



CITY OF EASTVALE

## **AGENDA STAFF REPORT**

City Council Meeting

**PUBLIC HEARINGS**

Agenda Item No. 12.1

September 11, 2024

### **PLN24-20054 - Amendment to Section 120.04.010 of the Eastvale Municipal Code as it pertains to Accessory Dwelling Units**

---

#### **Prepared By:**

David Murray, City Planner

#### **Recommended Action(s)**

Staff recommends that the City Council take the following actions:

1. Determine that the proposed Zoning Code text amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(3) of the State of California Guidelines for implementation of CEQA as it is not a project as defined in Section 15378 of the CEQA Guidelines; and
2. Introduce an ordinance entitled: 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

#### **Summary**

The proposed ordinance would amend the City's regulations related to Accessory Dwelling Units (ADUs) to comply with changes in state law since the last update to Section 120.04.010 of the Eastvale Municipal Code in 2020.

#### **Background**

Beginning in 2016, the California legislature began to pass a series of bills designed to encourage additional small-scale housing production by requiring jurisdictions throughout the State to meet requirements that would alleviate restrictions on residential development. Over the subsequent eight years, there have been numerous additional bills that expanded the ability to construct

Accessory and Junior Accessory Dwelling Units (ADUs and JADUs) on both single-family and multi-family properties.

During this time, the City of Eastvale made incremental changes to the Municipal Code to maintain compliance with the ever-changing state mandates. However, the last update to Section 120.04.010 of the Eastvale Municipal Code occurred in April 2020. Since then, there have been changes in state law related to ADUs resulting in the City's Municipal Code being out of compliance and subject to legal challenge. As such, staff is bringing forward a proposal to amend the code to bring it up to date with current legislation.

The proposed changes that reflect current state legislature are included as redline/strikeout text in Attachment 1 and include the following:

1. Clarifications and additions to the definitions section including new definitions for "Accessory Structure," "Detached Accessory Dwelling Unit," and "Objective Standards;"
2. Adjustment of maximum allowable ADU size from 1,200 square feet to the minimum size statutorily required (1,000 square feet);
3. Clarification to allow for ADUs in the front setback area when the conditions of the property do not allow for the placement of an ADU of at least an 800 square feet in the side or rear yards;
4. Revisions to the language related to maximum height requirements for ADUs; and
5. Other clarifying changes as required.

On July 17, 2024, the Planning Commission adopted Resolution 24-08 recommending that City Council adopt a Zoning Ordinance Amendment of Section 120.04.010 of the Eastvale Municipal Code to comply with state law. The proposed amendments also included an additional change made to Section (b)(1) of the affected Municipal Code Section to address concerns raised by the California Housing Defense Fund ("CalHDF") in a letter dated July 15, 2024. This change was prepared in consultation with the City Attorney's Office and is intended to refer back to California Government Code Section 66323 for other provisions and allowances that may be afforded to property owners, while providing flexibility for compliance with any future legislative changes in state law.

On July 18, 2024, following Planning Commission approval, staff received follow up communication from "CalHDF" recommending additional language to provide greater clarity. Based on this recommendation, staff has added subsection (b)(1)c to further clarify state law allowances for ADUs under California Government Code Section 66323(a).

The proposed changes 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.

State law requires the City to submit a copy of its ADU ordinance to the California Department of Housing and Community Development (HCD) within 60 days after it is adopted. HCD will issue findings regarding compliance with State law. HCD has not issued formal guidance to date addressing how HCD interprets the new ADU laws to assist cities in drafting their new ordinances. HCD may request additional revisions to the Ordinance after it completes its review.

## **Environmental**

This Ordinance is exempt from the California Environmental Quality Act (CEQA) review under the general rule exemption. The ordinance ensures compliance with state law by updating the City's regulations for consistency. The adoption of this amendment does not exceed what is statutorily allowed under existing state law, and will not directly result in development or intensification of land use.

## **Strategic Plan Action - Priority Level: N/A | Target #: N/A | Goal #: N/A**

Not Applicable.

## **Fiscal Impact**

There is no fiscal impact to the City associated with adoption of this Zoning Code Amendment, as staff time to prepare this report and draft ordinance is included in the 2023/24 FY Community Development Department budget.

## **Prior City Council/Commission Action**

The City Council previously adopted Ordinances 2018-05 and 2020-03 to amend Section 120.04.010 of the Eastvale Municipal Code.

On July 17, 2024, the Planning Commission adopted Resolution 24-08 recommending that City Council adopt a Zoning Ordinance Amendment of Section 120.04.010 of the Eastvale Municipal Code to comply with state law.

## **Attachment(s)**

[Attachment 1 - Proposed Amendments - Redline CC.docx](#)

[Attachment 2 - Draft Ordinance.docx](#)

[Attachment 3 - Proof of Publication.pdf](#)

[Attachment 4 - PC Report 07-17-2024.pdf](#)

[Attachment 5 - PC Resolution 24-08.pdf](#)