



CITY COUNCIL AGENDA STATEMENT



April 13, 2021

File ID: 21-0082

TITLE

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE, SECTIONS 19.58.022 (ACCESSORY DWELLING UNIT) AND 19.58.023 (JUNIOR ACCESSORY DWELLING UNITS); AND CHAPTERS 19.22 (RESIDENTIAL ESTATES ZONE); 19.24 (SINGLE-FAMILY RESIDENCE); 19.26 (ONE-AND TWO-FAMILY RESIDENCE ZONE); 19.28 (APARTMENT RESIDENTIAL ZONE); 19.30 (ADMINISTRATIVE AND PROFESSIONAL OFFICE ZONE); 19.36 (CENTRAL COMMERCIAL ZONE); 19.48 (PLANNED COMMUNITY ZONE); AND 19.84 (BAYFRONT SPECIFIC PLAN-LAND USE ZONES)

RECOMMENDED ACTION

Council conduct the public hearing and place the ordinance on first reading.

SUMMARY

On January 1, 2020 the State of California enacted several new laws relating to accessory dwelling units (ADUs) and Junior Accessory Dwelling Units (JADUs), namely Senate Bill (SB) 13; Assembly Bill (AB) 68; and AB 881. These laws contain modified and new ADU and JADU standards which local municipalities must incorporate into their ADU and JADU ordinances.

The item for consideration amends the Chula Vista Municipal Code (CVMC) sections relating to construction of ADUs and JADUs and CVMC chapters allowing residential uses in certain zones. The proposed amendments will supersede the regulatory ADU and JADU sections of City Council adopted Ordinances 3423 (April 2018), 3448 (November 2018), and 3465 (October 2019).

ENVIRONMENTAL REVIEW

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 28, 2020, the City of Chula Vista Planning Commission recommended adoption of the ADU/JADU Ordinance amendments (Attachments 3 and 4).

DISCUSSION

On January 1, 2020, additional laws went into effect which require local municipalities to be in compliance with standards contained in the California Government Code. Government Code Section 65852.2(a)(4) states:

“...If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.”

The proposed amendments to the CVMC will incorporate new and modified ADU and JADU regulations and amendments to the accessory uses, buildings and height regulations in CVMC Chapters 19.22, 19.24, 19.26, 19.28, 19.30, 19.36, 19.48, and 19.84 that allow ADUs where residential uses are allowed. Adopting the amendments will bring the City’s ADU and JADU ordinances into compliance with state law.

A summary of the new standards is listed below:

- ADUs are permitted in zones where residential development is allowed including commercial-residential mixed-use zones;
- ADUs can be permitted within multifamily buildings that are not used as livable space including, but not limited to: storage rooms; boiler rooms; passageways; attics; basements; or garages;
- Multiple ADUs are allowed on lots developed with an existing multi-family unit;
- Attached ADU shall not exceed 50% of the total floor area of the existing or proposed primary residence, 850 square feet, or 1,000 square feet for a unit that provides more than 1 bedroom;
- Detached ADUs shall not exceed 1,200 square feet;
- ADUs can be attached to or within a proposed or existing primary residence, attached garage or other accessory structures;
- ADUs may be detached from the proposed or existing primary residence;
- An additional 150 feet can be added for ingress and egress for an ADU within an existing accessory structure;
- ADUs shall observe a minimum 4-foot side and rear yard setback;
- ADUs are not required to provide parking if they are within ½-mile of transit (Attachment 2), within a historic district, part of a proposed or existing primary residence, in an area where parking permits are required but not offered and if they are within one block of a car share area;
- If parking is required, parking shall not exceed 1 space per unit or bedroom, whichever is less;
- Replacement parking is not required for an ADU when a garage or carport is converted or demolished to construct an ADU;
- New ADUs and JADUs cannot be rented for less than 30 days;
- Nonconforming conditions cannot prohibit ADU/JADU application approvals;
- A 60-day limit to process ADU and JADU building permits;

- ADUs can co-exist with an JADUs on the same lot with a single-family dwelling;
- JADUs are allowed in proposed or existing single-family residences or existing accessory structures;
- JADUs require owner-occupancy.

These new standards have been incorporated in the attached proposed ordinance amendments (Attachment 1).

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create 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.

CURRENT-YEAR FISCAL IMPACT

All staff costs associated with preparing the ADU and JADU Ordinance 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 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/JADU Ordinance (strikeout/underline)
2. Public Transit Stop Map
3. Planning Commission Resolution MPA20-0002
4. Planning Commission Minutes from October 28, 2020

Staff Contact: Scott Donaghe, Principal Planner, Development Services Department