

# PLANNING COMMISSION STAFF REPORT



December 14, 2022

## ITEM TITLE

Consideration of amendments to Chula Vista Municipal Code (CVMC) Title 2 (Administration and Personnel), Title 6 (Animals), Title 9 (Public Peace, Morals, and Welfare), Title 10 (Vehicles and Traffic), Title 12 (Streets and Sidewalks), Title 13 (Sewers), Title 14 (Watercourses), Title 15 (Buildings and Construction), Title 17 (Environmental Quality), Title 18 (Subdivisions), Title 19 (Planning and Zoning), and Title 21 (Historic Preservation).

**Location:** No specific geographic location.

## Recommended Action

Conduct a public hearing and recommend the City Council of the City of Chula Vista adopt an ordinance amending CVMC Title 2 (Administration and Personnel), Title 6 (Animals), Title 9 (Public Peace, Morals, and Welfare), Title 10 (Vehicles and Traffic), Title 12 (Streets and Sidewalks), Title 13 (Sewers), Title 14 (Watercourses), Title 15 (Buildings and Construction), Title 17 (Environmental Quality), Title 18 (Subdivisions), Title 19 (Planning and Zoning), and Title 21 (Historic Preservation).

## SUMMARY

This item consists of proposed amendments to the Chula Vista Municipal Code (CVMC) while covering numerous topics. These updates will help streamline and clarify permit processes/regulations, fix outdated references, and comply with State Law.

## HOUSING IMPACT STATEMENT

No housing units are proposed as part of the Project. However, some of the proposed amendments streamline regulatory requirements and reduce constraints that could in the future increase the supply of housing.

## 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 qualifies for the “common sense” exemption under State CEQA Guidelines Section 15061(b)(3). The action involves only updates, modifications, and organizational changes to the CVMC relating to City Department names and staff titles, section numbering, hearing and appeal processes for zoning decisions, additions of definitions, and Code enforcement processes and actions. Furthermore, the action of updating and modifying the CVMC with

procedural and clerical changes will not result in an intensification of uses or a change in development potential within the City above what already is permitted under the existing land use and zoning policies of the CVMC that are being updated. Based on an analysis of the nature and type of these procedural and clerical changes to the CVMC, there is a certainty that there is no possibility that the action may have a significant effect on the environment.

## DISCUSSION

### Background

Within the past five (5) years, as the amount and complexity of development has increased within the City, so has the list of long-awaited and high priority Chula Vista Municipal Code (“Code”) amendments needed to remain relevant and match the City’s growth. Recently, Staff has reconvened the Development Services Oversight Committee (“Oversight Committee”), to assist Staff in identifying areas of the Code needing updates or revisions. These revisions aim to streamline and clarify permit processes/regulations, fix outdated references, and comply with State Law.

In 2009, the Oversight Committee was formed to work with staff to identify areas within the Development Services Department needing improvement and assist in the development of workable solutions. The Oversight Committee is comprised of developers, business owners, community organizations, engineers, architects, and contractors. They did meet on a semi-regular but consistent basis from 2010 to 2017, and less frequently between 2017 and 2019 until completely curtailing during the COVID-19 pandemic. The Oversight Committee reconvened in August 2022 to provide feedback on the proposed code amendments for this item.

Moving forward, Staff intends to address code amendments and other work products on a semi-annual basis, while also engaging with and reconvening the Oversight Committee on a more consistent basis.

### Proposed Amendments

A list of all proposed code amendments can be found within Table 1. Each individual item is grouped into four (4) broader categories: Procedural, State Law Compliance, Land Use and Development, and Process Improvements.

**“Procedural”** generally means revisions to procedural and/or formatting changes. This includes the following items: 1) outdated department/manager titles needing to be updated; 2) removing old committees which no longer exist; 3) adding new holidays to the City’s parking schedule; 4) consolidating section numbers to each Title 19 (Planning and Zoning) definition and creating one overall Code number; and 5) removal of outdated labels for specific population groups within Title 19 (Planning and Zoning).

**“State Law Compliance”** includes revisions for State Law compliance. Only one item at this time is proposed, pertaining to small and large family daycare homes.

**“Land Use and Development”** broadly covers revisions within Title 19 (Planning and Zoning) to use or development standards. This includes the following items: 1) Massage Parlors; 2) Design Review Permit Requirement; 3) R-3 Zoning Designation Height Standards; 4) Addition of new zoning-related definitions; and 5) Community Purpose Facilities (CPF’s) within the Planning Community (P-C) zoning designation.

**“Process Improvements”** means updates to existing processes for projects and/or permits. This includes the following items: 1) Scheduling of public hearings related to project appeals; 2) Short-Term Rental Permits; 6) enforcement/abatement of violations occurring within the public right-of-way (ROW).

**Table 1 – Proposed Municipal Code Amendments**

<b><u>Procedural</u></b>			
<b><u>Topic</u></b>	<b><u>Issue</u></b>	<b><u>Solution</u></b>	<b><u>CVMC Location</u></b>
<b>Department and Director Title Changes</b>	Outdated Department names and Director/Manager titles, specifically the Planning and Building Department and Director of Planning, still exist throughout the Code, primarily in Title 19 (Planning & Zoning). to Development Services Department and Director of Development Services and Zoning Administrator, where applicable.	Revise the Department titles to Development Services Department, and, depending on the context, change Titles to Director of Development Services and Zoning Administrator.	<ul style="list-style-type: none"> <li>• Title 6 (Animals)</li> <li>• Title 9 (Public Peace, Morals and Welfare)</li> <li>• Title 12 (Streets and Sidewalks)</li> <li>• Title 14 (Watercourses)</li> <li>• Title 15 (Buildings and Construction)</li> <li>• Title 17 (Environmental Quality)</li> <li>• Title 19 (Planning and Zoning)</li> </ul>
<b>Removal of CVRC and DRC</b>	The CVRC (Chula Vista Redevelopment Corporation) and DRC (Design Review Committee), City-created groups/committees that no longer exist, are still found in the Code.	Remove CVRC (Chula Vista Redevelopment Corporation) and DRC (Design Review Committee) completely from the Code.	<ul style="list-style-type: none"> <li>• Title 2 (Administration and Personnel)</li> <li>• Title 19 (Planning and Zoning)</li> </ul>
<b>Addition of Juneteenth Parking Holiday</b>	The Chula Vista City Council adopted the recognized Federal holiday of Juneteenth as a recognized City Holiday at their regular meeting on June 14, 2022. In doing that, it is currently	Adds Juneteenth Holiday as a recognized City Holiday for parking purposes.	<ul style="list-style-type: none"> <li>• Title 10 (Vehicles and Traffic)</li> </ul>

	missing from the City's Parking Holiday Schedule.		
<b>Definition Section Numbers – Title 19 (Planning &amp; Zoning)</b>	If additional definitions are added within Title 19 of the Code, there may be future conflicts with running out of number options.	Remove section numbers for definitions within Title 19.	• Title 19 (Planning and Zoning)
<b>Removal of Outdated Labels for Specific Population Groups</b>	Outdated language currently exists within Title 19 (Planning & Zoning), mis-labeling what now could be perceived as persons with disabilities in the context of nursing homes.	Remove the label entirely, but keep the original intent of generally allowing a nursing home as an unclassified use.	• Title 19 (Planning and Zoning)
<b><u>State Law Compliance</u></b>			
<b><u>Topic</u></b>	<b><u>Issue</u></b>	<b><u>Solution</u></b>	<b><u>CVMC Location</u></b>
<b>Small &amp; Large Family Day Care Homes</b>	State Senate Bill (SB) 234 specifies that both small and large family day care homes shall be treated as a single-family residential use. Therefore, discretionary approval shall no longer be required.	Remove the discretionary permit requirement for both small and large family day care homes.	• Title 19 (Planning and Zoning)
<b><u>Land Use &amp; Development</u></b>			
<b><u>Topic</u></b>	<b><u>Issue</u></b>	<b><u>Solution</u></b>	<b><u>CVMC Location</u></b>
<b>Massage Parlors</b>	The use is not listed as a permitted, conditionally permitted, or unpermitted uses anywhere within Title 19.	Add Massage Parlors as a permitted by right use within the C-C (Commercial-Core) and C-T (Commercial-Thoroughfare) zoning designations. This is because further research indicated that these businesses are primarily concentrated in these zones.	• Title 19 (Planning and Zoning)

<b>Design Review Permit Requirement</b>	A property owner of a legal non-conforming single-family dwelling in the R-3 zoning designation who wishes to do a simple building addition, is required to go through a Design Review Permit. This is because a Permit is required for a modification of a structure within a multi-family zoning designation. It does not specify the type of structure (i.e.: single-family dwelling, duplex, dwelling – multiple, etc.).	Clarify that the establishment, location, expansion or alteration of <u>multifamily</u> structures in all multifamily residential zones requires a Design Review Permit.	<ul style="list-style-type: none"> <li>• Title 19 (Planning and Zoning)</li> </ul>
<b>R-3 Zone Height Standards</b>	<p>A discrepancy was found within the height standards for the R-3 zoning designation, specifically the R-3-M, R-3-T and R-3-G sub-classifications, between the maximum story/building height the Planning Commission could approve, and the minimum story/building height allowed in the R-3-H sub-classification.</p> <p>In addition, the R-3-L sub-classification was missing from the height standards. and now added to the height standard outlined for the R-3-H sub-classification.</p>	<ol style="list-style-type: none"> <li>1. Eliminate the story height standard entirely from the R-3 zone, to focus solely on building height.</li> <li>2. Based on feedback from the Oversight Committee, raise the height limit to 54 feet for the R-3-M, R-3-T and R-3-G classifications, and 55 feet for the R-3-H and R-3-L classifications.</li> <li>3. Add the R-3-L sub-classification to the height standard outlined for the R-3-H sub-classification.</li> </ol>	<ul style="list-style-type: none"> <li>• Title 19 (Planning and Zoning)</li> </ul>
<b>Zoning Definition Additions</b>	An increasing amount of industrial uses from the last five (5) years focus on: 1) the transfer/movement of goods purchased on websites and smartphone applications such as Amazon; 2) flexibility of business using large	Add the following definitions to Title 19, to align with pre-existing and emerging business models/trends specifically in industrial zones, and, to address a	<ul style="list-style-type: none"> <li>• Title 19 (Planning and Zoning)</li> </ul>

	<p>industrial buildings to store and/or sell manufactured goods.</p> <p>Additionally, it was recognized that no definitions exist for: 1) Interested Person, regarding the latter topic of project appeals; 2) Self-Storage Facility.</p>	<p>use deficiency not defined within the Code:</p> <ul style="list-style-type: none"> <li>• E-Commerce (Electronic Commerce).</li> <li>• Fulfilment Center.</li> <li>• Interested Person.</li> <li>• Self-Storage Facility.</li> <li>• Warehousing Facility.</li> <li>• Warehousing, Logistics and Distribution Facility.</li> <li>• Warehousing Sales, Retail.</li> </ul>	
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<b>Community Purpose Facilities (CPF's)</b>	<p>To develop CPF's within the P-C (Planned Community) zoning designation and an approved Sectional Planning Area (SPA) plan, depending on the facility type, it would require a public hearing in front of the Planning Commission, City Council, or both.</p> <p>Additionally, the development of affordable housing is critical both city-wide, and, the P-C zoning designation where it is not clearly specified.</p>	<p>Where applicable, designate either the City Manager, Director of Development Services, Zoning Administrator, or a designee, to act on the development of a CPF use.</p> <p>Other items generally include:</p> <ul style="list-style-type: none"> <li>• Adding the development of affordable housing (consistent with City policies) as a permitted use.</li> <li>• Clarifying and deleting certain uses.</li> <li>• Clarifying an interim use and its performance standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Title 19 (Planning and Zoning)</li> </ul>
<b><u>Process Improvements</u></b>			
<b><u>Topic</u></b>	<b><u>Issue</u></b>	<b><u>Solution</u></b>	<b><u>CVMC Location</u></b>
<b>Scheduling and Timing of Public Hearings for Project Appeals</b>	Once a valid appeal application has been received, the City currently has to set the public hearing date within thirty (30) calendar days.	Revise the process to instead be that once a valid appeal application has been received, the City has thirty (30) calendar days to generally set the matter for public hearing. Additionally, that public hearing date shall occur within sixty (60) calendar days of receiving a valid appeal application.	<ul style="list-style-type: none"> <li>• Title 10 (Vehicles and Traffic)</li> <li>• Title 12 (Streets and Sidewalks)</li> <li>• Title 13 (Sewers)</li> </ul>

			<ul style="list-style-type: none"> <li>• Title 14 (Watercourses)</li> <li>• Title 15 (Buildings and Construction)</li> <li>• Title 17 (Environmental Quality)</li> <li>• Title 18 (Subdivisions)</li> <li>• Title 19 (Planning and Zoning)</li> <li>• Title 21 (Historic Preservation)</li> </ul>
<b>Short-Term Rental Permits</b>	<p>Dwellings owned by active-duty military members who are deployed, sit vacant for months on end. They can instead be used to earn extra income.</p> <p>Separately, causes to deny and/or issue a Short-Term Rental Permit, and, to modify, suspend, or revoke an issued Permit, are missing from this Chapter.</p>	<p>Expand the Short-Term Rental Permit eligibility requirements to include active-duty military members to utilize their dwelling as a Short-Term Rental while on deployment.</p> <p>Add reasons to deny and/or issue a Short-Term Rental Permit, and, causes to modify, suspend, or revoke an issued Permit.</p>	<ul style="list-style-type: none"> <li>• Title 5 (Business Licenses, Taxes and Regulations)</li> </ul>
<b>Enforcement/Abatement of Violations Within the Public ROW</b>	<p>There is not enough clarity regarding City enforcement of violations within the public ROW area, and whether the responsibility falls either on Code</p>	<p>Change the enforcement responsibility to state that the Police Department primarily handles violations within the street public right-of-way area, and</p>	<ul style="list-style-type: none"> <li>• Title 12 (Streets and Sidewalks)</li> </ul>



	Enforcement staff, or the Police Department.	noise violations. Code Enforcement staff will handle most private property violations, and also any that occur between the property line and curb area of the public right-of-way.	<ul style="list-style-type: none"> <li>• Title 19 (Planning and Zoning)</li> </ul>
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The Oversight Committee was provided the draft Code amendments at their meeting on August 29, 2022, with final comments provided by September 9, 2022. After an in-depth discussion and conversation, specific feedback was given regarding public hearing dates for project appeals should be no later than sixty (60) days from application filing, a higher maximum height standard for the R-3 zone, objective performance standards for large family daycare homes, and development standards for warehousing/distribution and self-storage uses. The first two items were directly taken into consideration and are reflected within this Code update. The two latter items will specifically be addressed in future Code updates. However, in general, the proposed draft revisions were met with support.

#### **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 Planning Commission members do not create a disqualifying real property- related financial conflict of interest under the California Political Reform Act (Cal. Gov' t. Code § 87100, et seq.).

Staff is not independently aware and has not been informed by any Planning Commission member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

#### **FISCAL IMPACT**

There is no current fiscal year or ongoing fiscal impact to the General Fund or Development Services Fund as a result of the adoption and implementation of the proposed ordinance.

#### **CONCLUSION**

Staff recommends that the Planning Commission adopt the resolution and recommend the City Council adopt the ordinance amending CVMC Title 2 (Administration and Personnel), Title 6 (Animals), Title 9 (Public Peace, Morals, and Welfare), Title 10 (Vehicles and Traffic), Title 12 (Streets and Sidewalks), Title 13 (Sewers), Title 14 (Watercourses), Title 15 (Buildings and Construction), Title 17 (Environmental Quality), Title 18 (Subdivisions), Title 19 (Planning and Zoning), and Title 21 (Historic Preservation), related to streamlined improvements for both the overall City and specifically the Development Services Department.

#### **ATTACHMENTS**

- 1 – Draft Resolution PCM-22
- 2 – Draft CC Ordinance 2022-

- 3 – Draft Amendment related to Department and Director Title Changes
- 4 – Draft Amendment related to the removal of CVRC and DRC
- 5 – Draft Amendment related to the addition of the Juneteenth Parking Holiday
- 6 – Draft Amendment related to the removal of the Definition Section Numbers within Title 19 (Planning & Zoning)
- 7 – Draft Amendment related to the removal of Outdated Labels for Specific Population Groups
- 8 – Draft Amendment related to Small & Large Family Day Care Homes
- 9 – Draft Amendment related to Massage Parlors
- 10 – Draft Amendment related to the Design Review Permit Requirements
- 11 – Draft Amendment related to the R-3 Zoning Designation Height Regulations
- 12 – Draft Amendment related to addition of new zoning-related definitions to Title 19 (Planning & Zoning)
- 13 – Draft Amendment related to CPFs
- 14 – Draft Amendment related to the Scheduling and Timing of Public Hearings for Project Appeals
- 15 – Draft Amendment related to Short-Term Rental Permits
- 16 – Draft Amendment related to Public ROW Enforcement

*Staff Contact: Chris Mallec, AICP, Senior Planner – Development Services*  
*Laura C. Black, AICP, Director of Development Services*