

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL REPEALING CHULA VISTA MUNICIPAL CODE SECTIONS 19.58.022 (ACCESSORY DWELLING UNITS) AND 19.58.023 (JUNIOR ACCESSORY DWELLING UNITS)

WHEREAS, on January 1, 2025, State of California Senate Bill (SB) 1211 established new standards for Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”);

WHEREAS, Chula Vista Municipal Code (“CVMC”) Sections 19.58.022 (ADUs) and 19.58.023 (JADUs) are currently not in compliance with the newly-adopted SB 1211, and are required to be brought into compliance through the amendment process; and

WHEREAS, State ADU and JADU law has been changed many times by the California State Legislature on a biannual basis to help further streamline and increase unit development throughout the state; and

WHEREAS,. Chula Vista has to continually adopt new provisions or revise existing provisions to comply with ever-changing State Law and avoid potential adverse enforcement action by the State’s Housing and Community Development Department (“HCD”); and

WHEREAS, by modifying the CVMC to defer all ADU and JADU regulations to the State Government Code and any applicable State regulations, Chula Vista’s local regulations will remain in perpetual compliance with State Law helping the City to remain competitive in applying for planning and housing-related grants through HCD; and

WHEREAS, the Director of Development Services reviewed the proposed legislative action for compliance with the California Environmental Quality Act (“CEQA”) and determined Project qualifies for an Exemption pursuant to Section 15061(b)(3) of the CEQA State Guidelines; and

WHEREAS City staff recommends that the City Council approve and adopt the Ordinance with the proposed repeal of CVMC Sections 19.58.022 and 19.58.023; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the subject Ordinance and voted _____ to adopted Resolution No. _____ and thereby recommends that the City Council adopt the Ordinance; and

WHEREAS, the City Council set the time and place for a hearing on the subject 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, after review and consideration of the Planning Commission Resolution No. 2025-XXX, and the Staff Report and related materials for this matter, the hearing was held to consider said CVMC amendments and Ordinance at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, before the City Council and the hearing was thereafter closed.

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). 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.

Section I. The CVMC is hereby amended to fully repeal in their entirety, Sections 19.58.022 (Accessory Dwelling Units) and 19.58.023 (Junior Accessory Dwelling Units).

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 by:

Robert A. Vacchi
Interim Director of Development Services

Marco A. Verdugo
City Attorney