

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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February 21, 2025

Gustavo Gonzalez, Community Development Director  
Planning Department  
City of Eastvale  
12363 Limonite Ave, Suite 910  
Eastvale, CA 91752

Dear Gustavo Gonzalez:

**RE: Review of Eastvale's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 - 66342)**

Thank you for submitting the City of Eastvale (City) ADU Ordinance No. 24-07 (Ordinance), adopted September 25, 2024, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance does not comply with State ADU and Junior Accessory Dwelling Unit (JADU) Laws in the manner noted below. Under section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than March 23, 2025.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law in the following respects:

1. *Senate Bill (SB) 1211 (Chapter 296, Statutes of 2024)* – As of January 1, 2025, there are changes to Government Code section 66323. Subdivision (a)(4)(A)(ii), now allows for "...up to 8 detached ADUs to be created on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot, and up to 2 detached ADUs on a lot with a proposed multifamily dwelling." Additionally, subdivision (b) now states, "A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)." Therefore, the City must make adjustments to the Ordinance to account for these changes.
2. *Assembly Bill (AB) 2533 (Chapter 834, Statutes of 2024)* - As of January 1, 2025, there will be changes to Government Code section 66332, subdivisions (a) – (b) and added subdivisions (d) – (f) which makes changes to permitting unpermitted

ADUs, added the same protections for JADUs, and set additional requirements for local agencies. The City should review these new requirements and adjust the Ordinance to comply with State ADU Law.

3. *Statutory Numbering* - The Ordinance contains several references to code sections that were deleted by SB 477, effective March 25, 2024. These include Government Code sections 65852.2, 65852.22 and 65852.26. The contents of these sections were relocated to Government Code, Title 7, Division 1, Chapter 13 (sections 66310-66342, see Enclosure). The City must amend the Ordinance to refer to the correct code sections.
4. Section 120.04.010 (b)(1)a. and b. – *“Shall be Acted On”* – The Ordinance states that “The permit application shall be acted within 60 days” and “the application shall be acted on concurrently with the building permit for the new single-family or multi-family dwelling.” However, Government Code section 66317 states “The permitting agency **shall either approve or deny** the application to create or serve an accessory dwelling unit or a junior accessory dwelling.” Therefore, the City must amend the Ordinance to include the updated language.
5. Section 120.04.010 (c)(4) – *Detached Definition* – The Ordinance states “‘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.” This may create confusion, as conversions in detached accessory structures must be ministerially approved subject to Government Code section 66323, subdivision (a)(1). The City should consider revising the Ordinance to clearly provide for detached conversions subject to subdivision (a)(1) and new construction detached subject to (a)(2).
6. Section 120.04.010 (d)(14) – *Format Allowance* – The Ordinance states “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...” However, Government Code section 66314, subdivision (d)(2) and (3) allow new construction that is “either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.” Therefore, the Ordinance is too restrictive, and the City must amend the Ordinance to allow for all formats.

The City has two options in response to this letter.<sup>1</sup> The City can either amend the Ordinance to comply with State ADU Law<sup>2</sup> or adopt the Ordinance without changes and include findings in its resolution adopting the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD's findings.<sup>3</sup> If the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.<sup>4</sup>

HCD appreciates the City's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please feel free to contact Mike Van Gorder at [Mike.VanGorder@hcd.ca.gov](mailto:Mike.VanGorder@hcd.ca.gov) if you have any questions.

Sincerely,



Jamie Candelaria  
Senior Housing Accountability Manager  
Housing Policy Development Division

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<sup>1</sup> Gov. Code, § 66326, subd. (c)(1).

<sup>2</sup> Gov. Code, § 66326, subd. (b)(2)(A).

<sup>3</sup> Gov. Code, § 66326, subd. (b)(2)(B).

<sup>4</sup> Gov. Code, § 66326, subd. (c)(1).

**State ADU/JADU Law Statutory Conversion Table**

| <b>New Government Code Sections</b>                 | <b>Previous Government Code Sections</b>                  |
|---|---|
| <b>Article 1. General Provisions</b>                |   |
| 66310   | 65852.150 (a)   |
| 66311   | 65852.150 (b)   |
| 66312   | 65852.150 (c)   |
| 66313   | General Definition Section<br>65852.2 (j)<br>65852.22 (j) |
| <b>Article 2. Accessory Dwelling Unit Approvals</b> |   |
| 66314   | 65852.2(a)(1)(A), (D)(i)-(xii), (a)(4)-(5)                |
| 66315   | 65852.2 (a)(8)  |
| 66316   | 65852.2 (a)(6)  |
| 66317   | 65852.2 (a)(3), (a)(7)                                    |
| 66318   | 65852.2 (a)(9), 65852.2 (a)(2)                            |
| 66319   | 65852.2 (a)(10)   |
| 66320   | 65852.2 (b)   |
| 66321   | 65852.2 (c)   |
| 66322   | 65852.2 (d)   |
| 66323   | 65852.2 (e)   |
| 66324   | 65852.2 (f)   |
| 66325   | 65852.2 (g)   |
| 66326   | 65852.2 (h)   |
| 66327   | 65852.2 (i)   |
| 66328   | 65852.2 (k)   |
| 66329   | 65852.2 (l)   |
| 66330   | 65852.2 (m)   |
| 66331   | 65852.2 (n)   |
| 66332   | 65852.23.   |
| <b>Article 3. Junior Accessory Dwelling Units</b>   |   |
| 66333   | 65852.22 (a)  |
| 66334   | 65852.22 (b)  |
| 66335   | 65852.22 (c)  |
| 66336   | 65852.22 (d)  |
| 66337   | 65852.22 (e)  |
| 66338   | 65852.22 (f)-(g)  |
| 66339   | 65852.22 (h)  |
| <b>Article 4. Accessory Dwelling Unit Sales</b>     |   |
| 66340   | 65852.26 (b)  |
| 66341   | 65852.26 (a)  |
| 66342   | 65852.2 (a)(10)   |