

PLANNING COMMISSION STAFF REPORT



February 26, 2025

ITEM TITLE

Amend the Chula Vista Municipal Code on Accessory Dwelling Units and Junior Accessory Dwelling Units to Align with State Law.

Location: Citywide.

Environmental Notice: The Project qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines.

Recommended Action

Conduct a public hearing and recommend the City Council of the City of Chula Vista adopt an ordinance amending Chula Vista Municipal Code (“CVMC”) Sections 19.58.022 (Accessory Dwelling Units) and 19.58.023 (Junior Accessory Dwelling Units).

SUMMARY

This item proposes amendments to the Chula Vista Municipal Code to align regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) with State Law. The amendments entirely remove the associated development standards, thereby deferring to State Government Code and any applicable State regulations for all applicable requirements.

HOUSING IMPACT STATEMENT

No housing units are proposed as part of this item.

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 updates and modifications to the CVMC related to State Law compliance and clarification of previously adopted text regarding ADUs and JADUs. The action of updating and modifying the CVMC with these changes will not result in a material intensification of uses or a change in development potential within the City above what already is permitted under State Law and 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 changes to the CVMC, there is a certainty that there is no possibility that the amendments may have a significant effect on the environment.

DISCUSSION

Background

On January 1, 2025, California enacted new legislation regarding Accessory Dwelling Units (ADUs) and Junior ADUs (JADUs) through SB1211. Key changes include:

1. Allowing up to eight detached ADUs alongside an existing multi-family dwelling (up from two).
2. Removing the requirement to replace parking when an uncovered parking space is replaced with an ADU.

These changes require local municipalities to update their ADU ordinances to align with state law. If local ordinances do not meet the new State standards, they will be overridden by the State Law. Specifically, Government Code Section 65852.2(a)(4) states that local ordinances that don't comply will be deemed invalid, and the municipality must apply State standards until a new compliant ordinance is adopted.

In recent years, the California Legislature has updated ADU and JADU laws frequently to support housing development. This has led to frequent changes that local governments must address to remain compliant and avoid adverse enforcement actions from the California Department of Housing and Community Development (HCD).

The City of Chula Vista has worked to keep its ADU and JADU regulations aligned with these frequent State Law updates. However, the ongoing changes make it challenging to maintain local regulations. To avoid the yearly need for updates and ensure compliance, to avoid confusion about what regulatory standards apply, and to avoid potential conflicts with State Law, City Staff recommends a complete repeal of its local ADU/JADU ordinances, and simply defer to the California Government Code and any applicable State regulations.

CONCLUSION

Staff recommends the Planning Commission adopt the resolution recommending the City Council adopt an Ordinance amending CVMC Sections 19.58.022 (Accessory Dwelling Units) and 19.58.023 (Junior Accessory Dwelling Units).

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

The adoption and implementation of the proposed ordinance will not have any fiscal impact on the General Fund or Development Services Fund for the current or future fiscal years.

ATTACHMENTS

- 1 – Planning Commission Resolution
- 2 – Draft City Council Ordinance

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