designed for people with disabilities shall comply with the standards of Title 24 of the California Code of Regulations, also known as the California Building Standards Code and the applicant must certify that units designed for people with disabilities complies with all applicable federal and state disabled persons accessibility requirements, including but not limited to the Federal Fair Housing Act, Section 504 of the Construction Act of 1973, Title II and/or Title III of the Americans with Disabilities Act of 1990, and the Uniform Federal Accessibility Standards.

F. Congregate dining facilities may be provided, subject to the following conditions:

1. Dining shall be limited to use by residents, guests, and employees of the individual facility; dining shall not be open to the public.

2. A separate service entrance to the kitchen with an adequate loading area shall be provided.

3. Congregate dining floor area shall not count toward calculation of any open space requirements.

G. The facility may include accessory retail and personal service uses appropriate for the population served and limited to use by residents, guests, and employees of the individual facility, subject to the permit requirements of the applicable zone.

1. "Accessory retail" uses are permitted on any site containing attached residential (for sale, rental or residential facility) exceeding the density of 20 dwelling units per net acre. The use may offer a limited selection of convenience goods and services for the daily needs of the residents. Examples may include, but are not limited to: mini-markets under 5,000 square feet; eating establishments, excluding drive throughs, under 3,000 square feet; retail shops, walk-up banks and/or automated teller machines, or drug stores under 2,000 square feet; and personal services under 2,000 square feet.

2. "Personal service" uses provide non-medical retail sales and services to individuals as a primary use. Examples may include: barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, pet grooming with no boarding, shoe repair shops, tailors, tanning salons, and travel agencies. Personal services does not include "Massage parlor", which is defined separately in this Section.

I. Approval must be obtained from applicable agencies concerning health and safety conditions, and said residential facility must be licensed by such agencies, as required.

J. If a conditional use permit is required, a business license must be obtained concurrently with the conditional use permit.

19.58.315 Supportive and transitional housing.

Supportive housing, as defined in CVMC 19.04.290.1, and transitional housing, as defined in CVMC 19.04.299, are allowed in residential zones or an equivalent residential zone within a City approved Sectional Planning Area plan or Specific Plan pursuant to [Government Code Section 65583\(a\)\(5\)](#), and subject to all municipal codes, regulations and other standards applicable to other residential dwellings of the same type in the same zone.

P. Chapter 19.62 "Off-Street Parking and Loading," Section 19.62.050 "Number of spaces required for designated uses" is hereby amended to revise and add the required parking for large bedroom dwelling units, efficiency living units, emergency shelters, qualified employee housing, and residential facilities and renumber accordingly, as follows:

19.62.050 Number of spaces required for designated uses.

In the case of any building, structure or premises, the use of which is not specifically mentioned herein, or in the opinion of the approving authority is not similar to any use found herein, the

approving authority may apply a ratio based on a similar existing use ~~not~~ found herein. In computing parking requirements, a resultant fractional space of one-half shall count as a full space.

The number of off-street parking spaces required shall be as set forth in the following:

Businesses or Use and Number of Spaces Required

...11. Dwellings, single-family, duplex:

Two for each family or dwelling unit; both spaces shall be in a garage with a minimum area of 400 square feet (see Chapter 19.22 CVMC for remodeling of garages).

One additional for each bedroom over four bedrooms.

...13. Dwellings, multiple, supportive housing or transitional housing:

One per unit for each efficiency living unit or single room occupancy residence.

One and one-half per unit for each ~~studio or~~ one-bedroom dwelling unit apartment.

Two per unit for each two-bedroom dwelling unit apartment.

Two per unit for each three-bedroom dwelling unit or larger apartment.*

One additional for each bedroom over four bedrooms.

*For every 10 parking spaces required, one of this total may be a “compact” space.

...19. ~~Hotels, motels, motor hotels~~:

One space for each living or sleeping unit, plus one space for every 25 units, or portion thereof, to be provided on the same lot.

...32. Emergency shelters:

One for every five beds, one for each one and one-half persons employed at one time in the normal operation of the establishment, and one loading space for delivery services.

33. Qualified employee housing:

Qualified employee housing for six or fewer persons shall have the same number of spaces required for residential dwellings. Qualified employee housing for seven or more persons shall have one for every three beds, one for each one and one-half persons employed at one time in the normal operation of the establishment, and one loading space for delivery services.

34. Residential facilities:

Residential facilities for six or fewer persons shall have the same number of spaces required for residential dwellings. Residential facilities for seven or more persons shall have one for every five (5) beds, one for each person employed at one time in the normal operation of the establishment, and one loading space for delivery services. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2584 § 7, 1994; Ord. 2132 § 1, 1985; Ord. 1856 § 1, 1979; Ord. 1531 § 2, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.801(E)).

Section III. Severability

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

Section IV. Construction

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

Section V. Effective Date

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

Section VI. Publication

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

Presented by:

Approved as to form by

Kelly G. Broughton, FASLA
Director of Developmental Services

Glen R. Googins
City Attorney