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Planning Commission

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Agency: City of Chula Vista- Boards & Commissions

Date: Aug. 14, 2024

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Summary

The Chula Vista Planning Commission meeting on Wednesday, August 12, 2024, primarily focused on a proposed amendment to the Chula Vista Municipal Code. This amendment would permit single-family homeowners to build up to two detached Accessory Dwelling Units (ADUs) on their property. After unanimously approving the consent agenda, the Planning Commission listened to a presentation from the Developmental Services Department that covered the history of the proposed amendment, its potential impact on residents, and how it might interact with existing housing laws. Ultimately, the Planning Commission voted unanimously to deny the proposed amendment, citing the need for further analysis by staff on exactly how many single-family lots would benefit and its potential impact on neighborhood character.

Here's what you need to know

- The Chula Vista Planning Commission deliberated on a proposed amendment to the Chula Vista Municipal Code that would increase the allowable number of detached ADUs for single-family homeowners from one to two. Following concerns on the potential impact of ADUs on neighborhood character and the lack of in-depth analysis from staff on the proportion of single-family homes that can accommodate ADUs, the Planning Commission voted unanimously to deny the proposed amendment in favor of staff conducting more research.

- The Planning Commission voted unanimously to postpone Agenda item 7.1–Election of Commission Chair and Vice Chair for Fiscal Year 2024/2025–to the next regularly scheduled meeting in September to ensure all currently appointed members are present.
- The Planning Commission currently has a vacant seat, for which three applications have so far been received.

Immediate Actions

The following agenda items were approved in a unanimous 5-0-1 (yes-no-absent) vote:

- Agenda item 4.1 – Approval of Meeting Minutes.
- Agenda item 4.2 – Consider Request for Excused Absence.
- Agenda Item #7.2 – Discussion of the Annual Activities report and Authorize the Chair to Work with Staff to Finalize and Submit.

The following agenda item was denied in a unanimous 5-0-1 vote:

- Agenda Item #6.1 – Consideration of an Amendment to the Chula Vista Municipal Code Related to Accessory Dwelling Units.

The following agenda item was postponed to a date uncertain in a unanimous 5-0-1 vote:

- Agenda Item #7.1 – Election of Commission Chair and Vice Chair for Fiscal Year 2024/2025.

Accessibility Issues

- No accessibility issues were encountered while on assignment.

Follow-Up Questions

- N/A

Notes

Meeting Call to Order: (7:30)

- The meeting was called to order at 6:02 p.m. by Chair Michael De La Rosa.
- The agenda for this meeting may be viewed by clicking [here](#), while a video and/or audio recording of the meeting may be found by clicking [here](#) and [here](#), respectively.
 - **All timestamps below were taken from the video recording.**

Commissioners in Attendance:

- Chair Michael De La Rosa: Present
- Vice-Chair Jerome Torres: Present
- Commissioner Bryan Felber: Present

- Commissioner Krista Burroughs: Excused Absence
- Commissioner Jim Combs: Present
- Commissioner Rodrigo Leal: Present

Staff Present:

- Laura C. Black, Director of Development Services
- Mariluz Zepeda, Deputy City Clerk

Consent Calendar: (8:30)

- The consent agenda consisted of the following two items: **Agenda item 4.1 – Approval of Meeting Minutes** and **Agenda item 4.2 – Consider Request for Excused Absence.**
- Presentation:
 - None.
- Public comments:
 - None.
- Commission comments:
 - None.
- Commission action:
 - Vice-Chair Torres, seconded by Commissioner Felber, motioned to approve the consent agenda. The motion was carried by a unanimous 5-0-1 vote.

Non-Agenda Public Comments: (9:46)

- None.

Agenda Item #6.1 – [Consideration of an Amendment to the Chula Vista Municipal Code Related to Accessory Dwelling Units: \(10:06\)](#)

- Presentation by Chris Mallec, Senior Planner, Development Services Department:
 - On June 11, 2024, the City Council voted to adopt an update to the Chula Vista Municipal Code that included changes to attached accessory dwelling unit (ADU) size limitations. The proposed amendment would permit homeowners of existing single-family or multi-family dwellings to create up to two detached ADUs.
 - On June 25, 2024, the City Council approved the comprehensive code package on its second reading without the proposed amendment. Instead, they opted to have a separate vote to send the proposed amendment back to the Planning Commission for further review.
 - According to [California Government Code Section 66323](#) (ADU Law), a single-family zone property is permitted to create an ADU and a junior

accessory dwelling unit (JADU) within the primary unit or a converted accessory structure, such as a garage, as well as a newly constructed detached ADU, totalling four possible units (1 primary unit + 1 JADU + 1 converted ADU + 1 detached ADU).

- Under the proposed amendment, single-family homeowners would be permitted to construct a second detached ADU, increasing the total possible units to five.
- Under the proposed amendment, single-family homeowners utilizing the maximum of five units would be eligible for a density bonus in accordance with [California Government Code Section 65915](#), as ADUs count towards determining whether a project qualifies as a housing development—defined as a project of five or more residential units.
- Under the density bonus, single-family homeowners may create an additional primary unit, totalling six possible units (2 primary units + 1 JADU + 1 converted ADU + 2 detached ADUs)
- It's not yet fully understood how the proposed amendment will interact with [Senate Bill No. 9](#) (SB-9), which permits homeowners to develop two primary dwelling units on any single-family residential zone and split their lots to allow for development on both.
- Homeowners taking full advantage of the proposed amendment would not be required to provide additional parking for the JADU or attached/detached ADUs located within one-half mile of public transit.
- There are concerns that adding an additional ADU unit to single-family properties may cause issues with the [California Environmental Quality Act](#) (CEQA), as State ADU law only provides protection from CEQA analysis for projects with up to four units. Consequently, creating any units beyond the state allowance may require discretionary approval.
- At an Ad-hoc meeting on July 17, 2024, between the Development Oversight Committee and members of the Building Industry Association, concerns were raised about parking, affordability, and the intensification of single-family residential lots west of the I-805.
- **Chris Mallec presented 2 options for planning commission members. Should be added here**
- Public comments:
 - None.
- Commission comments: (20:50)
 - Commissioner Felber asked, “Why is the concern only on residential lots west of I-805, versus both east and west?” **(21:04)**
 - Mallec replied that the concern is due to there being more buildable

lots on properties west of I-805, compared to the east, where properties are more likely to be already maxed out.

- Vice-Chair Torres asked why references to multi-family dwellings included in the proposed amendment were omitted from the staff report and the resolutions to approve/deny.
 - Director Black replied that the omissions were inadvertent and that adjustments will be made to include the missing language.
- Commissioner Leal asked staff for clarification on the discretionary approval period that would be triggered by CEQA for homeowners who add units beyond the state allowance of four.
 - Mallec replied that the discretionary approval period is currently an assumption and that staff are recommending this issue be researched further. “We’re assuming that anything that’s not proposed within the limits of State law opens up for things not covered under the administrative process for ADUs,” he said. **(27:16)**
- Chair De La Rosa clarified that the [map](#) used in the presentation, which showcases single-family residences that may be affected by the proposed amendment, is conceptual because staff has yet to conduct an analysis to determine whether these residences can actually accommodate additional ADUs. “I don’t think this picture, understanding that staff was dealing with a limited time, is a real representation of the possible impact,” he said. **(28:55)**
- Chair De La Rosa asked for clarification on if a single-family home is permitted by right to have up to four units, and if staff had informed the City Council during their June 11, 2024, meeting that homeowners reaching five units under the proposed amendment would automatically qualify to build an additional unit under a density bonus.
 - Mallec confirmed that under current ADU law, single-family homeowners are permitted by right to have four units. Director Black replied that staff did not have the information available to present to the City Council at the time of the meeting.
- Commissioner Combs asked if a homeowner who removes a tree from their property to build an ADU would be liable to replace it.
 - Mallec replied that there are currently no tree removal and replacement requirements pertaining to the ADU process.
- Commissioner Felber asked for clarification on whether the City Council can vote to approve the proposed amendment to the ordinance, even if the Planning Commission votes to deny the amendment in favor of staff conducting more research.
 - Director Black confirmed that the current presentation would be

presented to the City Council, and they could vote to approve.

- Commissioner Combs commented on the importance of preserving a neighborhood's characteristics despite the need for housing, citing a property that was allowed to construct 10 ADUs and how similar projects would look on single-family lots. "You have one ADU on a property, that's fine, it doesn't really affect the characteristics too much ... but once you start getting more than that, the question becomes: when does it stop?" he said. **(42:05)** He also expressed concern for traffic and right-of-way issues.
- Vice-Chair Torres: "I'm gonna vote to deny. I think that's our only recourse. I think that we would be derelict in our duties as planning commissioners to do otherwise. I think we need to afford staff the time to do the in-depth analysis that's required upon our city." **(44:25)**
- "I think we're turning our R-1 [single-family residential zones] neighborhoods upside down. I think the zoning is going crazy, and we're just going to create a lot of impacts. So without the additional research ... there is absolutely no way that I can support this," said Commissioner Felber in support of voting to deny the proposed amendment. **(48:03)**
- Commissioner Leal questioned how many existing single-family lots would be large enough to accommodate detached ADUs and benefit from the proposed amendment, but noted that a definitive answer cannot be reached without the analysis that staff has yet to complete.
- Commission action:
 - Vice-Chair Torres, seconded by Commissioner Felber, motioned to deny the proposed amendment and recommend staff to conduct more research. The motion was carried by a 5-0-1 vote. **(55:00)**

Agenda Item #7.1 – Election of Commission Chair and Vice Chair for Fiscal Year

2024/2025: (57:42)

- Presentation:
 - None.
- Public comments:
 - None.
- Commission comments:
 - None.
- Commission action:
 - Commissioner Felber, seconded by Commissioner Leal, motioned to postpone agenda item 7.1 for the next regularly scheduled Planning Commission meeting in September. The motion was carried by a unanimous 5-0-1 vote.

Agenda Item #7.2 – Discussion of the Annual Activities report and Authorize the Chair to Work with Staff to Finalize and Submit: (1:01:12)

- Presentation:
 - None.
- Public comments:
 - None.
- Commission comments:
 - None.
- Commission action:
 - Commissioner Leal, seconded by Commissioner Combs, motioned to approve of item 7.2. The motion was carried by a unanimous 5-0-1 vote.

Director's Report: (1:02:26)

- Director Black introduced Rebecca Bridgeford, the new Deputy Director of the Developmental Services Department, to the Planning Commission and reported that no Planning Commission meetings are planned until September.

Chair's Report:

- None.

Commissioners' Report: (1:03:46)

- Commissioner Felber reported that he will be absent for the first Planning Commission meeting in September.
- Commissioner Torres expressed concern that the Planning Commission is not notified when staff opposes its recommendations and communicates this to the City Council, thereby denying the Commission the opportunity to speak their case. "I would hope that in the future, when we have items come before us where our decisions are then conveyed to the City Council, and if staff is going to take an opposition stance on it, that this commission be apprised of that," he said. **(1:07:48)**

Adjournment:

- **Chair De La Rosa adjourned the meeting at 7:07 p.m.**

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