



CITY COUNCIL AGENDA STATEMENT



October 16, 2018

File ID: 18-0410

TITLE

- A. 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 (FIRST READING)
- B. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 15.20 "HOUSING CODE" TO DEFINE SINGLE ROOM OCCUPANCY RESIDENCES, TO REDEFINE HOTEL/MOTEL, AND TO REQUIRE AN ANNUAL HOUSING PERMIT FOR SINGLE ROOM OCCUPANCY RESIDENCES (FIRST READING)

RECOMMENDED ACTION

Council conduct the public hearing and place the ordinances on first reading.

SUMMARY

The item for consideration is an amendment to various sections of the Chula Vista Municipal Code (CVMC) related to emergency shelters, transitional and supportive housing, single room occupancy (SRO) residences, qualified employee housing (primarily agricultural employees), and licensed residential facilities to comply with State law and implement those goals, objectives, policies and programs of the City's 2013 Housing Element as certified by the State Department of Housing and Community Development. Amendments to the CVMC are required 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. Staff has prepared draft amendments to include updated and/or new definitions for emergency shelters, single room occupancy residences, transitional and supportive housing, residential facilities, and qualified employee housing and objective standard procedures for the

development and permitting of such supportive residential land uses and greater clarification or repeal of other definitions of similar land uses such as hotels, motels, efficiency apartments, and labor camps.

ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the Ordinances for compliance with the California Environmental Quality Act (CEQA) and has determined that the adoption and implementation of the Ordinances amending [Title 19 “Planning and Zoning”](#) of the Chula Vista Municipal Code (Municipal Code) and [Municipal Code Chapter 15.20 “Housing Code”](#) are not Projects 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, without limiting the foregoing, the Development Services Director has also determined that the adoption and implementation of the Ordinances 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 and amending [Chapter 15.20](#) to define single room occupancy residences, to redefine hotel/motel, and to require an annual housing permit for single room occupancy residences 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.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

On September 26, 2018, in a joint meeting, the City of Chula Vista Planning Commission voted 5-0-0 and the Housing Advisory Commission voted 5-0-0 recommending adoption of both Ordinances A, with the Planning Commission offering recommendations as discussed below, and B to the City Council (Attachments 1-4).

DISCUSSION

California State law requires local jurisdictions to facilitate and encourage a variety of housing types including multi-family rental housing, factory built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing and address and remove constraints to the maintenance, improvement and development of housing for persons with disabilities (reference [Government Code § 65583](#) (c)(1) and (3)). As such, the City adopted the 2013-2020 Housing Element, which identified the need to review, and if necessary to revise, the CVMC to comply with Federal and State law and to successfully implement the City’s Housing Element.

Staff has prepared text amendments to revise various sections of the CVMC, specifically, [Title 19 “Planning and Zoning”](#) and [Chapter 15.20 “Housing Code”](#) to address compliance with state laws governing supportive residential land uses as follows:

- Emergency Shelters
- Transitional Housing
- Supportive Housing
- Single Room Occupancy (SRO) Residences
- Licensed Residential Facilities
- Qualified Employee Housing (primarily Agricultural Employees)

The subject text amendments would revise the municipal regulations to accomplish the following:

1. Define emergency shelter, and allow emergency shelters by right within the Limited Industrial (I-L) zone and as a conditional use within the Thoroughfare Commercial (CT) zone and as a community purpose facility (Government Code § [65582](#) (j) and [65583](#) (a)(4)).
2. Define transitional and supportive housing and subject only to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code § [65582](#) (g) and (j) and [65583](#) (a)(5)).
3. Define qualified employee housing (primarily for agricultural employees) and permit as an agriculture use subject only to those restrictions that apply to agricultural uses in the same zone, and permit qualified employee housing for six or fewer employees in all residential zones, subject only to those standards generally applicable to single-family dwellings (Health & Safety Code § [17021.5](#) (b) and [17021.6](#) (b)).
4. Define single-room occupancy residences and permit within the R-3 Apartment Residential zone ([Government Code § 65583](#) (c)(1)) and include single room occupancy residences under the City's Housing Code requiring an annual housing permit.
5. Define licensed residential facilities, permit facilities for six or fewer people in all residential zones, and permit facilities for seven or more people as an unclassified use subject to a conditional use permit ([Government Code § 65583](#) (c)(3), Federal Fair Housing Act Amendments and California Fair Employment and Housing Act).

State of California Policy Objectives & Laws

The State of California has identified housing affordability in California to be an urgent issue, where a majority of renters (over 3 million households) pay more than 30 percent of their income towards rent and nearly one-third (over 1.5 million households) spend more than 50 percent of their income on rent. Homelessness is an increasing concern at the national, state and local level with California driving the dramatic increases in homeless. According to the 2017 Point in Time Count, over 25% of the nation's homeless live in California (approximately 114,000).

With growth in California's population but even larger increases in housing costs beyond what most can afford and recognizing the most basic need for every Californian is a home, the State of California has added regulations and new incentives and resources to facilitate the delivery of housing. Over the years and most recently in 2017, the State has passed legislation to address the housing crisis through local land-use processes and to ensure that every city and county shares in the responsibility of planning, facilitating and encouraging housing for all economic segments of the community.

More specifically, [Senate Bill 2 \(SB 2\)](#) enacted in 2007 clarifies and strengthens housing element law to require local zoning codes address and plan for emergency shelters, transitional housing, supportive housing, and farmworker/employee housing for jurisdictions with an agriculture zone. State Government Code also limits the reasons a city can deny a housing development for very low or low-income households and emergency shelters and transitional and supportive housing under the Housing Accountability Act ([Government Code §65589.5](#)). Written findings based on evidence that such development would be detrimental to health & safety of the public using objective standards versus subjective criteria are required in order to deny such projects.

The following are key elements of Housing Element law and the Housing Accountability Act:

Key Elements	Reference
<ul style="list-style-type: none"> ▪ Definitions of emergency shelters, transitional housing, and supportive housing 	Government Code § 65582 (d), (g), and (j)
<ul style="list-style-type: none"> ▪ Requirements to permit emergency shelters by right, without a Conditional Use Permit (CUP), Planned Unit Development (PUD) or other discretionary action within identified zones and only subject to those development and management standards that apply to residential or commercial development within the same zone. A jurisdiction may apply limited written and objective standards, such as parking, lighting, size, and other criteria as set forth in the law. 	Government Code § 65583 (a)(4)
<ul style="list-style-type: none"> ▪ Requirements to permit transitional and supportive housing as residential uses subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. 	Government Code § 65583 (a)(5)
<ul style="list-style-type: none"> ▪ Zoning that permits qualified employee housing use by right. Employee housing shall be deemed an agriculture use and no conditional use permit or other zoning clearance shall be required that is not required of any other agricultural activity. 	Government Code § 65583 (c)(1)(B) Health & Safety Code § 17021.5 (b) and 17021.6 (b)

Key Elements	Reference
<ul style="list-style-type: none"> ▪ Jurisdictions cannot disapprove a housing development project for very low-, low- or moderate-income households, including farmworker or emergency shelters or condition approval so as to make such project infeasible, including through the use of design standards, if the project is consistent with objective and identified written standards, policies or conditions and unless it makes specified written findings, based upon a preponderance of evidence in the record. 	Government Code § 65589.5 (d), (j)

The City’s General Plan 2013-2020 Housing Element was adopted by the City Council and certified by the State of California Housing and Community Development (HCD) on May 15, 2013 based on, among other things, programs and actions necessary for compliance with [Government Code § 65580 et seq.](#)

On May 7, June 27, and August 8, 2018, HCD issued correspondence to the City requesting status updates on the City’s progress towards implementing its Housing Element to comply with Government Code requirements. HCD is currently monitoring the City’s progress towards adopting the subject text amendments and has requested documentation by November 1, 2018 demonstrating that all required changes have been implemented. If the City does not meet this schedule, HCD may issue a 30-day notice to the City beginning the process to revoke its finding of housing element compliance and it may ultimately “de-certify” the City’s Housing Element.

Emergency Shelter

With the passage of [SB 2](#) in 2007 amending sections [65582](#), [65583](#), and [65589.5](#) of the Government Code, local jurisdictions must identify a zone where a year-round emergency shelter is permitted by right. Currently, the City’s Planning and Zoning Code only addresses temporary shelter for the homeless as accessory to a church use subject to compliance with certain standards ([CVMC 19.58.110](#)) and is not in compliance with the requirements of [SB 2](#).

In order to comply with [SB 2](#), the proposed Ordinance amends the Planning and Zoning Code to establish and define an emergency shelter in accordance with the State’s definition ([Health and Safety Code § 50801 \(e\)](#)) which is as follows:

“Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.”

Specifically, per [Government Code § 65583](#) (a)(4) local jurisdictions may apply the following development standards:

“The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management

standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

- (i) The maximum number of beds or persons permitted to be served nightly by the facility.
- (ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- (iii) The size and location of exterior and interior onsite waiting and client intake areas.
- (iv) The provision of onsite management.
- (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.
- (vi) The length of stay.
- (vii). Lighting.
- (viii). Security during hours that the emergency shelter is in operation.

The proposed ordinance would amend the Chula Vista Municipal Code's Limited Industrial (I-L) zones to include emergency shelters as a permitted use and allow them within the Thoroughfare Commercial (C-T) zone with a conditional use permit. Location within these zones is consistent with the location of other transient uses such as hotels and motor motels. Both the I-L and C-T zones are at an appropriate density such that the development of emergency shelters sufficient to meet the demand identified in the Housing Element are feasible. In addition, these areas are well served by public transit and near services. The I-L zone provides for less sensitive neighboring uses and provides larger and more opportunistic sites than commercial zones. As part of the certification of the 2013 Housing Element, industrial zones within Chula Vista were identified as appropriate zones to permit emergency shelters. In its review of SB 2 compliance of various localities, staff also analyzed which zones were selected for emergency shelters. There is no consistent location, with some jurisdictions choosing commercial zones, others residential, and others choosing light industrial zones as the appropriate location for an emergency shelter.

The proposed ordinance also sets forth objective performance standards consistent with [SB 2](#) and will require a facility management plan to be submitted and approved, location restrictions limited to 300 feet from another emergency shelter and other standards specifically referenced in [Government Code § 65583 \(a\)\(4\)](#) discussed above. Off-street parking will be required at a rate of one parking space for every five beds, consistent with the median parking requirements found in southern California. Additionally, 1.5 parking spaces for employees and one loading space for deliveries will be required. Such parking requirements for employees and loading is consistent with standards provided for other uses within the I-L zone (e.g. wholesale establishments, warehouses, service and maintenance centers, communication equipment buildings, manufacturing plants, research or testing laboratories, and bottling plants).

Currently, the City's Planning and Zoning Code within [CVMC Section 19.58.110](#) addresses emergency shelters as a temporary and accessory use for churches or other religious institutions, limiting such shelters to twice a year, with a maximum of 12 guests and applying inspection and noticing requirements.

In conformance with [SB 2 \(Government Code § 65583 \(a\)\(4\)\)](#) and the Religious Land Use and Institutionalized Persons Act (RLUIPA), Pub.L. 106–274, codified as [42 U.S.C. § 2000cc et seq.](#), the proposed Ordinance amends [CVMC Section 19.58.110](#) to exempt temporary emergency shelters operating for 30 days or less within a one-year period which are accessory to a religious institution from any requirements. For those permanent emergency shelter operations which are considered accessory to a religious institution, the Ordinance proposes limited standards such as compliance with Health and Safety and Building Codes, limitation of stay to 60 days, no more than 12 occupants in those emergency shelters within a residential zone and inclusion of the shelter within the Conditional Use Permit for such religious institution.

Transitional Housing and Supportive Housing

[SB 2](#) also requires that local jurisdictions ensure that transitional and supportive housing is regulated consistent with comparable residential uses. The law requires that such developments be subject only to those restrictions that apply to residential uses of the same type in the same zone. Chula Vista’s current Planning and Zoning Code contains no definition for transitional or supportive housing, nor does it include guidelines addressing their development. In order to comply with [SB 2](#), staff recommends that the City amend its Planning and Zoning Code to include definitions for both transitional and supportive housing and provide appropriate standards for their development.

Transitional housing is designed to assist individuals and families in developing the skills necessary to achieve independent living. The proposed ordinance defines transitional housing in accordance with the State law ([Government Code § 65582 \(j\)](#)) as follows:

“Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall not be less than six months from the beginning of the assistance.”

Supportive housing is permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives. Typically, a part of the housing is targeted to people who have risk factors such as homelessness, or health challenges, such as mental illness or substance addiction. The proposed ordinance defines supportive housing in accordance with the State law ([Government Code § 65582 \(g\)](#)) as follows:

“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.” “Target population” means persons with low incomes who have one or more disabilities as described in [Section 65582 \(i\)](#) of the State Government Code.”

This housing may include apartments, single room occupancy residences, or single-family homes. The proposed ordinance would amend the CVMC to allow transitional and supportive housing where other like-residential uses are permitted.

Single-Room Occupancy (SRO) Residence

With the passage of [Assembly Bill 2634](#) (2006), local jurisdictions are now required to plan for a variety of housing types at all income levels, including provisions to accommodate Single Room Occupancy (SRO) residences. Chula Vista's current Planning and Zoning Code does not define, nor does it directly address the development of SRO residences but does address and permit efficiency living units as a multi-family residential land use. In order to comply with the requirements of [AB 2634](#), the City must amend its Planning and Zoning Code to establish and define this use and provide objective performance standards.

An SRO dwelling is typically a small rental unit with limited facilities, intended for single occupancy and as a primary residence. The proposed ordinance defines single room occupancy residences in accordance with State law ([Health & Safety Code § 17958.1](#) (a) regarding efficiency units) as follows:

“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.”

As a new residential land use, amendments to [CVMC Chapter 15.20](#) are proposed to include the definition of the SRO land use and to require an annual housing permit for such residences.

SROs may be constructed in a manner similar to, or occupy existing, multi-family buildings, motels, or hotels. As a result, parcels zoned for higher densities are the appropriate locations for SRO residences. Therefore, SROs are proposed as a permitted residential use within the R-3 Apartment Residential Zone.

Parking is proposed at one space for each unit/residence. The proposed standard is consistent with standards provided for smaller types of uses such as hotels/motels and boarding/rooming houses requiring one parking space per room.

Qualified Employee Housing (primarily Agricultural Employees)

The State requires that local jurisdictions with agriculture land use designations provide housing opportunities for employees through local zoning regulations. [Health and Safety Code Section 17021.5](#) generally requires that qualified housing for six or fewer employees be considered a single-family dwelling with a residential land use designation. [Health and Safety Code Sections 17021.6](#) states that qualified housing for seven (7) or more employees is considered to be an agricultural land use designation. Therefore, no conditional use permit, zoning variance, or other zoning clearance shall be required for employee housing that is not required of any other agricultural activity within the same zone.

Currently, the City's Planning and Zoning Code addresses living quarters of persons regularly employed on the premises and transient labor, with a maximum of two families as an accessory use or building within an agricultural zone ([CVMC 19.20.030.A](#)). Furthermore, under [CVMC 19.58.200](#), development regulations are provided for such housing including distance from property lines and structures, minimum land areas for each tent or trailer space or cabin for each three workers, usable recreation area, access roads and parking areas and issuance of a temporary certificate of occupancy issued for a period not to exceed one year, subject to renewal.

In order to comply with sections 17021.5 and 17021.6 of the Health and Safety Code, the proposed Ordinance amends [CVMC Title 19 “Planning and Zoning”](#) to include definitions of the term “qualified employee housing;” and to add such housing as a permitted use in the Agricultural Zone ([CVMC Chapter 19.20](#)). Consistent with other provisions of that chapter, qualified employee housing should be subject to a Site Development Review.

Off-street parking will be required at a rate of one parking space for every three beds, consistent with the parking requirements found in other local communities. Additionally, 1.5 parking spaces for employees and one loading space for deliveries will be required. Such parking requirements for employees and loading is consistent with standards provided for other uses (e.g. wholesale establishments, warehouses, service and maintenance centers, communication equipment buildings, manufacturing plants, research or testing laboratories, and bottling plants).

Licensed Residential Facilities

Both federal and State fair housing laws, along with State Planning and Zoning laws ([Government Code Section 65008](#)), provide protection for residential facilities serving persons with disabilities. The Lanterman Developmental Disabilities Services Act also declares disabled persons are entitled to live productive and independent lives in the communities in which they live.

In accordance with State law, licensed residential facilities for six or fewer persons are a permitted use in all residential zones and must be treated like other residential uses occurring within the same zone. The following State statutes require that small (serving six or fewer persons) licensed group homes be treated like other residential uses and include: facilities for persons with disabilities and other facilities (Welfare & Inst. Code 5116), residential health care facilities (Health & Safety Code 1267.8, 1267.9, & 1267.16), residential care facilities for the elderly (Health & Safety Code 1568.083 - 1568.0831, 1569.82 - 1569.87), community care facilities (Health & Safety Code 1518, 1520.5, 1566 - 1566.8, 1567.1), pediatric day health facilities (Health & Safety Code 1267.9;1760 - 1761.8), and facilities for alcohol and drug treatment (Health & Safety Code 11834.23).

The proposed ordinance seeks to define residential facilities in accordance with the State law ([Health and Safety Code Section 1502\(a\)\(1\)](#)) as follows:

“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.”

The proposed ordinance would amend [CVMC Chapter 19.54](#) to include residential facilities for seven or more persons as an unclassified use permitted in any zone with an approved conditional use permit and a requirement to obtain applicable state licenses and approvals and a Chula Vista business license. Off-street parking is proposed at a rate of one parking space for every five beds, consistent with the parking requirements found in other local communities. Additionally, 1.5 parking spaces for employees and one loading space for deliveries will be required. Such parking requirements for employees and loading is consistent with standards provided for other uses (e.g. wholesale establishments, warehouses, service and

maintenance centers, communication equipment buildings, manufacturing plants, research or testing laboratories, and bottling plants).

Through its CUP process, the City has the ability to impose additional conditions of approval as it deems necessary to ensure that the project would not be detrimental to surrounding properties/uses.

Other Amendments

In light of the proposed amendments to allow for these supportive residential uses, staff is also proposing to address similar land uses for the purposes of providing greater clarification and standards that are objective and encourage and facilitate the development of a variety of housing types to meet the diverse and growing needs of residents.

Staff is recommending that similar uses such as motor hotels, motels and hotels be defined as a single land use (hotel/motel). An amendment to [Chapter 15.20 "Housing Code"](#) would also be necessary to provide a consistent definition of hotel/motel with the City's Planning and Zoning Code. With the establishment of qualified employee housing, references to transient labor accommodations (e.g., camps) should be removed.

Given the current real estate market, with high costs of housing and a greater demand for housing, homes are being proposed with a large number of bedrooms, or existing homes are being remodeled to add additional bedrooms to accommodate larger households (e.g. roommates, multi-generational households, and other shared households). To address parking impacts that may result from homes with a larger number of bedrooms that accommodate larger households with potentially more drivers with personal vehicles, staff is recommending greater parking requirements for those residences providing five or more bedrooms.

As proposed, one additional parking space beyond the standard residential parking requirement would be required for each bedroom greater than four. For example, a five bedroom single family home would need to provide two parking spaces within a garage and one additional on-site space for the fifth bedroom. If six bedrooms were proposed, two additional on-site parking spaces would be required and so forth.

The Planning Commission recommended that staff investigate and report to the City Council whether certain parking exceptions should be allowed for those homes with a large number of bedrooms that are located near transit consistent with public policies aimed at reducing greenhouse gas emissions by encouraging active transportation and transit usage rather than private automobiles. Currently, the City's Accessory Dwelling Unit (ADUs) ordinance, consistent with State Law, exempts such housing within ½ mile radius of public transit from additional parking requirements. California Government Code Section 65915 (aka Density Bonus law), provides a minimum parking standard of 0.5 parking spaces per bedroom or unit for affordable housing within ½ mile of a major transit stop, service with a frequency interval of 15 minutes or less during peak commute periods. All transit stops/stations in Chula Vista are considered a major transit stop. The State of California's [Affordable Housing and Sustainable Communities Program](#) "AHSC", with a specific purpose to reduce greenhouse gas emissions, funds only those transit oriented housing developments located within one-half (½) mile from a transit station/stop served by high quality transit.

High quality transit requires a frequency interval of service of 15 minutes or less during the peak period but also requires service seven days a week and permanent infrastructure for the service, either a railway or features of bus rapid transit with use of dedicated travel lanes for buses and high occupancy vehicles.

Staff recommends that no exemption from the proposed parking requirement for five or more bedrooms be allowed anticipating a greater need for parking created by such larger homes. Should the City Council wish to exempt large bedroom units located near transit from the additional parking requirements, staff would recommend using a standard of ½ mile from a transit station/stop served by high quality transit as the threshold to qualify for an exemption from the additional parking requirements applied to homes with five or more bedrooms (Attachment 5). This would exempt those units located within transit oriented development areas. Such projects would still be required to provide parking consistent with any of the applicable standard parking requirements.

Public Outreach:

Information regarding the proposed amendments to the CVMC was made available to the public through the Development Services Housing Division’s website at www.chulavistaca.gov/housing. Additionally, a draft of the proposed Supportive Residential Land Use Ordinance updating the Planning and Zoning Code was made available to review at the following locations:

- Civic Center Library (365 F St)
- South Chula Vista Library (389 Orange Ave)
- Development Services Department – Front Counter Bldg B & Housing Division Building C (276 Fourth Ave)
- City Clerk’s Office (276 Fourth Ave)

Several opportunities were provided for the community and interested parties to learn about and provide input on the proposed amendments to the Chula Vista Municipal Code Update and included the following:

- Housing Advisory Commission Wed, January 25, 2017
- Development Oversight Committee August 22, 2018
- Community Meetings September 13 and 17, 2018
Spanish interpretation was made available upon request at 619-691-5047
- Chula Vista Community Collaborative Tues, September 11, 2018
- San Diego Housing Federation Policy Subcommittee Wed, September 12, 2018
- Joint Meeting of the Planning Commission and Housing Advisory Commission Wed, September 26, 2018

Noticing and advertisement of the community meetings and actions before legislative bodies included the following:

- Display ad published in the Star News on Friday, September 7 and 14, 2018;
- Direct mailings to 25 persons/organizations;

- Distribution of invitations and notices via electronic mail from the City to nearly 250 persons/organizations;
- Email blasts directly from Chula Vista Community Collaborative, San Diego Housing Federation, Southwest Civic Association and Crossroads II to their members;
- Posting of the meetings through the City’s social media (e.g., Facebook);
- Information on the City’s website (e.g. City Calendar and DSD Housing Division); and,
- Posting of flyers at key City facilities (libraries and City Hall) within Chula Vista.

A total of twenty-six persons were in attendance at the two informational meetings held on Thursday, September 13, 2018 at 6 pm and Monday, September 17, 2018 at 10 am. A copy of the comments and responses was made available on the City’s Housing Division website at www.chulavistaca.gov/housing and was emailed to those attendees who provided email addresses.

A detailed description of the public participation process and the comments received are attached (Attachment 6).

Conclusion

The proposed amendments to CVMC Code Chapter 15.20 “Housing Code” and Title 19 “Planning and Zoning,” drafted in conjunction with the legal counsel of Goldfarb & Lipman, and through its public outreach process, will comply with State Housing Element law and Fair Housing laws by addressing the critical need for affordable housing and is consistent with the City’s and state’s goals of providing affordable housing opportunities and maintaining safe, vibrant, and livable communities.

It must be noted that updates related to emergency shelters are time sensitive and will require immediate action. Per Senate Bill 2 (Cedillo, 2007), local jurisdictions must amend their Zoning Ordinances to permit emergency shelters by right in at least one zoning district within one year of the adoption of their Housing Elements. The City has been working over the years to draft such amendments. Within the past few months, City staff has been working directly with State HCD and providing updates as to progress in amending its Zoning Code. The City has received notification from the State that compliance is required by November 1, 2018, or HCD may begin the process to de-certify the City’s Housing Element.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov’t Code § 87100, *et seq.*).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

LINK TO STRATEGIC GOALS

The City’s Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The Ordinances support the

Strong and Secure Neighborhoods and the Connected Community goals as they seek to lower barriers to facilitate and encourage varied residential development to meet growing and diverse housing needs and priorities of Chula Vista residents.

CURRENT-YEAR FISCAL IMPACT

All staff costs associated with preparing the Ordinances is included in the adopted budget.

ONGOING FISCAL IMPACT

As a planning document, the adoption of Ordinances A and B will have no direct fiscal impact to the City. However, as projects are implemented both a revenue stream and cost factors will be realized. As implementation of Ordinances A and B occurs, additional information regarding specific fiscal impacts of future individual projects will be evaluated.

ATTACHMENTS

1. Planning Commission Resolution MPA18-0009
2. Housing Advisory Commission Resolution HA18-0003
3. Planning Commission Resolution MPA18-0011
4. Housing Advisory Commission Resolution HA18-0004
5. Alternative Exemption to Parking Requirement for Homes with Five (5) Bedrooms or more
6. Public Participation Process

Staff Contact: Leilani Hines, Housing Manager