

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING COUNCIL POLICY 478-01 (PARTICIPATION BY PRIVATE DEVELOPERS IN THE FINANCING AND/OR INSTALLATION OF TRAFFIC SIGNALS) AND CHAPTER 16 (DEVELOPMENT AND IN-LIEU FEES) OF THE CITY'S MASTER FEE SCHEDULE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

WHEREAS, on August 18, 1978, the City Council adopted Council Policy 478-01 via Resolution No. 9221, establishing the Traffic Signal Fee to regulate the equitable contribution by private developers of residential, commercial and industrial uses in the financing and/or installation of traffic signals on public streets within the City; and

WHEREAS, Senate Bill 13 (Accessory Dwelling Units) was signed into law on October 9, 2019; and

WHEREAS, Senate Bill 13 prohibits the collection of development impact fees from Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) smaller than 750 square feet in size; and

WHEREAS, Senate Bill 13 requires development impact fees collected from ADUs and JADUs of 750 square feet or larger be proportional to the primary residence on a square footage basis; and

WHEREAS, pursuant to Chula Vista Municipal Code (CVMC) Section 19.58.023(A), JADUs may not exceed 500 square feet in size; and

WHEREAS, the City Council did previously place an ordinance implementing the development impact fee related provisions of Senate Bill 13, with respect to the City's Public Facilities Development Impact Fee Program, CVMC Chapter 3.50 on first reading; and

WHEREAS, the City Council will consider an ordinance in conjunction with this agenda item implementing the development impact fee related provisions of Senate Bill 13, with respect to the City's remaining development impact fee programs adopted by ordinance; and

WHEREAS, the City Council desires to implement the development impact fee related provisions of Senate Bill 13, with respect to the Traffic Signal Fee program, as shown in Exhibit 1, attached hereto and incorporated by reference as if set forth in full; and

WHEREAS, Chapter 16 (Development and In-Lieu Fees) of the City's Master Fee Schedule provides a consolidated listing of all of the City's development impact and in-lieu fee schedules, for ease of reference; and

WHEREAS, amendments to Chapter 16 to clarify the applicability of development impact and in-lieu fees to Accessory Dwelling Units and Junior Accessory Dwelling Units are recommended, as shown in Exhibit 2, attached hereto and incorporated by reference as if set forth in full; and

WHEREAS, the proposed activity has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Notwithstanding the foregoing, it has also been determined that the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines. Thus, no environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it does hereby amend Council Policy 478-01 (Participation by Private Developers in the Financing and/or Installation of Traffic Signals), as set forth in Exhibit 1 to this Resolution.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it does hereby amend Chapter 16 (Development and In-Lieu Fees) of the City’s Master Fee Schedule as set forth in Exhibit 2 to this Resolution.

Presented by

Approved as to form by

Kelly G. Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney