

ORDINANCE NO. _____

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

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 adopted on April 23, 2013 its 2013-2020 Housing Element of the General Plan that 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 contained in this Ordinance to City of Chula Vista Municipal Code Chapter 15.20 “Housing Code,” to define single room occupancy (SRO) residences, redefine hotel/motel and to require an annual housing permit for SRO residences, with SRO permit fees to be set by the City’s master fee schedule, address the required amendments; 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 Chapter 15.20 of Title 15 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 Director of Development Services has also determined that the adoption and implementation of the Ordinance amending Chapter 15.20 “Housing Code” of Title 15 of the Municipal Code 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. 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;

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. MPA18-0011 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. 18-004 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 2018-0011) 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 Amendment is in the best interest of the public because it ensures operations for healthy living environments for guests and surrounding communities. The Amendment includes, but is not limited to, defining single room occupancy residences, redefining hotel/motel, and requiring an annual Housing Permit for single room occupancy residences.

Section II. Amendment of Chula Vista Municipal Code Title 15 (Buildings and Construction)

This Ordinance amends Municipal Code Chapter 15.20 “Housing Code” to define single room occupancy (SRO) residences, redefine hotel/motel and to require an annual housing permit for single room occupancy residences, with SRO permit fees to be set by the City’s master fee

schedule. (Added text is shown in underline format, and deleted text is shown in strike-through format.)

A. Section 15.20.002 “Definitions” is hereby amended to add, and renumber accordingly, the definitions of “Single Room Occupancy Residence (SRO)”, and redefine “Hotel/motel, as follows:

15.20.002 Definitions.

For the purpose of this chapter, unless otherwise expressly stated, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. “Guestroom” means a sleeping room in a hotel/motel designed and intended to be used as lodging for transient visitors to the City as documented by the City Building Official or his designee;

B. “Hotel/motel” means any building or group of buildings ~~or facility, containing~~ comprised of six or more guestrooms or suites of rooms, where a majority of such rooms are ~~which is~~ occupied, ~~or~~ 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 (not including hospitals, residential facilities, qualified employee housing, boarding or lodging house or single room occupancy residences ~~convalescent home or sanitarium;~~

C. “Residential rental unit” means an apartment house, single room occupancy residence, boarding or lodging house, or dwelling that is not owner occupied;

D. “Single room occupancy residence (SRO)” means a rooming unit or efficiency living unit located in a building containing six or more dwelling units 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.

~~D~~E. “Toilet room” means a room that can be made private by locking a door that contains a toilet and shall comply in all ways with the California Building Codes in effect upon its construction. Toilet rooms may also contain lavatories, bathtubs or showers;

~~E~~G. “Transient” as defined in CVMC 3.40.020. (Ord. 3041 § 1, 2006).

B. Section 15.20.040, Section 304 is hereby amended to add single room occupancy residences as a residential use requiring an annual housing permit, as follows:

Section 15.20.040, Section 304 added to require annual housing permit.

Section 304, and the title precedent thereto, is added to the Uniform Housing Code, as it applies in Chula Vista, which section shall read as follows:

Annual Housing Permit.

Section 304.1 It shall be unlawful for any person, firm, partnership, or corporation, either for himself or itself, or for any other person, firm, partnership, or corporation to own or operate an apartment house, boarding or lodging house, ~~or~~ hotel/motel, or single room occupancy residence without first obtaining a housing permit therefor.

Section 304.2 The annual housing permit provided for in this code shall be due and payable to the city of Chula Vista on the first day of January of each year in advance. The housing permit fee shall be paid concurrently with the business license fee.

Section 304.3 If any person, firm, partnership or corporation commences the operation of an apartment house, boarding or lodging house, ~~or~~ hotel/motel, or single room occupancy residence during the calendar year, the housing permit shall be prorated on a quarterly pro rata basis for the calendar year.

Section 304.4 A permit to operate and maintain an apartment house, boarding or lodging house, ~~or~~ hotel/motel, or single room occupancy residence is not transferable.

C. Section 15.20.050, Section 305 is hereby amended to add single room occupancy residences as a residential use subject to payment of housing permit fees set by the City's master fee schedule, as follows:

15.20.050 Section 305 added to require housing permit fees to be set by City's master fee schedule.

Section 305, and the title precedent thereto, is added to the Uniform Housing Code, as it applies in Chula Vista, which section shall read as follows:

Housing Permit Fees – Residential Rental Units, Apartment Houses, Boarding or Lodging Houses, ~~Hotels/and Motels~~, or Single Room Occupancy Residences.

Section 305.1 The fee for a housing permit required by Section 304 of this code shall be as presently designated, or as it may hereafter be amended, as set forth in the master fee schedule of the city of Chula Vista.

For the purpose of this section, a "unit" shall mean each rental dwelling in an apartment house or single room occupancy residence, each sleeping room in a hotel, motel, and boarding or lodging house, and each rental dwelling unit~~apartment~~ and each hotel/motel sleeping room in a building containing both apartments and hotel/motel sleeping rooms.

Separate residential rental dwelling units and separate hotel/motel buildings, or combination thereof, located upon a single parcel of land or contiguous parcels of land, under the same ownership, shall be treated as one ~~apartment house~~residential rental building, or hotel/motel, for the purpose of computing the fee prescribed by this section.

Section 305.2 Penalty for Delinquent Payment. If the housing permit is not paid on or before the thirtieth day of the month following the date when it became due, then a penalty in an amount equal to twenty-five percent of the permit fee due and payable shall be added thereto, and no such permit shall be issued until such penalty has been paid.

Section 305.3 The ~~assistant director of planning and building~~Development Services Director shall cause to be made such inspections, at such intervals, as shall be deemed necessary to insure compliance with the provisions of this code.

D. Section 15.20.060, Section 306 is hereby amended to add SRO residence as a residential use subject to the requirements for an annual housing permit, as follows:

15.20.060 Section 306 added to require suspension or revocation of annual housing permit where operation is nonconforming.

Section 306, and the title precedent thereto, is added to the Uniform Housing Code, as it applies in Chula Vista, which section shall read as follows:

Suspension and Revocation of Housing Permit.

Section 306 Whenever it is found that any apartment house, boarding or lodging house, hotel or motel, or single room occupancy residence is not being conducted in conformity with this code, the annual housing permit to operate shall be subject to revocation or suspension by the building official.

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