

ORDINANCE NO. 1805

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHAPTER 3.32 OF THE CHULA VISTA MUNICIPAL CODE
REVISING THE RESIDENTIAL CONSTRUCTION TAX

The City Council of the City of Chula Vista does ordain
as follows:

SECTION I: That Chapter 3.32, Sections 3.32.010 through
3.32.060,, of the Chula Vista Municipal Code be, and the same are
hereby amended to read as follows:

CHAPTER 3.32 RESIDENTIAL CONSTRUCTION TAX

Sec. 3.32.010 Imposition on New Units-
 Purpose and Intent.

- A. It is intended that the residential construction tax shall be applicable to all new residential units, including hotels and motels, which although considered as being commercial in nature, generate householders who impose a burden upon the public facilities and infrastructure of the city.
- B. It is further intended that all residential units constructed within the City of Chula Vista shall be subject to the residential construction tax and may also be obligated to dedicate park lands or pay fees in lieu thereof as a condition of approval of a subdivision map; provided, however, that the City Council may waive all or a portion of either requirement in accordance with the provisions contained herein.
- C. The City Council declares that the fees required to be paid hereby are assessed pursuant to the taxing power of the city and solely for the purpose of producing revenue. The continued increase in the development of dwelling units in the city with the attendant increase to the population of the city has created an urgency in that there are insufficient funds available for the increased demand for capital items required to serve the increasing population of the city.

Sec. 3.32.020 Imposition on Units Converted from
 Common Ownership to Individual
 Ownership-Purpose and Intent.

- A. It is the purpose of the City Council to establish a tax to be paid upon the conversion of apartment buildings or housing projects to a form of individual ownership of independent units at the same tax rate set forth in the residential construction tax schedule established for condominium ownerships.

It is recognized that the conversion of apartment buildings or projects in multiple-family zones from single, individual, corporate or partnership ownership to condominium or other form of independent ownership or ownership pursuant to a subdivision of the property affords to purchasers of such condominiums or independent units a type of single-family ownership status with a greater projected population density than that which would be allowable in the single-family residential zones.

- B. Therefore, it is the intent of the Council to require payment of a residential conversion tax, which shall be the full amount of the tax required for condominium or subdivided ownership if the residential construction tax was not paid at the time of the construction of the multiple-family dwelling unit, or if such a tax was paid at the time of construction, then an additional tax equivalent to the difference between the original tax paid and that currently imposed upon condominiums or subdivided ownerships shall be required.

Sec. 3.32.030 Definitions.

- A. As used in this chapter, the term "dwelling unit" means and includes each single-family dwelling and each separate habitation unit of an apartment duplex or multiple dwelling structure designated as a separate habitation for one or more persons although a part of the same building or structure, or mobile home.

The term "dwelling unit" for the purposes of this chapter also includes a unit of an existing multiple-family dwelling which is to be sold as a condominium as defined by the Civil Code of this state or any other form of cooperative ownership.

- B. As used in this chapter, the term "person" means and includes every person, firm or corporation constructing, erecting or placing a dwelling unit itself or through the services of any employee, agent or independent contractor.

Sec. 3.32.040 Schedule of Tax.

- A. Every person constructing, erecting or replacing any new dwelling units in the City or converting any existing units to condominiums, cooperative or subdivided ownership shall pay to the city a residential construction tax in accordance with the following schedule:
 - 1. Single-family dwellings: \$450.00 per unit plus \$25.00 for each bedroom in excess of one bedroom;
 - 2. Attached, cluster housing of planned unit developments under either condominium or subdivided ownership: \$375.00 per unit plus \$25.00 for each bedroom in excess of one bedroom.

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3. Duplex units: \$350.00 per unit plus \$25.00 for each bedroom in excess of one bedroom;
 4. Multiple-family units: \$250.00 per unit plus \$25.00 for each bedroom in excess of one bedroom;
 5. Mobile homes: \$200.00 per unit plus \$25.00 for each bedroom in excess of one bedroom;
 6. Residential hotels or motels with individual kitchen facilities: \$150.00 per unit;
 7. Residential hotels or motels without individual kitchen facilities: \$100.00 per unit;
 8. Transient hotels or motels: \$75.00 per unit.
- B. For the purpose of implementing the fee schedule set forth in subsection A, any rooms as shown on plans submitted by the subdivider, regardless of their designation thereon, which may be used for bedroom purposes, shall be regarded as a bedroom.
- C. Such taxes shall be due and payable upon application to the city for a building permit for the construction of any such dwelling unit; provided, however, that there shall be a refund of such taxes in the event the building permit is not approved, or is not used, for such construction.
- D. Further, the taxes for the conversion of ownership as indicated in Section 3.32.020 shall be payable upon application to the city for a certificate of occupancy as specified in Sections 306 and 502 of the Uniform Building Code, 1970 Edition, and as required for such conversion pursuant to Section 15.56.010 of this code; provided, however, that there shall be a refund of such taxes in the event that the apartment building or project is not ultimately converted to condominium or independent dwelling unit ownership.

Sec. 3.32.050 Waiver of Tax Requirements.

A. Recommendation of Planning Commission.

The City Council may, upon the request of a developer, waive all or a portion of this tax for any of said dwelling unit types listed hereinabove to be constructed or converted within the already developed and previously subdivided urban core of the city or for any dwelling unit types constructed anywhere within the city which would serve as housing for low and moderate income families, provided, further, that the Council shall waive the tax requirements where land is dedicated for park purposes.

B. Recommendation of Redevelopment Agency.

The City Council may, upon the recommendation of the Chula Vista Redevelopment Agency, waive all or a portion of the tax for any of said dwelling unit types listed hereinabove to be constructed or converted within an established redevelopment project.

Sec. 3.32.060 Deposit of funds.

All of the sums collected pursuant to this chapter shall be deposited in a residential construction/conversion fund in the capital projects fund classification.

SECTION II: This ordinance shall become effective upon first reading and adoption.

Presented and Approved as to form by


George D. Lindberg, City Attorney

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APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF

CHULA VISTA, CALIFORNIA, AT FIRST READING THIS 29TH DAY OF JUNE

1978, by the following vote, to-wit:

AYES: Councilmen SCOTT, COX, EGDAHL, HYDE, GILLOW

NAYES: Councilmen NONE

ABSTAIN: Councilmen NONE

ABSENT: Councilmen NONE

Will T. Hyde

Mayor of the City of Chula Vista

ATTEST

Jennie M. Fulasz

City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of -
_____, and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk