

ORDINANCE NO. 2897

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING SECTIONS 19.04, 19.20, 19.22, 19.24, AND 19.48; AND ADDING SECTION 19.58.022 TO THE ZONING ORDINANCE OF THE CHULA VISTA MUNICIPAL CODE TO DEFINE AND PROVIDE LOCAL PROVISIONS FOR ACCESSORY SECOND DWELLING UNITS WITHIN THE CITY OF CHULA VISTA

WHEREAS, the California Government Code Section 65852.150 declares that second units are a valuable form of housing in California, providing housing for family members, students, elderly, in-home health care providers, the disabled, and others, at below market prices while providing homeowners who create such units with added income and an increased sense of security; and

WHEREAS, the California Government Code Section 65852.2 allows local jurisdictions to adopt an ordinance, which establishes the procedure for creating second dwelling units in single-family and multi-family zones; and

WHEREAS, it is a program of the Housing Element of the City's General Plan to prepare an ordinance which implements State Government Code Sections 65852.150 and 65852.2; and

WHEREAS, the Environmental Review Coordinator has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a statutory exemption pursuant to Section 15282 (I) of the State CEQA Guidelines; and

WHEREAS, the City Council determines that, although the implementation of the State Government Code provisions for accessory second dwelling units utilizing Chapter 19 (Zoning) of the City of Chula Vista Municipal Code (CVMC) adequately fulfills state requirements, certain amendments and specific regulations would be helpful to clearly define accessory second dwelling units and their application to specific residential zones; and

WHEREAS, the City Council proposes to amend Chapter 19 (Zoning) of the CVMC to provide specific regulations to accommodate accessory second dwelling units within single-family zones of Chapter 19 (Zoning) of the CVMC; and

WHEREAS, the City Council finds that there are specific adverse impacts to public health, safety, and welfare, such as traffic congestion and overburdening of existing infrastructure that would result from allowing accessory second dwelling units in addition to any existing or proposed duplex and multi-family developments within R-2 and R-3 zones; and

WHEREAS, due to the potential negative and adverse impacts from allowing accessory second units in the R-2 and R-3 zones, the City Council wishes to precluded that type of housing from R-2 and R-3 zoned lots; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 11, 2002 and has forwarded a recommendation to the City Council to adopt the proposed Zoning Ordinance amendments and additions.

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby ordain:

SECTION I. That Section 19.04.087 is added to Chapter 19.04 of the Chula Vista Municipal Code as follows:

Section 19.04.087 Dwelling, Accessory Second Unit

Accessory second dwelling units are independent living facilities of limited size that provide permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling. This includes efficiency units and manufactured homes, in conformance with the requirements for such units as defined in State Government Code Section 65852.2.

SECTION II. That Chapter 19.20 (A – Agricultural Zone) of the Chula Vista Municipal Code is amended to read:

Section 19.20.030 –Accessory Uses and Buildings

(I) – Accessory Second Dwelling Units, subject to the provisions of Section 19.58.022.

SECTION III. That Chapter 19.22 (R-E – Residential Estates Zone) of the Chula Vista Municipal Code is amended to read:

Section 19.22.030 –Accessory Uses and Buildings

(H) – Accessory Second Dwelling Units, subject to the provisions of Section 19.58.022.

SECTION IV. That Chapter 19.24 (R-1 – Single-Family Residence Zone) of the Chula Vista Municipal Code is amended to read:

Section 19.24.030 – Accessory Uses and Buildings

(K) – Accessory Second Dwelling Units, subject to the provisions of Section 19.58.022.

SECTION V. That Section 19.48.145 is added to Chapter 19.48 of the Chula Vista Municipal Code as follows:

Section 19.48.145 – P-C Zone - Accessory Second Dwelling Units.

Accessory Second Dwelling Units may be permitted within single-family residential areas within the Planned Community zone subject to the provisions of Section 19.58.022 and the provisions of the respective general development plans and sectional planning area plans for each particular planned community.

SECTION VI. That Section 19.58.022 is added to Chapter 19.58 of the Chula Vista Municipal Code as follows:

Section 19.58.022 – Accessory Second Dwelling Units.

A. Accessory second dwelling units are allowed in certain areas as a potential source of affordable housing and shall not be considered in any calculation of allowable density for the lot upon which it is located, and shall also be deemed consistent with the General Plan and zoning designation of the lot as provided. Accessory second dwelling units shall be subject to the following development standards:

1. Accessory second dwelling units shall be limited to a gross floor area of up to 650 square feet, and may be attached or detached above or behind a main or primary single-family dwelling or accessory structure on the same lot.
2. The accessory second unit must accompany a main or primary dwelling unit on an A, R-E, R-1 or P-C zoned single-family lot. Accessory second dwelling units are precluded from R-2 and R-3 zoned lots.
3. The accessory second unit shall conform to the underlying zoning and land use development standards of the A, R-E, R-1 or P-C zoned lot, such as height, bulk, and area regulations, with the following modifications or exceptions:
 - a. A detached accessory second unit shall be located a minimum of six feet from a main or primary single-family dwelling unit.
 - b. An accessory second unit is subject to the same height limitation as the main or primary dwelling unit.
 - c. A single story accessory second unit may be located within a required rear or interior side yard area, but not closer than 5 feet to any property line. In addition, the unit and all other accessory structures shall not occupy more than thirty percent of the required rear yard. Second story accessory second units shall observe the setbacks of the primary structure unless the zoning administrator approves a reduction to not less than five feet through the approval of a conditional use permit as authorized by Section 19.14.030.
 - d. A lot shall be a minimum 5,000-square feet in size to add an accessory second unit. Existing lots less than 5,000 square feet may develop an accessory second dwelling unit only if it can be incorporated within the existing permitted building envelope.
 - e. The lot coverage including an accessory second unit shall not exceed 50 percent. Lots in planned communities that are already permitted to exceed 50 percent in lot coverage by their Sectional Planning Area General Development Plan may include an accessory second unit if the accessory second unit can be incorporated within the existing permitted lot coverage.
 - f. Accessory second units shall be provided with one standard sized parking space in addition to the parking requirements for the main dwelling as specified in Section 19.62.170. The off-street parking space shall be on the same lot as the second unit, shall be screened from view from public streets, and shall not be located within a required front or exterior side yard setback. Tandem parking is not allowed to satisfy required parking for an accessory second unit. Lots having accessory

second dwelling units must take access from a public street, alley or a recorded access easement.

g. The accessory second unit shall be served by the same water and sewer service lateral connections that serve the main or primary dwelling unit. A separate electric meter and address may be provided for the accessory second unit.

h. Accessory second dwellings shall be designed to be consistent in architectural style with the main house and compatible with surrounding residential properties. The Design Review Committee shall review disputes about design and/or compatibility issues.

i. Any accessory second unit that is attached to an existing residential structure shall meet the standards of Section 19.58.022, and all applicable development standards of the existing zone.

SECTION VII. This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Submitted by

Approved as to form by



Robert A. Leiter
Planning and Building Director



John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 4th day of February, 2003, by the following vote:

AYES:	Councilmembers:	Davis, Rindone, Salas, McCann, and Padilla
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	None



Stephen Padilla, Mayor

ATTEST:



Susan Bigelow, City Clerk

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

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2897 had its first reading at a regular meeting held on the 28th day of January, 2003 and its second reading and adoption at a regular meeting of said City Council held on the 4th day of February, 2003.

Executed this 4th day of February, 2003.



Susan Bigelow, City Clerk