



City of Chula Vista Boards & Commissions

Planning Commission

Minutes

REGULAR MEETING OF THE PLANNING COMMISSION
OF THE CITY OF CHULA VISTA

November 8, 2017
6:00 p.m.

Council Chambers
276 Fourth Avenue,
Chula Vista, CA

CALL TO ORDER

MEMBERS PRESENT: Commissioners Anaya, Burroughs, Milburn,
Nava (in at 6:03 after roll call), Zaker and Chair Gutierrez

MEMBERS ABSENT: Commissioner Calvo

OTHERS PRESENT: Twenty two members of the public which included members of
the businesses and food truck owners/representatives

MOTION TO EXCUSE Motion by Anaya;
Seconded by Zaker
Vote: 6-0-0

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE – led by Commissioner Nava

OPENING STATEMENT: Chair Gutierrez

- 1 Approval of Minutes**
October 25, 2017
Motion by Zaker;
Seconded by Nava
Vote: 5-0-1 (Anaya abstained)

PUBLIC COMMENTS

Persons speaking during Public Comments may address the Board/Commission on any subject matter within the Board/Commission's jurisdiction that is not listed as an item on the agenda. State law generally prohibits the Board/Commission from discussing or taking action on any issue not included on the agenda, but, if appropriate, the Board/Commission may schedule the topic for future discussion or refer the matter to staff. Comments are limited to three minutes.

PUBLIC HEARINGS

The following item(s) have been advertised as public hearing(s) as required by law. If you would like to speak on any item, please fill out a "Request to Speak" form and submit it to the Secretary prior to the meeting.

2 PUBLIC HEARING: Consideration of amendments to the Chula Vista Municipal Code (CVMC) to amend Section 19.58.022 (Accessory Second Dwelling Units (ASDUs) and other accessory use code sections to comply with State law.

Project Manager: Michael Walker, Sr. Planner

Staff Recommendation: That the Planning Commission recommend to the City Council adoption of the proposed CVMC amendments.

Senior Planner Michael Walker gave a brief presentation on the change of the State's establishment of the ASD and JASD unit requirements in January of 2017 to address the affordable housing demands. When this happened, the City's regulations became null and void. Tonight staff is bringing forth amendments to the CVMC in order to comply with State law.

Michael presented the main provisions some of which were:

- No minimum lot size requirement
- Maximum ADU size limited to 1200 sq ft – not to exceed 50% of the gross floor area or whichever is less.
- On-site parking not required if located within ½ mile of public transportation
- Requirements for units constructed above a detached garage
- Owner-occupancy will be required
- JADU's located within the existing dwelling (converted bedroom) not to exceed 500 sq ft.
- Replacement parking in-kind to be required when a garage for the primary dwelling is converted
- Address of "residential uses" – definitions for explicit zones

Questions to staff from Commissioners included:

- Parking requirements and clarifications
- How will these units be regulated as additions to properties and coordinating architecture etc.
- How will inspections be done - building vs planning

PUBLIC HEARING OPENED

- William Best spoke to clarify what he saw as discrepancies between the proposed ordinance and current State law.
- Peter Watry, representing Crossroads II, spoke in support of the ordinance although they are not happy with the parking arrangements.

PUBLIC HEARING CLOSED

COMMISSIONER DELIBERATIONS

Concerns included:

- In view of Mr. Best's concerns – has legal reviewed/vetted?
Atty Shirey: Yes – have made several changes to it, but concerns are valid. Staff has chosen to move forward and legal has determined it to be acceptable. However, it could be revisited.
- Question on Page 14, B1 – 50% of floor/wall needs to be attached – was that deleted?
It is no longer a requirement

ACTION: Motion to approve by Gutierrez Second by Zaker

Motion rescinded by Gutierrez in order for further discussion

Anaya: Understands why we need the ordinance, but is fearful that if it goes to Council the way it is, they will have some of the same questions. Would like to see staff "shore-up" the ordinance.

Zaker: Do we know what other jurisdictions have passed?

Walker: San Diego has no parking requirements; some jurisdictions are still in the process of passing something; goal is to comply with State, but keep local control.

Anaya: Do we have a timetable and does this need to be passed tonight?

Walker: No set time, but the City does not now have an Ordinance for ADU's.

Milburn: How can we enact something that is different from State guidelines?

Walker: In reading the State code, it does not prohibit the non-abatement of garages. We do understand that the intent is to not create burdensome regulations to prevent the opportunity to move forward with a unit.

Gutierrez Commented on the fact that the City does not currently have an Ordinance and although there maybe some issues regarding its defensibility, and it has been approved by staff as being adequate. Even though we may need to revisit this for clarification, we do not currently have anything on the books. He further spoke on the pros and cons of passing the matter tonight.

There was additional discussion by Commission and staff regarding State jurisdiction and compliance and the differences in State requirements and this ordinance.

ACTION: Motion by Zaker to approve the item.

No second – motion failed

Discussion continued on working out the discrepancies from the State law and local control. If we don't have an Ordinance, State law will prevail. In order to give the residents the right elements for their use, we have to make sure it is defensible.

Options for action tonight were presented by Attorney Shirey and the Commission decided to move forward by approving this item with additional language regarding parking.

New language as provided by Attorney Shirey:

Notwithstanding CVMC 19.62.190, if the accessory dwelling unit involves the conversion of an existing garage used by the primary residence, replacement parking as shall be provided prior to, or concurrently with, the conversion of the garage into the accessory dwelling unit. The replacement parking may be located in an configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts. If the existing driveway is no longer necessary for the access to the converted garage or other required parking, said driveway may be used to satisfy the required parking for the accessory dwelling unit when not exempt from CVMC 19.58.022(C)(7).

ACTION: Anaya made a motion that staff work with City Attorney's office to shore-up the items discussed, read the new language regarding garages and approve the item tonight.

Seconded by Chair Gutierrez as amended by the City Attorney

Vote: 6-0-0-1 With Calvo absent

3 PUBLIC HEARING: Consideration of amendments to the Chula Vista Municipal Code (CVMC) to add a new Section 19.58.440, Mobile Food Facilities, and amending associated Chapters 8.20 (Food Vendors) and 5.62 (Vending Vehicles).

Project Manager: Michael Walker, Sr. Planner

Staff Recommendation: That the Planning Commission recommend to the City Council adoption of the proposed CVMC amendments.

Michael Walker, Senior Planner, gave a brief presentation as to why this item is being brought forth. He advised the Commission that the City has experienced a surge of mobile food facilities that operate on public and private property, and recognizes that these facilities provide diverse dining options for the general public, and an opportunity for entrepreneurs to operate small businesses.