

PLANNING COMMISSION STAFF REPORT



August 14, 2024

ITEM TITLE

Consideration of an amendment to the Chula Vista Municipal Code related to Accessory Dwelling Units

Location: Citywide

Recommended Action

Receive the Report and recommend to the City Council of the City of Chula Vista either: 1) approval of an Ordinance amending Chula Vista Municipal Code Section 19.58.022(C)(2)(c) (Accessory Dwelling Units), or 2) deny the proposed amendment to Chula Vista Municipal Code Section 19.58.022(C)(2)(c), and direct Staff to conduct research into the potential impacts of increasing the allowable number of detached ADUs from one to two for single-family dwellings and return to City Council with such findings.

SUMMARY

This item consists of a proposed amendment to the Chula Vista Municipal Code (“CVMC”) pertaining to the number of accessory dwelling units (“ADUs”) allowed for single-family dwellings, specifically CVMC Section 19.58.022(C)(2)(c). This amendment was not previously considered by the Planning Commission, but was discussed at the June 11, 2024, City Council meeting, as Item 8.1 – Comprehensive Code Update. This item is before the Planning Commission consistent with Government Code Section 65857.

HOUSING IMPACT STATEMENT

No housing units are proposed as part of this action. However, the proposed amendment could result in a future increase in the supply of housing citywide.

Under California Government Code Section 66323, a single-family zoned property is permitted to create both an ADU and a junior accessory dwelling unit (“JADU”) within the existing space of a single-family dwelling or accessory structure. The single-family zoned property can also develop one detached ADU for a total of four base units on the property (primary dwelling, attached ADU, attached JADU, and one detached ADU).

California Government Code Section 65915 sets the minimum threshold for allowing density bonus dwelling units to be added to a property when the number of the base dwelling units reaches five units. The proposed amendment to the City’s current ADU ordinance would allow for a second detached ADU to be added to the base dwelling unit number which would also qualify the property for density bonus. State density bonus law would allow an additional deed restricted unit to be developed for a resulting total of six units on the property.

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).

DISCUSSION

Background

On June 11, 2024, the City Council considered Item 8.1, a Comprehensive Code update package containing several updates to the Chula Vista Municipal Code. Among the recommended changes were amendments to CVMC Section 19.58.022 (Accessory Dwelling Units). The recommended action sought to clarify the maximum size allowed for attached ADUs. During Council’s deliberations, Deputy Mayor Alonso Gonzalez made a motion to further modify CVMC 19.58.022(C)(2)(c) to increase the allowable number of detached ADUs from one to two (Attachment 1) for single-family dwellings in the City. That motion was approved by a vote of 4-1.

The Chula Vista Municipal Code updates which were presented to both the Planning Commission and City Council did not include the change proposed by Deputy Mayor Gonzalez in CVMC Section 19.58.022(C)(2)(c). Government Code Section 65857 requires that such a modification by the legislative body be considered first by the Planning Commission before City Council takes a final action on the item. Government Code Section 65857 states:

The legislative body may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed ordinance or amendment by the legislative body not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed modification.

At the second reading of the ordinance on June 25, 2024, Staff discussed Government Section 65857’s requirements with the City Council. The City Council approved the comprehensive code package without the proposed changes to CVMC Section 19.58.022(C)(2)(c). Then, the City Council took a separate vote, approved 4-1, to send the suggested amendment to CVMC Section 19.58.022(C)(2)(c) back to the Planning Commission for consideration and recommendation. The City Council approved Staff’s recommendation to come back to Council within 90 days with the results of the Planning Commission’s review. The Planning Commission is now being asked to consider whether to adopt or reject Deputy Mayor Gonzalez’s amendment to CVMC Section 19.58.022(C)(2)(c) allowing up to two detached ADUs for single-family dwellings where only one detached ADU is currently allowed.

Attachment 2 identifies all parcels with existing multi-family residences within the city. The current language of the ADU ordinance allows these properties to have up to two detached ADUs developed on them. Attachment 3 identifies all parcels with existing single-family residences. The current language of the ADU ordinance sets a limit of one detached ADU on these parcels.

With the proposed amended ADU language, all of the properties in Attachment 3 would now be impacted by allowing the development of an additional detached ADU and they would become eligible for an additional deed-restricted unit pursuant to state density bonus law. Attachment 4 combines both maps to identify all impacted parcels that would be eligible for two detached ADUs.

Interaction with Other Housing Laws

In April of 2022, the City Council passed an ordinance codifying Senate Bill 9 (“SB9”) in the City of Chula Vista. SB9 allows for a property owner in the single-family zones of R-1 and R-E to develop two primary dwelling units on the property. It also allows the property owner to split their lot into two separate parcels if they wish. Concern was raised by the City Council on the impacts to neighborhoods this state-mandated law would have in Chula Vista.

In March of 2024, upon recommendation from the City of Chula Vista Planning Commission, the City Council resolved not to opt into Senate Bill 10 (“SB10”). SB10 would have allowed up to ten units of residential density to be developed on any parcel located in a transit rich area and/or urban infill site. Citing the potential unintended impacts of adding so much density to areas throughout the city, the City Council decided not to opt into the law’s provisions.

Recently, the California Department of Housing and Community Development (“HCD”) has issued interpretations of State ADU laws. HCD has opined that property owners in single-family zones are allowed to develop one JADU, one attached ADU, one detached ADU from new construction, and one detached ADU that is a conversion of non-habitable space.

Additionally, the impacts to public infrastructure could be wide-ranging and significant. For example, properties with single-family dwellings taking full advantage of the proposed ADU ordinance amendment would not be required to provide additional parking for the attached ADU or JADU, the detached ADUs (if they are located within one-half mile of walking distance to public transit), or the additional unit created through density bonus if they choose to waive the parking requirement.

When used in conjunction with one or more housing laws and considering HCD’s recent interpretation of ADU law, it is clear expanding the local ADU ordinance could have wide-ranging unintended impacts on properties, neighborhoods, and infrastructure. Staff would recommend engaging in a more in-depth research effort and return to City Council at a future date with a set of ADU recommendations that incorporate many of the above-referenced laws and their interaction with one another.

Development Oversight Committee

Given the limited timeframe in which the item must return to City Council, Staff convened an ad-hoc meeting of the Development Oversight Committee and included members from the Building Industry Association. During the July 17, 2024, joint meeting, concerns were raised pertaining to parking, affordability, and the

disproportionate impact to single-family residential lots west of the 805 freeway. The Committee did not take a formal action on the item.

Housing and Homeless Advisory Commission

Due to required timing to bring this item forward, Staff has not presented the proposal to the Housing and Homeless Advisory Commission (“HHAC”). However, at the October 25, 2023 meeting of the HHAC, concerns were raised about policies that both increase density in existing neighborhoods and negatively impacts neighborhood character, with a specific concern over parking.

If the Planning Commission believes further options should be explored for ADU production that exceed the existing allowable units of four, Staff would recommend the Planning Commission provide an advisory recommendation to City Council to deny the revisions and make a referral to staff to conduct public outreach and thoroughly research potential impacts to parking, infrastructure, processing of applications, and other compounding state laws that impact ADU production. The outreach will include a meeting with the Housing and Homeless Advisory Commission.

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 amendment to CVMC Section 19.58.022(C)(2)(c).

CONCLUSION

Receive the Report and recommend to the City Council one of the following:

- 1) Approve the proposed amendment and adopt an Ordinance amending CVMC Section 19.58.022(C)(2)(c), or
- 2) Deny the proposed amendment to CVMC Section 19.58.022(C)(2)(c), and direct Staff to conduct research into the potential impacts of increasing the allowable number of detached ADUs from one to two for single-family dwellings and return to City Council with such findings

ATTACHMENTS

- 1 – Draft City Council Ordinance
- 2 – Existing Multi-Family Residences Map

- 3 – Existing Single-Family Residences Map
- 4 – Impacted Parcels Sites Under Proposed Amendment Map
- 5 – Resolution to Approve
- 6 – Resolution to Deny

*Staff Contact: Chris Mallec, AICP, Senior Planner, Development Services
Chris Stanley, Senior Planner, Housing and Homeless Services Department
Laura C. Black, AICP, Director of Development Services
Stacey Kurz, Director of Housing and Homeless Services Department*