

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHULA VISTA MUNICIPAL CODE SECTION
19.58.022(C)(2)(c), PERTAINING TO THE ALLOWABLE
NUMBER OF DETACHED ACCESSORY DWELLING UNITS
FOR SINGLE-FAMILY DWELLINGS.

WHEREAS, on June 11, 2024, the City Council voted to approve an update to the Chula Vista Municipal Code (“CVMC”); and

WHEREAS, the City Council also approved an amendment to increase the allowable number of detached accessory dwelling units (“ADUs”) from one to two, for single-family dwellings; and

WHEREAS, the amendment to increase the number of ADUs for single-family dwellings was not originally included in the updates presented to both the Planning Commission and City Council; and

WHEREAS, Government Code Section 65857 requires such amendments by a legislative body must first be considered by the Planning Commission before City Council takes final action. The City Council has the authority to make a referral to the Planning Commission to provide a report and recommendation to allow the amendment. Failure of the Planning Commission to report back to the City Council within forty days after such referral, the amendment shall be deemed “approved” by the Planning Commission; and

WHEREAS, on June 25, 2024, the City Council voted to refer the item back to the Planning Commission, consistent with Government Code Section 65857, for consideration and a recommendation. Staff requested ninety days to come back to City Council with Planning Commission’s review of the amendment; 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);; and

WHEREAS, the Planning Commission held an advertised public hearing on the subject Ordinance on August 14, 2024, and voted _____ to adopt/reject Resolution No. 2024- , and thereby recommends/does not recommend that the City Council adopt the Ordinance; and

WHEREAS, the City Council set the time and place for a hearing on the subject Chula Vista Municipal Code amendment 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.

NOW THEREFORE the City Council of the City of Chula Vista does hereby find and ordain as follows:

The City Council of the City of Chula Vista finds that the proposed amendments to the CVMC identified in this Ordinance No. _____ qualifies for the “common sense” exemption under State CEQA Guidelines Section 15061(b)(3).

Section I. Revision to Amount of Allowable Detached Accessory Dwelling Units. The Chula Vista Municipal Code is hereby amended as follows:

19.58.022 Accessory dwelling units.

Subsections A and B remain unchanged.

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

1. *Zones.* Accessory dwelling units can be created in areas zoned to allow single-family or multifamily dwelling residential use. A coastal development permit may be required for accessory dwelling units within the coastal zone. Construction of a primary residence can be in conjunction with the construction of an accessory dwelling unit. *(unchanged)*

2. *Number of Accessory Dwelling Units Permitted.*

a. An accessory dwelling unit is permitted on a lot with a proposed or existing single-family dwelling unit. *(unchanged)*

b. A minimum of one accessory dwelling unit, or up to 25 percent of the existing multifamily units, is permitted within an existing multifamily dwelling, as a result of the conversion of nonhabitable space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages; or *(unchanged)*

c. Up to two detached accessory dwelling units shall be permitted on a lot with an existing single-family or multifamily dwelling.

Sections 19.58.022(C)(3) through (17) remain unchanged.

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 (30th) 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

Laura C. Black, AICP
Director of Development Services

By: _____
Marco Verdugo
City Attorney