



CITY COUNCIL AGENDA STATEMENT



December 11, 2018

File ID: ~~18-0464~~
18-0556

TITLE

ORDINANCE OF THE CITY OF CHULA VISTA 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 (SECOND READING AND ADOPTION)

RECOMMENDED ACTION

Council adopt the ordinance.

SUMMARY

On April 24, 2018 the City Council adopted Accessory Dwelling Unit (ADU) Ordinance No. 3423. Since the ordinance has been in effect, staff has received several concerns from customers regarding Chula Vista Municipal Code (CVMC) Section 19.58.022(C)(9), which requires a separate water and sewer connection for new detached ADUs. Staff is bringing the ADU Ordinance forward to remove this requirement and make other minor amendments, and correct some grammatical errors.

ENVIRONMENTAL REVIEW

Environmental Determination

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.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

On October 24, 2018, the City of Chula Vista Planning Commission recommended adoption of the ADU Ordinance minor amendments (Attachment 2).

DISCUSSION

The recently passed State laws AB 494 and SB 229 do not preclude jurisdictions from requiring separate water and sewer connections for new detached ADUs. Chula Vista opted to include this as a requirement in the ADU Ordinance. Following the ordinance's adoption, staff has heard customer concerns regarding this requirement stating that it is cost prohibitive to build a new detached ADU. Staff reviewed CVMC Section 19.58.022(C)(9), and surveyed several municipalities in the State and found that these municipalities do not require a separate water and sewer connection. Staff agrees that it may be cost prohibitive to build a new detached ADU with the separate water and sewer connection requirement, and recommends removing this requirement. The ADU Ordinance amendment will retain compliance with State law.

While reviewing the adopted ADU ordinance, staff made other minor amendments to certain sections for clarification, and also found some minor grammatical errors that need to be corrected.

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 ADU Ordinance supports the Strong and Secure Neighborhoods goal as it lowers barriers to affordable housing development.

CURRENT-YEAR FISCAL IMPACT

All staff costs associated with preparing the ADU Ordinance minor amendments are included in the adopted budget

ONGOING FISCAL IMPACT

As a planning document, the adoption of the Ordinance 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 this Ordinance occurs, additional information regarding specific fiscal impacts of future individual projects will be evaluated.

ATTACHMENTS

1. Proposed ADU Ordinance (strikeout/underline)
2. Planning Commission Resolution MPA18-0010
3. Planning Commission Minutes

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