

ORDINANCE NO. 2951

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING SECTION 19.58.022 OF THE
CHULA VISTA MUNICIPAL CODE REGULATING
ACCESSORY SECOND DWELLING UNITS, TO INCREASE
THE MAXIMUM SIZE LIMIT, MODIFY THE ON-SITE
PARKING REQUIREMENTS AND CLARIFY THE
REQUIREMENTS FOR PROPERTIES WITH
NON-CONFORMING USES**

WHEREAS, on January 28, 2003, the City Council of the City of Chula Vista adopted a local ordinance for the regulation of accessory second units in conformance with California Government Code Section 65852.2; and

WHEREAS, said local ordinance limits the size of accessory second units to 650-square feet and requires one on-site parking space per unit; and

WHEREAS, at the time of adoption, the City Council directed staff to re-evaluate the size limitation for accessory second units so that property owners would have the flexibility to develop a larger unit in situations where all other standards for an accessory second unit can be met; and

WHEREAS, since the adoption of the new ordinance, staff has experienced situations in which accessory second units are proposed on lots with nonconforming uses or structures and the ordinance does not specify how such situations should be addressed; and

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

WHEREAS, the Planning Commission held a duly noticed public hearing on December 17, 2003 and voted 5-0-0 to forward a recommendation to the City Council to adopt the proposed Zoning Ordinance amendments and additions dealing with on-site parking and nonconforming situations, but not to increase the maximum unit size; and

WHEREAS, despite the Planning Commission's recommendation, the City Council finds that allowing larger accessory second dwelling units will provide a greater incentive for property owners to construct this necessary housing in the City of Chula Vista.

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

SECTION I. That Section 19.58.022 of the Chula Vista Municipal Code is amended 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. Except as provided in section 3.f,

accessory second dwelling units, whether attached or detached, shall be considered additions to the existing house for the purposes of evaluating existing nonconforming structures or uses for compliance with Chapter 19.64 of the Chula Vista Municipal Code. Required corrections of any nonconforming situations shall occur concurrently with the addition of the new unit. Accessory second dwelling units shall be subject to the following development standards:

1. Accessory second dwelling units shall be limited to a maximum gross floor area of up to 850-square feet, or shall have a gross floor area less than the primary single family dwelling whichever is less, 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 dwelling 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 dwelling 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 dwelling unit shall be located a minimum of 6- feet from a main or primary single-family dwelling unit.
 - b. An accessory second dwelling unit is subject to the same height limitation as the main or primary dwelling unit.
 - c. A single story accessory second dwelling 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 5-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 dwelling 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 dwelling 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 dwelling units shall be provided with one standard sized parking space for studio, one-bedroom, or two-bedroom units; or

two standard sized parking spaces for units with three or more bedrooms. Said parking is in addition to the parking requirements for the main dwelling as specified in Section 19.62.170. The off-street parking space(s) 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 dwelling unit. Lots having accessory second dwelling units must take access from a public street, alley or a recorded access easement.

g. The accessory second dwelling 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.

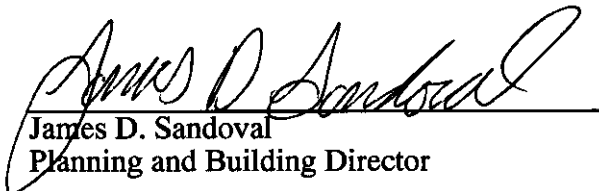
h. Accessory second dwellings shall be designed to be consistent in architectural style with the main house and compatible with surrounding residential properties. The Design Review Committee shall review disputes about design and/or compatibility issues.

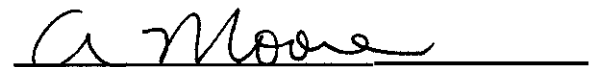
i. Any accessory second dwelling unit that is attached to an existing residential structure shall meet the standards of Section 19.58.022, and all applicable development standards of the existing zone.

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

Presented by

Approved as to form by


James D. Sandoval
Planning and Building Director

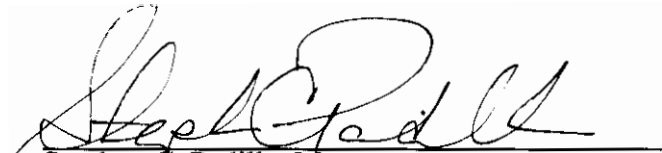

Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 3rd day of February, 2004, by the following vote:

AYES: Councilmembers: Davis, McCann, Rindone, Salas and Padilla

NAYS: Councilmembers: None

ABSENT: Councilmembers: None


Stephen C. Padilla, Mayor

ATTEST:


Susan Bigelow, CMC, 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. 2951 had its first reading at a regular meeting held on the 27th day of January, 2004 and its second reading and adoption at a regular meeting of said City Council held on the 3rd day of February, 2004.

Executed this 3rd day of February, 2004.


Susan Bigelow, CMC, City Clerk