

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHULA VISTA MUNICIPAL CODE SECTIONS 19.58.022
(ACCESSORY DWELLING UNITS) AND 19.58.023 (JUNIOR
ACCESSORY DWELLING UNITS) TO REMOVE THE OWNER
OCCUPANCY REQUIREMENT

WHEREAS, the State of California, in order to reduce barriers and create opportunities for residential property owners to build accessory dwelling units as affordable housing stock, enacted Senate Bill 13 (Accessory Dwelling Units), on October 9, 2019; and

WHEREAS, Senate Bill 13 prohibits local jurisdictions from requiring a property owner to live on the property that contains an accessory dwelling unit; and

WHEREAS, Chula Vista Municipal Code Sections 19.58.022 (Accessory Dwelling Units) and 19.58.023 (Junior Accessory Dwelling Units) include owner occupancy requirements which must now be removed; 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 the City Council of the City of Chula Vista does hereby ordain as follows:

Section I. Substantive Action

Section 19.58.022(C)(12) of the Chula Vista Municipal Code is amended as follows:

12. *Occupancy Requirement.* The property owner(s) shall not be required to reside on the lot on which the accessory dwelling unit is located or constructed.

Section 19.58.022(C)(13) of the Chula Vista Municipal Code is deleted in full.

Section 19.58.022(C)(14) of the Chula Vista Municipal Code is renumbered as 19.58.022(C)(13).

Section 19.58.022(C)(15) of the Chula Vista Municipal Code is renumbered as 19.58.022(C)(14).

Section 19.58.023(B)(2) of the Chula Vista Municipal Code is amended as follows:

2. Owner-occupancy is not required in the single-family residence in which the junior accessory dwelling unit will be permitted.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by:

Approved as to form by:

Kelly G. Broughton, FASLA
Development Services Director

Glen R. Googins
City Attorney