

**ORDINANCE NO. 24-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE,  
CALIFORNIA, AMENDING SECTION 120.04.010 (ACCESSORY DWELLING  
UNITS) OF THE EASTVALE MUNICIPAL CODE**

**WHEREAS**, the City of Eastvale last updated its Accessory Dwelling Unit ("ADU") regulations in 2020; and

**WHEREAS**, there have been several changes to State laws that govern local regulation of ADUs since the City last updated its local regulations; and

**WHEREAS**, the City of Eastvale has been complying with the State ADU laws as amended, and the purpose of this Ordinance is to amend the City's adopted regulations to be consistent with current State law requirements.

**NOW, THEREFORE, THE Planning Commission OF THE CITY OF EASTVALE DOES ORDAIN  
AS FOLLOWS:**

**SECTION 1. Findings.** As required by Section 120.01.070(e) of the Eastvale Municipal Code, the City Council finds that the changes contained in this ordinance are consistent with the General Plan goals, policies, and implementation programs. Specifically, Housing Element Strategy HE-1G provides the City will encourage the construction of accessory dwelling units by amending the municipal code to be consistent with current state law.


**SECTION 2. Amendment of Section 120.04.010.** Section 120.04.010 (Accessory Dwelling Units) to the Eastvale Municipal Code is amended in its entirety and shall read as shown in Exhibit "A" to this Ordinance.

**SECTION 3. Severability.** If any chapter, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each Chapter, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

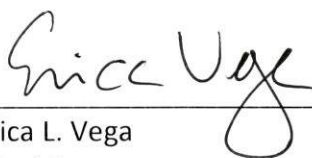
**SECTION 4. Effective Date.** This ordinance shall take effect thirty (30) days after its passage by the City Council.

**SECTION 5. City Clerk Action.** The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Chapter 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Chapter 39633(c).

**PASSED, APPROVED AND ORDAINED** this 25<sup>th</sup> day of September, 2024.

  
Christian Dinco  
Mayor

APPROVED AS TO FORM:

  
Erica L. Vega  
City Attorney

ATTEST:

  
For Marc A. Donohue, MMC  
City Clerk/Communications Director

STATE OF CALIFORNIA)  
COUNTY OF RIVERSIDE ) §  
CITY OF EASTVALE )

I, Marc A. Donohue, City Clerk/Communications Director of the City of Eastvale, California, do hereby certify that the foregoing Ordinance No. 24-07, was introduced at a regular meeting of the City Council of the City of Eastvale held on the 11<sup>th</sup> day of September, 2024, and was passed by the City Council of the City of Eastvale at a regular meeting held on the 25<sup>th</sup> day of September, 2024, by the following vote:

AYES: Councilmembers Lorimore, Rigby, Yow, Mayor Pro Tem McMinn, and Mayor Dinco

NOES:

ABSENT:

ABSTAIN:

  
FOR Marc A. Donohue, MMC  
City Clerk/Communications Director

## EXHIBIT "A"

### Sec. 120.04.010. Accessory dwelling units.

- (a) *Intent.* The intent of this section is to regulate accessory dwelling units in residential zoning districts consistent with state law. Implementation of this section is intended to expand housing opportunities for low- income and moderate-income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.
- (b) *Applicability.*
  - (1) Except as provided in Government Code Section 66323, an accessory dwelling unit shall not be established without first obtaining an accessory dwelling unit permit from the city. An accessory dwelling unit permit application shall be approved ministerially by the community development director without discretionary review if it meets the definitions and criteria listed in this section and all other applicable zoning, building and health and safety codes. If the community development director denies an application for an accessory dwelling unit permit they shall provide a full set of comments to the applicant with a list of deficiencies and a description of how they can be remedied within the time frames below for approval or denial of the application.
    - a. Existing developments. The permit application shall be acted on within 60 days from the date the city receives a completed application if there is an existing single-family or multi-family dwelling on the lot.
    - b. New developments. If the permit application is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, the application shall be acted on concurrently with the building permit for the new single-family or multi-family dwelling.
    - c. For accessory dwelling units and junior accessory dwelling units that meet the requirements of Government Code 66323(a), including but not limited to size, height, setback, and access, an applicant may apply for a building permit directly without the need for an accessory dwelling unit permit. Such accessory dwelling units and junior accessory dwelling units are exempt from the standards listed in subdivisions (d) and (e) but must comply with the requirements of Government Code 66323(a) and applicable building code.
  - (2) The applicant for an accessory dwelling unit permit must be the owner of the property on which the accessory dwelling unit will be located.
  - (3) For the purposes of meeting the city's applicable Regional Housing Needs Allocation (RHNA) as contained in the adopted housing element, accessory dwelling units may be reported as new production of housing units.
  - (4) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of an accessory dwelling unit permit under this section.
- (c) *Definitions.*
  - (1) "Accessory dwelling unit" means an attached or detached residential dwelling which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes the following: an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.
  - (2) "Accessory Structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
  - (3) "Attached" accessory dwelling means a unit that is or will be attached to or located within the existing or proposed primary dwelling, including attached garages, storage areas or similar uses, or the

conversion of an existing accessory structure that is detached from the proposed or existing primary dwelling, including detached garages.

- (4) "Detached" accessory dwelling unit means a unit that is or will be detached from the proposed or existing primary dwelling but is not a conversion of an existing detached accessory structure.
  - (5) "Junior accessory dwelling unit" means an accessory dwelling unit that is no more than 500 square feet and contained entirely within a proposed or existing single-family residence. It may contain separate sanitation facilities or may share them with the primary dwelling. A junior accessory dwelling unit shall include an efficiency kitchen consisting of a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
  - (6) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
  - (7) "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
  - (8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
  - (9) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- (d) *Development standards.* No accessory dwelling unit permit application shall be approved for an accessory dwelling unit unless it complies with the following requirements:
- (1) The lot is within a single-family or multi-family residential zone and includes a proposed or existing single-family or multi-family primary dwelling.
    - a. One detached, new construction accessory dwelling unit may be permitted per lot with a proposed or existing single-family dwelling.
    - b. One attached accessory dwelling unit may be permitted per lot with a proposed or existing single-family dwelling.
    - c. One junior accessory dwelling unit may be permitted per lot with a proposed or existing single-family dwelling.
    - d. For accessory dwelling units on lots with existing or proposed multi-family dwellings:
      - 1. At least one attached accessory dwelling units may be permitted per lot with existing multi-family residential. The total number of attached accessory dwelling units permitted on the lot shall not exceed 25 percent of the existing number of multi-family residential units on the lot.
      - 2. Up to two detached accessory dwelling units are permitted per lot with existing or proposed multi-family residential.
  - (2) The total area of floor space of an attached or detached accessory dwelling unit the following:
    - a. 850 square feet if the accessory dwelling unit has one bedroom or less; or
    - b. 1,000 square feet if the accessory dwelling unit has more than one bedroom.

Notwithstanding the foregoing, where there is an existing dwelling an attached accessory dwelling unit shall not exceed 50% of the existing primary dwelling's floor area or the aforementioned square footages, whichever is less.
  - (3) Home occupations which involve storage or materials or inventory of any kind or which involve clients visiting the home occupation may not be conducted in the accessory dwelling unit.

- (4) Accessory dwelling units shall be located to the rear or side of the primary dwelling unit. The prohibition on accessory dwelling units in the front of the primary dwelling unit shall not be enforced if it is not possible to construct an accessory dwelling unit that is 800 square feet in size to the rear or side of the primary dwelling with a four foot setback from the rear and side yard property lines.
  - (5) The accessory dwelling unit shall comply with all building codes and objective standards for accessory structures of the zone in which the lot is located, including, but not limited to parking, height, setbacks, landscaping and lot coverage, except as otherwise provided for in this section, and except for any minimum lot size requirements. Construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the building code unless the building official makes a written finding based on substantial evidence in the records that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety.
  - (6) No setback is required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.
  - (7) A setback of four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimension as an existing structure.
  - (8) For purposes of calculating allowable density, an accessory dwelling unit is not counted as an additional unit. Accessory dwelling units are a residential use and deemed consistent with the residential general plan and zoning designations.
  - (9) All-weather access for emergency vehicles shall be provided to all accessory dwelling units as required by applicable building, safety, and fire codes.
  - (10) Fire sprinklers shall only be required in an accessory dwelling unit if they are also required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
  - (11) An attached accessory dwelling unit or junior accessory dwelling unit that is within the existing space of an accessory structure may include an expansion of up to 150 square feet beyond the existing dimensions of the existing accessory structure to accommodate ingress and egress.
  - (12) Attached accessory dwelling units, including junior accessory dwelling units, shall have independent exterior access from the primary residence.
  - (13) Attached and detached accessory dwelling units shall not exceed the height of the primary dwelling unit, except as follows:
    - a. A detached accessory dwelling unit may be up to 16 feet high even if the primary dwelling is less than 16 feet high.
    - b. A detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling, may be up to 18 feet high.
    - c. A detached accessory dwelling unit on a lot within ½ mile of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155, may be up to 18 feet high. An additional 2 feet in height shall also be allowed to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
    - d. An attached accessory dwelling unit shall not exceed the height limitation that applies to the primary dwelling unit or 25 feet, whichever is lower. This clause shall not be construed to permit an attached accessory dwelling unit to exceed two stories.
  - (14) Attached accessory dwelling units on lots with existing multi-family residential must be conversions of portions of the existing multi-family residential structure that is not used as livable space, including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.
- (e) *Parking.*

- (1) Except as provided in subsection (e)(3) below, off-street parking shall be required for the accessory dwelling unit in addition to any off-street parking requirements for the existing dwelling unit. One parking space shall be provided for each accessory dwelling unit. The required off-street parking for an accessory dwelling unit may be located in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
  - (2) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or wholly or partially converted to an accessory dwelling unit, replacement off-street parking is not required to be provided.
  - (3) No off-street parking shall be required for an accessory dwelling unit in the following instances.
    - a. The accessory dwelling unit is located within one-half mile of an existing public transit stop.
    - b. The accessory dwelling unit is located within an officially designated architectural and/or historic district.
    - c. The accessory dwelling unit is an attached accessory dwelling unit or a junior accessory dwelling unit.
    - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
    - e. When there is a designated car share vehicle station located within one block of the accessory dwelling unit.
    - f. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this paragraph (e)(3).
- (f) *Miscellaneous.*
- (1) Attached accessory dwelling units, including junior accessory dwelling units, shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or be subject to a related connection fees or capacity charges for utilities, unless the accessory dwelling unit is constructed with a new single-family dwelling and is not a junior accessory dwelling unit.
  - (2) No impact fees shall be imposed on accessory dwelling units less than 750 square feet. For accessory dwelling units 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.
  - (3) No passageway shall be required in conjunction with the construction of a detached accessory dwelling unit.
  - (4) No accessory dwelling unit may later be considered a primary dwelling unit for any purpose. This provision shall not be construed to prohibit a property owner from eliminating an attached accessory dwelling unit and enlarging the primary residence to encompass the area that was formerly part of the accessory dwelling unit, provided that all development standards applicable to the primary residence are satisfied.
  - (5) The accessory dwelling unit and/or primary residence may be occupied by any person without rent or may be rented, except that if the lot contains a junior accessory dwelling unit then one of the units on the lot must be owner-occupied. The rental of an accessory dwelling unit shall be for a term longer than 30 days.
  - (6) Except as otherwise provided in Government Code Section 66341, no ADU may be sold or otherwise conveyed separately from the primary residence. No junior accessory dwelling unit shall be sold or otherwise conveyed separate from the primary residence.

- (7) The city shall not require an applicant for an accessory dwelling unit permit to correct any existing physical improvements on the lot that do not conform with current zoning standards as a condition of the approval of an accessory dwelling unit permit.
- (8) The city shall not issue a certificate of occupancy for an accessory dwelling unit before a certificate of occupancy is issued for the primary dwelling unit.
- (9) A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.

	Attached ADU	Detached ADU	Junior Dwelling Unit
ADU Permit Required	Yes	Yes	Yes
Processing time	60 days if there is an existing primary dwelling; concurrent review if no existing primary dwelling		
Size	Lesser of 50% of Floor Area of primary dwelling unit or 850 square feet for 1 bedroom or 1,000 square feet for 2 bedroom	850 square feet for 1 bedroom or 1,000 square feet for 2 bedroom	500 square feet
Quantity (SFR)	1	1	1
Quantity (MFR)	At least 1 per lot NTE 25% of existing units	2 max	N/A
Home Occupation	No	No	No
All weather access	Required	Required	Required
Setback (Min.)	4 feet (unless existing is less than 4 feet)	4 feet	N/A
Height (Max.)	Height allowed per zone, with exceptions.	Height allowed per zone, with exceptions.	Height allowed per zone, with exceptions.
Parking	1 space/unit, with exceptions	1 space/unit, with exceptions	None
Exterior Access	Required	Required	Required
Impact fees	>750 square feet	>750 square feet	N/A