

RESOLUTION NO. 2024-09

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION RECOMMENDING AMENDMENTS TO CHULA VISTA MUNICIPAL CODE (CVMC) TITLE 8 (HEALTH AND SANITATION), TITLE 12 (STREETS AND SIDEWALKS), TITLE 13 (SEWERS), TITLE 15 (BUILDINGS AND CONSTRUCTION), TITLE 18 (SUBDIVISIONS), AND TITLE 19 (PLANNING AND ZONING)

WHEREAS, necessary amendments to the Chula Vista Municipal Code (“CVMC”) have been identified to help further streamline and clarify permit processes/regulations, and comply with State Law; and

WHEREAS, in 2009, the Development Services Oversight Committee (“Oversight Committee”) was formed to work with staff in identifying areas within the Development Services Department needing improvement and assisting in developing workable solutions; and

WHEREAS, staff presented the draft code amendments to the Oversight Committee, which recommended adoption; and

WHEREAS, 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 and modifications to the CVMC, including relating the addition of findings of approval for certain discretionary permits, creating additional standards for home occupations, changing the permitting authority of permits governing the public right-of-way, and streamlining processing procedures for certain discretionary permits. 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; and

WHEREAS, a hearing time and place was set by the Planning Commission to consider the CVMC amendments and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, at least ten (10) days prior to the hearing; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider said code amendments at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and the hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby recommends that the City Council of the City of Chula Vista adopt the proposed amendments to

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Chula Vista Municipal Code CVMC Title 8, Title 12, Title 13, Title 15, Title 18, and Title 19, related to streamlined improvements for both the overall City and specifically the Development Services Department. This adoption also included the following revisions to the proposed amendments (Exhibit 1):

- **Design Review Permit Thresholds:** Updating the decision-maker threshold of Planning Commission decisions from projects containing 10 residential units, or more, and non-residential use projects of 20,000 square feet, or more, to projects containing 80 residential units, or more, and non-residential use projects of 50,000 square feet, or more (CVMC Section 19.14.582(B)).
- **Accessory Dwelling Units:** 1) Removal of owner-occupancy requirements in CVMC 19.58.022(C)(12); 2) Removal of the “50 percent of the primary house” language in CVMC 19.58.022(C)(3)(a), clarifying the city’s intent in setting maximum sizes of studio/one-bedroom ADUs at 850 square feet, and 1,000 square feet for ADUs with more than one bedroom.
- **Senate Bill 9 Urban Lot Splits:** Removal of the owner-occupancy requirement as reflected in CVMC 19.58.450(E)(11).

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends that the City Council of the City of Chula Vista find that the proposed amendments to the Chula Vista Municipal Code identified in this Resolution qualify for the “common sense” exemption under State CEQA Guidelines Section 15061(b)(3). The action involves only updates and modifications to the CVMC, including relating the addition of findings of approval for certain discretionary permits, creating additional standards for home occupations, changing the permitting authority of permits governing the public right-of-way, and streamlining processing procedures for certain discretionary permits. 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.

BE IT FURTHER RESOLVED THAT a copy of this Resolution be transmitted to the City Council.

[SIGNATURES ON THE FOLLOWING PAGE]

Presented by

Approved as to form by

DocuSigned by:
[Redacted Signature]
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Laura C. Black, AICP
Director of Development Services

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[Redacted Signature]
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For
Marco A. Verdugo
City Attorney

PASSED, APPROVED and ADOPTED by the Planning Commission of the City of Chula Vista, California, this 8th day of May 2024, by the following vote:

AYES: Commissioners: Combs, Felber, Leal, Torres, Zaker and De La Rosa

NOES: Commissioners: None

ABSENT: Commissioners: Burroughs

DocuSigned by:
[Redacted Signature]
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Michael De La Rosa, Chair

ATTEST:

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Mariluz Zepeda, Commission Secretary

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EXHIBIT 1

CVMC Section 19.14.582(B) shall be amended as follows:

B. The Zoning Administrator has the discretion, with the concurrence of the applicant, to act in the place of the Planning Commission in the case of minor projects, including new construction or building additions to commercial, industrial, or institutional projects with a total floor area of 50,000 square feet or less, and residential projects of 80 units or less. Generally, the Zoning Administrator and/or Planning Commission shall base its findings and actions upon the provisions within this Section, and the affected design manuals of the City.

CVMC Section 19.58.022(C)(3)(a) shall be amended as follows:

C. Accessory dwelling units shall be subject to the following requirements and development standards:

3. Unit Size. Accessory dwelling units shall conform to the following size requirements:

a. The total floor area for an attached accessory dwelling unit shall not exceed ~~50 percent of the total floor area of the proposed or existing primary residence, or~~ 850 square feet for a one-bedroom unit and 1,000 square feet for a unit with more than one bedroom, ~~whichever is greater.~~

CVMC 19.58.022(C)(12) shall be amended as follows:

C. Accessory dwelling units shall be subject to the following requirements and development standards:

~~12. Occupancy Requirement. At the time of building permit submittal, and continuously thereafter, the property owner(s) shall reside on the lot on which the accessory dwelling unit is located or constructed. The Zoning Administrator shall have the authority to suspend this occupancy requirement for a period not to exceed five years when evidence has been submitted that one of the following situations exists:~~

~~a. The property owner's health requires them to temporarily live in an assisted living or nursing facility.~~

~~b. The property owner is required to live outside the San Diego region as a condition of employment or military service.~~

~~e. The property owner is required to live elsewhere to care for an immediate family member.~~

~~d. The property owner has received the property as the result of the settlement of an estate.~~

~~This subsection (C)(12) shall be held in abeyance until January 1, 2025.~~

CVMC 19.58.450(E)(11) shall be amended as follows:

E. *Urban Lot Split Parcel Map in Single-Family Zones.* A proposed parcel map for an urban lot split within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed parcel map meets all of the following requirements:

~~11. An applicant for an Urban Lot Split Parcel Map shall sign an affidavit, the form and content of which are satisfactory to the Director of Development Services and City Attorney, or their designees, stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the Urban Lot Split Parcel Map. This subdivision shall not apply to an applicant that is a “community land trust,” as defined in Section 402.1(a)(11)(C)(ii) of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.~~