

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, AMENDING CHAPTER 18.31 OF THE VISTA DEVELOPMENT CODE TO ALLOW A MAXIMUM OF THREE BEDROOMS IN ACCESSORY DWELLING UNITS

The City Council of the City of Vista does resolve as follows:

1. Findings. The City Council hereby finds and declares the following:

A. This ordinance is enacted by the City Council pursuant to its authority under the Charter of the City of Vista and Article 11, Section 7 of the California Constitution.

B. The City intends to amend Chapter 18.31, of the Development Code, to allow a maximum of three bedrooms in Accessory Dwelling Units, ADUs, within the City of Vista.

C. The proposed Development Code amendments would be consistent with the General Plan Land Use and Community Identity Element, Policy 9.2, as well as the Housing Element, policies 2.1 and 4.1.

D. The proposed amendments to chapter 18.31 of the Development Code would allow a maximum of three bedrooms in ADUs while maintaining an overall maximum square footage of 1,200 square feet, and, therefore, are exempt pursuant to CEQA Guidelines Section 15061(b)(3), the “Common Sense” exemption, because there is no possibility that the proposed amendments may have a significant effect on the environment.

2. Code Amendment.

A. Chapter 18.31, Accessory Dwelling Units, is amended, as follows:

“Chapter 18.31

Accessory Dwelling Units

Sections:

18.31.010	Definitions
18.31.020	Zones
18.31.030	Requirements for an Accessory Dwelling Unit
18.31.040	Number of Accessory Dwelling Units
18.31.050	Size
18.31.060	Setbacks
18.31.070	Height Regulation
18.31.080	Parking
18.31.090	Architectural Consistency
18.31.100	Requirements for a Junior Accessory Dwelling Unit
18.31.110	Fees
18.31.120	Submittal Requirements and Application Processing

Section 18.31.010 through Section 18.31.030 (no changes)

Section 18.31.040 Number of Accessory Dwelling Units

- A. Primary Residence is a One-Family Dwelling
1. One accessory dwelling unit and junior accessory dwelling unit shall be allowed when all of the following apply:
 - a. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a one-family dwelling or existing space of a one-family dwelling or accessory building, and may include an expansion of not more than 150 square feet beyond the physical dimensions of the existing accessory building. An expansion beyond the physical dimensions of the existing accessory building shall be limited to accomodating ingress and egress.
 - b. The unit has exterior access from the proposed or existing one-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety.
 - d. The junior accessory dwelling unit complies with all other junior accessory dwelling requirements outlined in this Ordinance.
 2. One detached new construction accessory dwelling unit shall be allowed subject to the following:
 - a. A minimum 4-foot side and rear yard setbacks.
 - b. A maximum square footage of 850 square feet in floor area if fewer than two bedrooms, or a maximum square footage of 1,200 square feet in floor area if two or three bedrooms.
 - c. A height of 16 feet.
 3. An accessory dwelling unit constructed under subsection (2) above may be combined to allow a junior accessory dwelling unit in the manner described in subsection (1) above.
 4. In accordance with California Government Code Section 65852.22, only one junior accessory dwelling unit is permitted per lot.
- B. Primary Residence is a Multiple Dwelling
1. A maximum of two detached accessory dwelling units may be constructed on a lot which contains an existing multiple dwelling unit, so long as the accessory dwelling units are no more than 16 feet in height and have at least 4 foot side and rear yard setbacks.
 2. Within an existing multiple dwelling, multiple accessory dwelling unit may be converted from areas not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with applicable fire and building code requirements. At least one such accessory dwelling unit conversion, and up to 25 percent of the existing multiple dwelling units, is permitted under this subsection.
 3. Junior accessory dwelling units are not permitted on lots with multiple dwellings.

Section 18.31.050 Size

- A. Maximum Size for Accessory Dwelling Unit. The maximum size of an attached or detached new construction accessory dwelling unit shall be dependent on the Primary Residence on the lot. Any new garage or other non-inhabited accessory building that complies

with the provisions of this Title shall not be counted toward the square footage of the accessory dwelling unit.

1. Detached ADU. A detached accessory dwelling unit may not exceed 850 square feet if it has fewer than two bedrooms or 1,200 square feet if it has two or three bedrooms. No more than three bedrooms are allowed.

2. Attached ADU. May not exceed 850 square feet if it has fewer than two bedrooms or 1,200 square feet if it has two or three bedrooms. No more than three bedrooms are allowed. An attached accessory dwelling unit shall not exceed 50 percent of the floor area of the Primary Residence.

3. The conversion of an existing accessory building or a portion of the existing Primary Residence to an accessory dwelling unit is not subject to size requirements.

B. Maximum Size for Junior Accessory Dwelling Units. The maximum size of a junior accessory dwelling unit shall not exceed 500 square feet.

C. Minimum Size for ADUs and JADUs. The total floor area of any attached or detached accessory dwelling unit or a junior accessory dwelling unit shall be of a minimum area of 150 square feet, or as specified in Section 17958.1 of the California Health and Safety Code.

Section 18.31.060 through Section 18.31.120 (no changes)”

4. **Effective Date.** This Ordinance shall be effective on the thirty-first day following the date of its adoption.

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5. Adoption. INTRODUCED AND ADOPTED at a meeting of the City Council held on March 26, 2024 by the following vote:

AYES: Green, Contreras, Melendez, O'Donnell
NOES: Mayor Franklin
ABSTAIN: None

APPROVED AS TO FORM:
WALTER CHUNG, CITY ATTORNEY

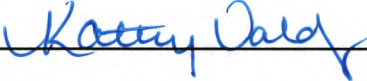
By:  _____

APPROVED
Walter C. Chung
20240311144316



JOHN FRANKLIN, MAYOR

ATTEST:
KATHY VALDEZ, CITY CLERK

By:  _____