ORDINANCE NO. 2019-11
AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, AMENDING CHAPTER 18.31 OF THE VISTA DEVELOPMENT CODE REGARDING 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 regarding accessory dwelling units. The amendment would modify development standards regulating the maximum size of an accessory dwelling unit, and waive development impact fees for accessory dwelling units that qualify as affordable units.

   C. The proposed Development Code amendment would be consistent with the General Plan Housing Element, Goal 2: encourage adequate provision of a wide range of housing by location, type of unit, and price to meet the existing and future needs of Vista residents; and Goal 5: remove governmental constraints on housing development.

   D. The proposed Development Code amendment would be statutorily exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with Section 15282(h) of the State CEQA Guidelines.

2. Code Amendment

   A. The title of Chapter 18.31, "Second Unit Requirements" shall be amended to read, "Accessory Dwelling Units."

   B. All references to "second unit" or "second dwelling unit" in Chapter 18.31 shall be amended to read, "accessory dwelling unit."

   C. Section 18.31.020 is amended to read as follows: "An attached or detached accessory dwelling unit is permitted in the following zones: R-1-B, R-1, E-1, A-1 and O-R zone, excluding all areas within the boundaries of Specific Plan No. 24, the Shadowridge Specific Plan, and the Vista Business Park Specific Plan. An accessory dwelling unit located within repurposed existing space is permitted on any lot in a zone that allows single-family residences by right."

   D. Section 18.31.030, "Requirements for a Second Unit" shall be amended to add the following subsection:

       J. All applicable development impact fees for an accessory dwelling unit shall be waived if: (1) the accessory dwelling unit is occupied by an eligible household during the first ten (10) years following the issuance of the certificate of occupancy for the unit; and (2) the owner of the property has executed and caused the recordation of a regulatory agreement or deed
restriction, in a form approved by the City Attorney, to assure compliance with this paragraph, and such rules as may be necessary so that the unit is eligible to be counted towards the City’s regional housing needs assessment. An eligible household shall consist of either (1) a lower income household which has a gross income which does not exceed 80 percent (80%) of the San Diego County median, adjusted by household size; or (2) a family member or caregiver providing regular care to an owner or occupant of the primary unit in need of that care. If the accessory dwelling unit is occupied by an eligible household pursuant to clause (1), a regulatory agreement shall be executed and recorded prior to occupancy. The waiver of development impact fees shall be in effect for five years or for the first one hundred (100) permitted accessory dwelling units from [the date of adoption of this ordinance], whichever comes first.

C. Section 18.31.040, “Size” shall be amended to read as follows:

   A. Attached. The maximum size of an attached accessory dwelling unit shall not exceed 50 percent (50%) of the size of the primary residence, or 1,200 square feet, whichever is less.

   B. Detached. The maximum size of a detached accessory dwelling unit shall be 1,200 square feet. If a garage or other non-inhabited accessory structure is proposed in conjunction with the accessory dwelling unit, the square footage of the additional accessory structure shall not be counted toward the square footage of the accessory dwelling unit.

E. Section 18.31.070, “Parking,” subsection B, shall be amended to read as follows:

   B. Parking is not required for a second unit that is located within one-half mile of public transit or as provided by Government Code Section 65852.2(d).

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

Adoption. INTRODUCED AND ADOPTED at a meeting of the City Council held on August 13, 2019 by the following vote:

AYES: Mayor Ritter, Franklin, Green, CONTRERAS

NOES: Rigby

ABSTAIN: None
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APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY
By:

JUDY RITTER, MAYOR

ATTEST:
KATHY VALDEZ, CITY CLERK
By:

APPROVED
Jonathan B. Stone
1634 070119
CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2019-11 to be posted on August 15, 2019, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria E. McClellan Senior Center, 1400 Vale Terrace Drive; and 3) the City Clerk’s Office, 200 Civic Center Drive.

Kathy Valdez, City Clerk