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Chula Vista City Council

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Agency: City of Chula Vista- City Council Committees

Date: Sept. 17, 2024

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Summary

The [Chula Vista City Council](#) convened for a regular meeting at 5 p.m. Tuesday, September 17, 2024, to discuss various items that had to do with housing and development. One of the most prominent topics that was discussed was accessory dwelling units or ADUs, specifically the tools available to help homeowners build the units and a proposal to amend codes regarding ADUs.

Here's what you need to know

- Agenda Item #8.2 approving the master fee schedule and establishment of standard fees for permitting accessory dwelling units was unanimously passed 5-0.
- Council members stressed that various unintended consequences could come from the City Council's decision to amend the regulations for ADUs. They said more research is needed from staff and the City Council to make a clear decision.
- Agenda Item #7.1 referring to the amendment that would increase the number of accessory dwelling units a single-family residence can have from 1 to 2 to the City Manager's Office for more research was passed 4-1 with Councilmember Alonso Gonzalez voting against the motion.

Immediate Actions (33:44)

The following agenda items were unanimously approved:

- **Agenda Item #5.1 (Approve Agenda Minutes):** This proposal would approve the minutes of the previous City Council Meeting held on September 10, 2024.
- **Agenda Item #5.2 (Waive Reading of Text of Resolutions and Ordinances):** This proposal would make it so that only the titles of resolutions and ordinances would be read aloud during the meeting held on September 17, 2024, and not the entirety of the text.
- **Agenda Item #5.3 (Improvement District Annual Report: Approve the 2024 Annual Report for the Downtown Chula Vista Property-Based Improvement District):** This proposal aims for approval of the 2024 annual fiscal report of The Downtown Chula Vista Property-Based Business Improvement District that provides enhancement services to the Third Avenue Village and Downtown area.
- **Agenda Item #5.4 (Agreement: Award Progressive Design-Build Agreement with Erickson Hall Construction Company for the Temporary Fire Station 12 Project (CIP No. GGV0275), Amend the Fiscal Year 2024-25 CIP, Establish a New CIP Project, and Appropriate Funds):** This project aims to appropriate funds and complete negotiations with Erickson Hall Construction Company for Fire Station 12. The station will serve the Bayfront Development which requires certain infrastructure to be provided by the City of Chula Vista. The project would also amend the fiscal year 2024-25 Capital Improvements Program Budget and establish a new project under the title of, “ Temporary Fire Station 12.”

Accessibility Issues

- There were no barriers to accessibility encountered during this assignment.

Follow-Up Questions

- What else can be done in order to cap the number of ADUs that single-family residences can have on their properties?
- When will the ADU community workshops take place and how are they being made accessible to the community?

Notes

Meeting Call to Order:

- The meeting was called to order at 5:01 p.m. by Mayor John McCann.
- 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 audio recording.**

Commissioners, Councilmembers, or Committee Members in Attendance:

- Mayor, **John McCann**: Present
- District 1 Councilmember, **Carolina Chavez**: Present
- District 2 Councilmember, **Jose Preciado**: Present
- District 3 Councilmember, **Alonso Gonzalez**: Present
- District 4 Councilmember, **Rachel Morineau**: Present

Staff Present:

- **Maria V. Kachadoorian**, City Manager
- **Marco A. Verdugo**, City Attorney
- **Kerry K. Bigelow**, City Clerk
- **Stacey Kurz**, Director, Housing and Homeless Services
- **Chris Stanley**, Senior Planner, Housing and Homeless Services
- **Shane Wagner**, Building Official, Development Services
- **Laura Black**, Director, Development Services
- **Chris Mallec**, Senior Planner, Development Services

Non-Agenda Public Comments:

- John Acosta (**35:04**):
 - John Acosta commented on the oaths of office taken at the beginning of the meeting, emphasizing that the City Council also took those oaths and reminded them of their responsibilities as such.
 - He also commented on communication issues that he says he has had with members of the City Council as well as the City of Chula Vista. He expressed that his concerns are not personal but those that affect the whole community.
 - John Acosta has had certain communication issues with Councilmember Chavez's assistant who has yet to respond to him. Communication with Councilmember Morineau took 2 weeks to receive a response, and Councilmember Preciado was the only one to respond promptly.
- Alan C (**36:22**):
 - Alan C expressed concern about the homeless encampments across Chula Vista.
 - He also criticized the Homeless Outreach Team and believes that they are not doing enough to care for the homeless in the community.
 - "Why doesn't somebody take action and start enforcing 'you cannot encroach on anybody's property.' I'll discuss later about your so-called

‘camping ban’ that only applies to your property, my tax paid property, but you don’t take care of the community.” **(38:48)**

- Jessica Van Arsdale with San Diego Urban Timber commented on the state of Chula Vista small businesses and her current lawsuit with the city **(39:48)**:
 - She recounted that she previously came to the City Council asking for help with the City Manager’s Office in regard to her small business and how nothing came of it.
 - Van Arsdale’s lease had been terminated and she claimed that the City Manager’s Office and former Deputy City Manager Erick Crockett were involved in the termination and lawsuit that came from it after she had asked for a healthy way to exit her lease.
 - She concluded by asking the City Council to look into the City Manager's Office.
- Alan Ridley **(42:52)**:
 - Ridley spoke on a self-described ‘epidemic of fast, reckless, and loud driving’ in the City of Chula Vista. He asked the City Council to put up signs imposing a \$1000 fine for fast, reckless, and loud driving.

Item Change:

- Mayor John McCann requests to move to action item section 8.2. **(46:22)**

Agenda Item #8.2: Housing Production: Report on Available Tools for Homeowners to Build Accessory Dwelling Units and Amendment to the Master Fee Schedule to Establish Fees for Permitting ADUs

- Presentation by Stacey Kurz, Director of Housing and Homeless Services, and staff: **(47:27)**
 - Chris Stanley, Senior Planner, Housing and Homeless Services
 - “Back in April 2023, we received a HAP Grant, it’s a Housing Acceleration Program Grant from SANDAG, and with that, we were able to do a few really good things that are going to help the public with trying to get ADUs built.” **(48:01)**
 - With this grant, Housing and Homeless Services was able to enhance its ADU [website](#) by:
 - Combining the housing and developmental services portions of the website.
 - Adding city standard ADU plans.
 - Adding a frequently asked questions section.
 - Adding information on fees.
 - The website now offers 12 sets of city standard plans that the public

may choose from that will help them expedite the process of building ADUs.

- [Symbium](#) is another program they now offer for the public to figure out if and where they can build an ADU.
- They were also able to create a pilot loan program to assist moderate-low homeowners in building or repairing ADUs on their property.
- Shane Wagner, Building Official, Development Services
 - “A goal of the city standard ADU plans is to provide members of the community with an opportunity to reduce design and permit costs as well as expedite timelines for projects associated with accessory dwelling units.” **(50:47)**
 - Applicants are still required to provide certain site and location-specific information on the plans that they choose to move forward with. Information needed for detailed site plans includes:
 - Where the unit will be located.
 - Setbacks.
 - Utility information.
 - Trust calculations.
 - Geotechnical reports.
 - Soil wavers.
 - Various certificates.
 - They hope to reduce the timelines of review from 28 days to 21 days.
 - “City staff, both Development Services and Housing, are working on putting together a community workshop in the fall to allow a more detailed presentation on the plans and to allow the community to come and ask different questions and get more information on the process.” **(53:30)**
 - Any questions should be directed to the front counter manager of Development Services, [Deana Sanchez](#).
 - They would like to establish an ADU (standard plan review) permit fee of \$533.
 - Staff recommended an amendment of the master fee schedule to establish a flat fee for the building plan check of accessory dwelling Units.
- Public comments:
 - Alan C **(56:22)**:
 - Concerned that ADUs will become Airbnb vacation rentals and

whether neighbors will be consulted when an ADU is built in their neighborhood because of this.

- Raised concern for conflicts of interest to those City Council members who are involved in real estate.
- John Acosta **(59:13)**:
 - Expressed further concern with Councilmembers involvement in real estate and the potential conflict of interest in voting on the ADU Item #8.2.
- Commission, Council, or Committee comments:
 - City Attorney Marco Verdugo **(1:02:12)**:
 - Addressed the conflict of interest claims by speaking on the results of the analysis that had been done resulting in there being no property-related conflict of interest related to Item #8.2.
 - Councilmember Jose Preciado **(1:02:40)**:
 - Asked if there are any other incentives included with the loans for building ADUs in the standardized fee structure that would be more appealing to elderly and young professionals.
 - Stacey Kurz, Director of Housing and Homeless Services **(1:04:05)**:
 - Responded to Councilmember Preciado by discussing their use of inclusionary funds because they are limited on what they can use.
 - At this time, they do not have any more funds for the continuation of loan programs, however, the staff is looking into grants.
 - Councilmember Jose Preciado **(1:05:16)**:
 - Expressed interest in how ADUs can be beneficial as low-moderate income rentals and looked for how more programs like the pilot loan program can continue.
 - He expressed further interest in the examination of this process.
 - Appreciated that there is now a standard plan for the ADUs and comments on how the plans function on a cost recovery model.
 - Shane Wagner, Building Official, Development Services **(1:07:37)**:
 - Confirmed that the program is based on a cost recovery model.
 - Councilmember Jose Preciado **(1:07:46)**:
 - Supports the adoption of Item #8.2 and would like to carry out the motion to vote on it.
 - Councilmember Alonso Gonzalez **(1:08:10)**:
 - Thanked staff for the accessibility of the website and emphasized how it is most accessible for the everyday person.
 - Asked about the expansion of the pilot loan program.
 - Stacey Kurz, Director of Housing and Homeless Services **(1:09:51)**:

- Speaks on the possibility of expanding the pilot loan program, though they do not currently have the funds. They should know more about the status of the funds they are currently pursuing by December.
 - They are continuing to look for more opportunities.
 - Councilmember Alonso Gonzalez **(1:10:20)**:
 - Discussed the possibility of making it work with smaller subsidies broken up into different properties.
 - Councilmember Carolina Chavez **(1:11:32)**:
 - Spoke on the necessity of things like ADUs because of the housing crisis.
 - Asked for a clarification on regulations concerning whether two standalone ADUs could share a wall.
 - Chris Stanley, Senior Planner, Housing and Homeless Services **(1:12:49)**:
 - Deferred question to the following Item #71.
 - Councilmember Carolina Chavez **(1:13:00)**:
 - Mentioned the creation of a workshop with DSD to update city codes, comply with city law, and update residents on what is allowed by right.
 - Mayor John McCann **(1:13:53)**:
 - Mentioned that questions may be answered when addressing Item 71.
 - Councilmember Rachel Morineau **(1:14:15)**:
 - Emphasized that the original intent of ADUs was to support families.
 - She wants to ensure the accessibility of the possible ADU workshops.
 - Mayor John McCann **(1:15:45)**:
 - Thanked the staff and community for coming together and addressing the housing crisis and how the ADU plans are beneficial for expediting the process, reducing costs, and providing relief.
- Commission, Council, or Committee action:
 - Councilmember Jose Preciado, seconded by Carolina Chavez, motioned to approve the master fee schedule and establish fees for permitting ADUs needed by item #8.2. **(1:16:49)**
 - Passed unanimously 5-0

Agenda Item #71: Accessory Dwelling Unit Regulations: Report on Planning Commission's Recommendations of a Proposed Code Amendment

- Presentation by Laura Black, Director of Development Services and staff:

- Laura Black, Director, Development Services:
 - Addressed the questions posed in comments and spoke on their ADU regulation in accordance with state law.
- Chris Mallec, Senior Planner, Development Services:
 - Spoke on the [proposed language change](#) in the ADU regulation code that would increase the number of ADUs in a single-family property from one to two.
 - During a planning commission meeting recommending the denial of the code changes, concerns were raised such as:
 - Density.
 - Neighborhood intensification.
 - Relationship to other state laws.
 - Parking and traffic.
 - Key issues with the proposed language change increasing the number of ADUs a single-family property can have is how it will impact neighborhoods because of the [amount of single-family property in Chula Vista](#) and how it will interact with existing housing laws.
 - “Under state density bonus law, housing development is defined as a project of 5 or more residential units. The California Department of Housing and Development has taken the position that ADUs and Junior ADUs count toward unit number for the purpose of determining if a project is a housing development. Now what that means is any property owner that develops the maximum number of ADUs and Junior ADUs, under the proposed amendment, would qualify for density bonus.” **(1:24:58)**
 - Development Impact Fees would also be affected by the proposed amendment because ADUs of 749 square feet and smaller are not subject to them. Thus, the city would be adding additional housing units without the funds to support the infrastructure being created by them.
 - Senate bills 9 and 10 would also be impacted by the proposed amendment, though the true impact would require more research.
 - Concerns regarding CEQA analysis were also raised by the proposed amendment, but further research is required to explore the full impact.
 - Options 1 - place an ordinance on the first reading for the proposed code changes increasing the number of accessory dwellings on parcels with existing single-family dwellings from one to two at a

future City Council Meeting.

- Option 2 - deny the proposed amendment and consider making a referral to the City Manager's Office to conduct research on the potential impacts.
 - Staff preferred this option.
- Public comments:
 - Michael De La Rosa, Chair, Planning Commission **(1:31:25)**:
 - Emphasized that the planning commission understood that affordable housing is needed and that is why looking into such things as ADUs is necessary.
 - Believes that the community should be involved in this decision and that more information is needed to make a well-rounded decision.
 - Recommended that the city look further into the item, appreciated it going back to the planning commission, and staff needs more time to conduct research.
 - John Acosta **(1:34:28)**:
 - Commented how most of the single-family residents are west of the 805 freeway and raised concern about how it would affect fire and police departments.
 - Commented on overcrowding and transit concerns.
 - Alan C **(1:37:10)**:
 - Commented on the density bonus and the potential maximum of 6 units.
 - Brought up concerns with height requirements, property line proximity, parking, and speaking with fire marshals.
 - This concluded with a continued concern with AVUs becoming Airbnbs.
- Commission, Council, or Committee comments:
 - Councilmember Alonso Gonzalez **(1:41:01)**:
 - Addressed that the council has not discussed junior ADUs or other types of non-standard ADUs and that they were focused on two ADUs in a single-family residence. He mentioned that they must conduct more research.
 - Noted the unintended consequences of their simple language change that had not been considered previously.
 - “My desire would be to take a step back and address the intent of our action, I had heard from the community, property owners, and contractors, that they felt restricted with the type of product that they could build and I was really encouraged by Laura Black and

- DSD the reassurance that we are at least offering in compliance with state law the type of flexibility intended by the state.” **(1:44:10)**
- Inquired if allowing 2 detached ADUs, with a cap of 4 total units is possible.
- Councilmember Jose Preciado **(1:45:43)**:
 - Appreciated Councilmember Alonso Gonzalez's discussion on the City Council's intent and that they had never intended for there to be the possibility of 6 units.
 - Felt as though he didn't want to change the language anymore because of the unintended consequences.
 - Believes that if the community wants this it should be on a ballot.
 - He opposes the language change but supports further exploration of it if there is a possibility for a 4-unit max. However, if the impact is as described, then the City of Chula Vista should be able to vote on it.
 - Councilmember Rachel Morineau **(1:50:01)**:
 - Asked if all single-family residences are eligible for up to 6 units on their lots.
 - Laura Black, Director, Development Services **(1:50:17)**:
 - Addressed the map that was in question, it only depicted the single-family zoned parcels. Staff did not have time to find the sizes of the parcels.
 - Councilmember Carolina Chavez **(1:50:34)**:
 - Commented on the original intent that she had when she initially made the referral.
 - She is not in favor of 6 additional ADUs.
 - Inquired on community outreach and workshops.
 - Laura Black, Director, Development Services **(1:52:56)**:
 - They are planning a joint community workshop with housing and development services in the coming months for both the east and west sides of Chula Vista.
 - Councilmember Carolina Chavez **(1:52:30)**:
 - Commented on parking, the housing crisis, and exploring ADUs further.
 - Mayor John McCann **(1:53:22)**:
 - Commended the City of Chula Vista's ability to plan housing.
 - Spoke on high-density areas and how they should not be near low-density areas. Emphasized the need to protect single-family neighborhoods.

- Commented that high-density areas should be in the urban core, not residential neighborhoods.
 - Mayor John McCann **(1:56:27)**:
 - Motioned to continue to deny the change in the ordinance and deny any referral for outreach, he was not seconded by any members of the City Council.
 - Councilmember Alonso Gonzalez **(1:58:30)**:
 - Speaks on the previous support for increasing the ordinance to 2 AVUs for single-family properties.
 - Motioned to return to the analysis that would allow the language change for 2 AVUs but cap at 4 units. He was not seconded by any members of the City Council.
 - Councilmember Jose Preciado **(2:03:02)**:
 - Motions to deny the proposed amendment ??? and make a referral to the city manager
 - Seconded by Mayor John McCann
- Commission, Council, or Committee action:
 - Councilmember Jose Preciado, seconded by Mayor John McCann, initiated the motions to deny the proposed amendment and to make a referral to the City Manager's Office for further research.
 - Passed 4-1, Councilmember Alonso Gonzalez was the only one to vote against the motion.

The documenter left after the 2-hour limit at 7:08.

If you believe anything in these notes is inaccurate, please email us at documenters@inewssource.org with "Correction Request" in the subject line.