

RESOLUTION NO. MPA18-0010

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPT AN ORDINANCE AMENDING CHULA VISTA MUNICIPAL CODE SECTION 19.58.022 (ACCESSORY DWELLING UNITS); CHAPTER 19.26 (ONE AND TWO-FAMILY RESIDENCE ZONE); AND CHAPTER 19.28 (APARTMENT RESIDENTIAL ZONE) WITH REGARD TO ACCESSORY DWELLING UNITS

WHEREAS, on April 24, 2018, the City Council adopted Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Ordinance No. 3423, regulating ADU and JADU development; and

WHEREAS, Chula Vista Municipal Code (CVMC) Section 19.58.022(C)(9) requires a separate water and sewer connection for new detached ADUs; and

WHEREAS, since the ADU Ordinance went into effect, staff has heard customer concerns regarding the separate water and sewer connection requirement stating that this is cost prohibitive to build a new detached ADU; and

WHEREAS, staff reviewed the recently passed State laws AB 494 and SB 229 and found that these laws do not preclude jurisdictions from requiring a separate water and sewer connection for new detached ADUs; and

WHEREAS, staff surveyed several municipalities in the State and found that these municipalities do not require a separate water and sewer connection; and

WHEREAS, staff agrees that the separate water and sewer connection requirement for new detached ADUs may be cost prohibitive for property owners; and

WHEREAS, the ADU Ordinance will retain compliance with State law with the removal of the separate water and sewer connection requirement; and

WHEREAS, staff made additional minor amendments to clarify content in certain sections in the ADU Ordinance; and

WHEREAS, staff found some minor grammatical errors in the ADU Ordinance that need to be corrected; and

WHEREAS, staff prepared said minor amendments to the ADU Ordinance; and

WHEREAS, the Director of Development Services reviewed the proposed legislative action for compliance with the California Environmental Quality Act (CEQA) and determined that the action is not a "Project" as defined under Section 15378 of the State CEQA Guidelines;

therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the action is not subject to CEQA. In addition, notwithstanding the foregoing, the Director of Development Services has also determined that the action qualifies for an Exemption pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Therefore, no further environmental review is required; and

WHEREAS, a hearing time and place was set by the Planning Commission to consider the minor ADU Ordinance amendments 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 (10) days prior to the hearing; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider said minor ADU Ordinance amendments at the time and place as advertised in the City Council Chambers, 276 Fourth Avenue, and said hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the City Council of the City of Chula Vista adopt an ordinance amending Chula Vista Municipal Code Section 19.58.022 (Accessory Dwelling Units); Chapter 19.26 (One and Two-Family Residence Zone); and Chapter 19.28 (Apartment Residential Zone) with regard to Accessory Dwelling Units.

BE IT FURTHER RESOLVED THAT a copy of this Resolution be transmitted to the City Council.

Presented by:

Approved as to form by:

Kelly Broughton, FSLA
Director of Development Services

Glen Goggins
City Attorney

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF
CHULA VISTA, CALIFORNIA, this _____ day of _____, 2018, by the following vote,
to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabe Gutierrez, Chair

ATTEST:

Patricia Salvacion, Secretary