

City of Piedmont
CITY COUNCIL AGENDA REPORT

DATE: February 17, 2026

TO: City Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Consideration of Approval of Second Reading of Ordinance 789 N.S. Amending Divisions 17.38 Accessory Dwelling Units, 17.62 Notice Requirements, 17.78 Appeals; Calls for Review; and 17.90 Definitions; Measurements of Chapter 17 of the Piedmont City Code and Finding that the Ordinance is Exempt under the California Environmental Quality Act

RECOMMENDED ACTION

Approve the second reading of Ordinance 789 N.S., Attachment A, Amending Divisions 17.38 Accessory Dwelling Units, 17.62 Notice Requirements, 17.78 Appeals; Calls for Review; and 17.90 Definitions; Measurements of Chapter 17 of the Piedmont City Code.

BACKGROUND

On February 2, 2026, the City Council approved a first reading and introduced Ordinance 789 N.S., amending the Piedmont City Code Chapter 17 divisions 17.38 Accessory Dwelling Units, 17.62 Notice Requirements, 17.78 Appeals; Calls for Review; and 17.90 Definitions; Measurements, in order to bring it into conformance with recently enacted State law regarding accessory dwelling units and junior accessory dwelling units, and also addresses comments on the current Zoning Ordinance provided by the California Department of Housing and Community Development (HCD). Staff also recommends a minor update to bring Chapter 17's noticing requirements into conformance with State law regarding the noticing of zoning changes, which went into effect in September 2024.

Additionally, on February 2, 2026, the City Council found that the proposed City Code amendments related to ADUs are statutorily exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h) which exempts adoption of ordinances to implement Government Code section 65852.2 regarding accessory dwelling units. Additionally, the adoption of the proposed revisions to City Code section 17.62.030.E to modify noticing requirements for zoning changes is not a project within the meaning of CEQA. The revision would bring noticing requirements for proposed zoning changes in City Code Chapter 17 into conformance with State law and is not an action which has the potential to result in a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Section 15378.)

A second and final reading is required for adoption. Once approved, this ordinance will become effective March 19, 2026.

REVIEW BY CITY ATTORNEY

The proposed amendments to the City Code have been reviewed and approved by the City Attorney.

Prepared by: Tiffany Edwards, Associate Planner

ATTACHMENTS

	<u>Pages</u>	
A	3-11	Ordinance 789 N.S.
B	12-14	HCD Letter dated January 5, 2026

Separate Attachments and Links:

Link to February 2, 2026, City Council Staff Report:

<https://piedmont.ca.gov/common/pages/GetFile.ashx?key=B%2b1CAboT>

Link to Planning Commission Staff Reports:

https://piedmont.ca.gov/government/commissions__committees/planning_commission

Link to all meeting videos:

https://piedmont.ca.gov/news/kcom-tv/live_content_and_video_archive

Piedmont City Code Chapter 17, Planning and Land Use:

https://piedmont.ca.gov/government/charter_city_code

Assembly Bill 462:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB462

Assembly Bill 1154:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB1154

Senate Bill 9:

<https://legiscan.com/CA/text/SB9/id/3221566/California-2025-SB9-Amended.html>

Senate Bill 543:

<https://legiscan.com/CA/text/SB543/id/3272964/California-2025-SB543-Chaptered.html>

Assembly Bill 2904:

<https://legiscan.com/CA/text/AB2904/id/3023159/California-2023-AB2904-Chaptered.html>

ORDINANCE NO. 789 N.S.**AN ORDINANCE OF THE COUNCIL OF THE CITY OF PIEDMONT AMENDING DIVISION 17.38 ACCESSORY DWELLING UNITS, 17.62 NOTICE REQUIREMENTS, DIVISION 17.78 APPEALS; CALLS FOR REVIEW AND 17.90 DEFINITIONS; MEASUREMENTS OF CHAPTER 17 OF THE PIEDMONT CITY CODE; AND FINDING THAT THE ORDINANCE IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, the California State Legislature adopted, and Governor Newsom signed, five laws related to accessory dwelling unit (ADU) in 2024 and 2025: Assembly Bill (AB) 130, AB 462, AB 1154, Senate Bill (SB) 543, and AB 2904; and

WHEREAS, AB 130 removed a provision in State ADU law that had previously authorized local agencies to impose objective standards on multifamily ADUs, but this change in state law does not necessitate a change to the Piedmont City Code because the City did not have objective design standards for multifamily ADUs; and

WHEREAS, AB 462 provides a pathway for ADUs in disaster-affected areas to be issued a certificate of occupancy before the primary dwelling, if eligible; and

WHEREAS, AB 1154 impacts junior accessory dwelling units (JADUs), and provides that owner-occupancy requirements are not allowed if the JADU has separate sanitation facilities; and

WHEREAS, SB 543 implements several changes and clarifications to state ADU law, including: (1) a clarification of the allowable square footage of a ADU or JADU is defined as interior livable space; (2) development impact fees may not be imposed on JADUs with 500 or fewer square feet or ADUs with 750 or fewer square feet; (3) and imposes timelines on local agencies to determine application completeness, subsequent resubmittals, and provides for appeals of incompleteness determinations or denials;

WHEREAS, AB 2904 requires notice of the Planning Commission's hearing on a proposed zoning ordinance or amendment affecting the permitted uses of real property to be published, posted, mailed, and delivered, or advertised, as applicable, at least 20 days before the hearing, whereas previously 10 days' notice was required; and

WHEREAS, the proposed amendments comply with state legislation, including AB 462, AB 1154, SB 453, and AB 2904 (noting that AB 130 does not require a code change); and

WHEREAS, on January 5, 2026, the City of Piedmont received comments from the California Department of Housing and Community Development ("HCD") based on adopted ordinances submitted to HCD on June 3, 2025, and the proposed ordinance includes amendments to comply with HCD's comments; and

WHEREAS, the Planning Commission has held a duly noticed public hearing and has taken public testimony on the proposed amendments to City Code Chapter 17 on January 12, 2026, consistent with existing City Code section 17.72.040 and recommended that the City Council adopt an ordinance amending sections of Divisions 17.38 Accessory Dwelling Units, 17.62 Notice Requirements, Division 17.78 Appeals; Calls for Review and 17.90 Definitions; Measurements of Chapter 17 of the Piedmont City Code, to bring the City Code into compliance with statewide legislation Assembly Bill (AB) 462, Assembly Bill 1154, Senate Bill (SB) 453, and Assembly Bill (AB) 2904; and

WHEREAS, the City Council has held a duly noticed public hearing and took public testimony on the proposed amendments to City Code Chapter 17 on February 2, 2026, consistent with existing City Code section 17.72.050.

NOW, THEREFORE, the City Council of the City of Piedmont hereby ordain, based on the oral and written staff report, all oral and written comments received and all other evidence in the record, as follows:

SECTION 1 – BACKGROUND AND INTENT

The City Council of the City of Piedmont's intent is to adopt amendments to bring the Piedmont City Code into compliance with recent state law changes related to Accessory Dwelling Units, Junior Accessory Dwelling Units, and noticing for zoning changes, as reflected in AB 462, AB 1154, SB 543, and AB 2904.

SECTION 2 – Findings. The City Council hereby makes the following findings:

- A. The above recitations are true and correct and incorporated herein by reference.
- B. The proposed revisions implement amendments related to accessory dwelling units and public hearing notification requirements.
- C. Pursuant to City Code Section 17.72.050(B), the amendments are consistent with the Piedmont General Plan, as amended, the purposes of Chapter 17, and the provisions in City Charter Section 9.02.
- D. The proposed amendments comply with recent state law and comments received from HCD on January 5, 2026.
- E. The proposed amendments further public health, safety, and welfare of the community.

SECTION 3 – AMENDMENT TO SECTION 17.38.050

Section 17.38.050 Zoning regulations; Accessory dwelling unit development standards; Permit application and review procedures, of the Piedmont City Code is hereby amended to read in its entirety as follows:

“A. Application.

1. Application. An owner may apply for an accessory dwelling unit permit (or other city approval) by submitting a complete application to the Director on a form provided by the city.
2. Application fee. The owner shall pay an application fee in the amount established by City Council resolution.

B. Ministerial review. The Director shall review each application ministerially to determine if the development standards in section 17.38.060 are met, and shall within 60 days of a completed application approve or deny the application, except if the application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with an application to create a new single-family or multi-family dwelling on the lot, the Director shall delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until permits for the new single-family or multi-family dwelling are approved. The Director will review the application without notice or public hearing. As part of a denial decision, the Director shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant, as specified in Government Code Section 66317(b), or any successor statute thereto. The time period for review may be tolled at the request of the applicant.

C. Decision and conditions. The Director shall render a decision in writing and shall state the reasons for approval or denial. The decision of the Director shall be final unless an appeal is filed in accordance with section 17.38.110. (Ord. 768 N.S., 01/2023)”

SECTION 4 – AMENDMENT TO SUBSECTION 17.38.060.B.6.c

Subsection 17.38.060.B.6.c of Section 17.38.060 Zoning regulations; Accessory dwelling unit development standards; Junior accessory dwelling unit development standards; Projects subject to state mandated approval, of the Piedmont City Code is hereby amended to read in its entirety as follows:

“c. Street Yard Setback. Accessory dwelling units of 800 square feet or less can be constructed in the street yard setback in compliance with all other standards in this section, including height limits. Accessory dwelling units of more than 800 square feet can be constructed in the street yard setback only if it is determined by the Director that there is no alternative configuration on the property that would allow for the construction of the accessory dwelling unit outside the four feet side and rear setbacks in compliance with all other standards in this section, including height.”

SECTION 4 – AMENDMENT TO SUBSECTION 17.38.060.B.6.g.iv

Subsection 17.38.060.B.6.g.iv of Section 17.38.060 Zoning regulations; Accessory dwelling unit development standards; Junior accessory dwelling unit development standards; Projects subject to state mandated approval, of the Piedmont City Code is hereby amended to read in its entirety as follows:

- “iv. Certificate of Occupancy. The building official shall not issue a certificate of occupancy for an accessory dwelling unit before issuance of a certificate of occupancy for the primary dwelling or multi-family dwelling, unless the accessory dwelling unit is eligible pursuant to a proclamation of a state of emergency as specified in Government Code Section 66328(b), or any successor statute thereto.”

SECTION 5 – AMENDMENT TO SUBSECTION 17.38.060.C.3

Subsection 17.38.060.C.3 of Section 17.38.060 Zoning regulations; Accessory dwelling unit development standards; Junior accessory dwelling unit development standards; Projects subject to state mandated approval, of the Piedmont City Code is hereby amended to read in its entirety as follows:

“Use Restrictions. The following restrictions shall apply to junior accessory dwelling units:

- a. The City shall record a deed restriction with the County Recorder Office. The deed restriction shall prohibit the sale or other conveyance of the junior accessory dwelling unit separate from the single-family dwelling; specify that the deed restriction runs with the land and is therefore enforceable against future property owners; and restrict the size and features of the junior accessory dwelling unit in accordance with this section.
- b. The site's owner may at any time offer for rent either the single-family dwelling unit or the junior accessory dwelling unit.
- c. If a junior accessory dwelling unit has shared sanitation facilities with the existing structure, the site's owner shall not allow occupancy of the junior accessory dwelling unit by a tenant for any reason, with or without payment of rent, unless the site owner maintains occupancy on the site as their primary residence. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit pursuant to Government Code Section 66333(g).
- d. Owner-occupancy shall not be required if the owner is a government agency, land trust, or housing organization.
- e. A junior accessory dwelling unit may be rented but shall not be used for rentals of a term less than thirty (30) consecutive days.”

SECTION 6 – AMENDMENT TO SECTION 17.38.060.D

Subsection 17.38.060.D of Section 17.38.060 Zoning regulations; Accessory dwelling unit development standards; Junior accessory dwelling unit development standards; Projects subject to state mandated approval, of the Piedmont City Code is hereby amended to read in its entirety as follows:

“D. Projects subject to state mandated approval. Notwithstanding anything in this code to the contrary, the Director and Building Official shall ministerially approve permits required to create any of the following within a residential or mixed-use zone:

1. One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
 - a. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - b. The accessory dwelling unit has exterior access that is separate from the exterior entrance proposed or existing single-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety.
 - d. The junior accessory dwelling unit complies with the requirements of Government Code Section 65852.22.

The converted or interior accessory dwelling unit and junior accessory dwelling unit in this subsection may be combined with a detached accessory dwelling unit as described in subparagraph 2 below, as specified in Government Code Section 66323(a) or any successor statute thereto.

2. One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling, subject to the following requirements:
 - a. A total floor area limitation of not more than 800 square feet.
 - b. A height limitation of 18 feet, plus for single family residential zoned lots an additional two feet to accommodate a roof pitch that is aligned with the roof pitch of the existing or proposed main house.

The new construction detached accessory dwelling unit in this subsection may be combined with a junior accessory dwelling unit and a converted or interior accessory

dwelling unit as described in subparagraph 1 above, as specified in Government Code Section 66323(a) or any successor statute thereto.

3. Not more than eight (8) detached accessory dwelling units located on a lot that has an existing multi-family dwelling, with the maximum number of allowed accessory dwelling units equal to the number of existing primary multifamily units on the lot, subject to a height limit of 18 feet and four-foot yard setbacks. If the existing multi-family dwelling has a rear or side setback of less than four feet, modification of the existing multifamily dwelling is not required as a condition of constructing the accessory dwelling unit.
4. Conversion of portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, into new accessory dwelling units, provided that each unit shall comply with state building standards for dwellings. The number of new accessory dwelling units authorized for conversion under this subsection shall not exceed 25 percent of the existing dwelling units in the multi-family dwelling structure or one new accessory dwelling unit, whichever is greater. (Ord. 768 N.S., 01/2023; Ord. 769 N.S., 10/2023; Ord 782 N.S. 07/2025)”

SECTION 7 – ADDITION OF SECTION 17.38.110

Section 17.38.110 Appeals is added to Division 17.38 Accessory Dwelling Units to read as follows:

“17.38.110 Appeals.

The Applicant may only appeal a determination that: (1) an application of an accessory dwelling unit or junior accessory dwelling unit is incomplete, or (2) an application of an accessory dwelling unit or junior accessory dwelling unit is denied.

- A. Submission: The appeal shall be submitted in writing to the Director within 5 calendar days of the decision, stating the grounds for appeal. The request must be timely filed with the City Clerk, and accompanied by the appeal fee, which fee shall be established by Resolution of the City Council.
- B. Hearing Body: The appeal will be heard by the Planning Commission, and review shall be conducted in accordance with Section 17.78.040. The decision of the Planning Commission is final and not subject to further appeals.
- C. Timing: A final written decision on the appeal shall be issued within 60 days of the City’s receipt of the written appeal request and payment of the appeal fee.”

SECTION 8 – AMENDMENT TO SUBSECTION 17.62.030(E)

Subsection 17.62.030(E) of Section 17.62.030 Summary of notice requirements, of the Piedmont City Code is hereby amended to read in its entirety as follows:

“Schedule of notice requirements. Notice of an application will be given under this chapter as set forth in the following schedule:

		Notice by City at least 14 days before the hearing, measured from the project boundary. ²				
	Notice by applicant 30 days before hearing ¹	to adjacent property owners	to property owners within 100 feet	to property owners within 200 feet	to property owners within 300 feet	to property owners within 500 feet
Design review permit		Variable depending on application. See division 17.66.				
Ministerial design review		No public notice. See division 17.67.				
Variance						
Single (other than for height or floor area ratio)	X		X			
More than one, or for height or floor area ratio	X			X		
Signs	X ⁴		X			
Landscape plan	X ⁴		X ⁴			
Lot line adjustment						
Between two lots			X			
More than two lots					X	
Wireless communication facility permit	X ⁴		X			
Accessory Dwelling Unit Permit		No notice for an ADU permit application is permitted. See division 17.38.				
Negative declaration or Environmental Impact Report required	X ⁴				X	
Tract map or parcel map	X				X	
Conditional use permit, or modification						X
Reasonable accommodation³			X			
Zoning Regulation Amendment		Publish notice in newspaper of general circulation within the City. ⁵				
Zoning Map Amendment		Publish notice in newspaper of general circulation within the City. ⁵				
Other applications		X				
Appeal, Call for Review		Subject to Section 17.78.030.A.				
		Notice by City at least 20 days before the hearing. ²				
Zoning Regulation Amendment affecting the permitted use of real property		Publish notice in newspaper of general circulation within the City. ⁵				
Zoning Map Amendment affecting the permitted use of real property		Publish notice in newspaper of general circulation within the City. ⁵				

¹ See section 17.62.030B.

² See section 17.62.030C.

³ Subject to section 17.76.040.

⁴ For an application considered by Planning Commission

⁵ Subject to section 17.62.030, subsections A and C.”

SECTION 9 – AMENDMENT TO SUBSECTION 17.78.010

Subsection 17.78.010 of Section 17.78.010 General of the Piedmont City Code is hereby amended to read in its entirety as follows:

“17.78.010 General.

Except for a decision regarding an accessory dwelling unit under division 17.38 or wireless communication facilities under division 17.46, any interested person may appeal a decision of the Director to the Planning Commission, or a decision of the Planning Commission to the City Council, all under the terms of this division 17.78. Appeals of decisions regarding wireless communication facilities are governed under Section 17.46.100, and appeals regarding accessory dwelling units are governed under Section 17.38.110.

The city will not approve a building permit during the appeal period.”

SECTION 10 – AMENDMENT TO SECTION 17.90.020

The definition of Floor Area of an accessory dwelling unit is added to Section 17.90.020 of the Piedmont City Code to read as follows:

“Floor area of an accessory dwelling unit means the sum of the gross horizontal area of the interior livable space of the building, measured from the interior faces of interior walls or from the interior line of party walls separating two buildings. Livable space means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation. 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, as defined in California Government Code section 66313.”

SECTION 11– CALIFORNIA ENVIRONMENTAL QUALITY ACT

The adoption of the proposed revisions to Chapter 17 to regulate Accessory Dwelling Units is not a project within the meaning of the California Environmental Quality Act (“CEQA”). In the event it is a project under CEQA, the proposed City Code amendments related to ADUs are statutorily exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h) which exempts adoption of ordinances to implement Government Code section 65852.2 regarding accessory dwelling units. The adoption of the proposed revisions to Chapter 17 to modify noticing requirements for zoning changes is not a project within the meaning of CEQA. The revision would bring noticing requirements for proposed zoning changes in Chapter 17 into conformance with legislation enacted by the State Legislature and is not an action which has the potential to result in a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Section 15378.)

SECTION 12– CONFLICTS

If a previous City Council ordinance or resolution is in conflict with this ordinance, that ordinance or resolution is superseded, and the provisions of this ordinance prevail.

SECTION 13– SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

SECTION 14 – CODIFICATION

The City Clerk is directed to codify this ordinance in a manner which reflects the legislative intent of the City Council.

SECTION 15 – POSTING, EFFECTIVE DATE, AND SUBMISSION

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading. The City Clerk is directed to submit a copy of this ordinance to the Department of Housing and Community Development in the manner required by law.

[END OF ORDINANCE]

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

651 Bannan Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



January 5, 2026

Pierce MacDonald, Senior Planner
Planning & Building Department
City of Piedmont
120 Vista Ave
Piedmont, CA 94611

Dear Pierce MacDonald:

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

Thank you for submitting the City of Piedmont (City) ADU Ordinance No. 777 (Ordinance), adopted January 21, 2025, to the California Department of Housing and Community Development (HCD). Given that the Ordinance included only the changes to the language of Section 17.40, HCD has reviewed both the Ordinance and Section 17.38 of the Municipal Code and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance and Municipal Code fail to comply with State ADU Laws in the manner noted below. Pursuant to Government Code 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 February 4, 2026, with a plan to either amend the current ordinance or adopt a resolution with findings.¹ Responses should be submitted formally on agency letterhead.

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

1. Please note, there is recent legislation that amended State ADU Law. Language relevant to these changes should be incorporated into the Ordinance as it is updated. The bills referenced below are relevant to State ADU Law:
 - Assembly Bill (AB) 130 – Effective June 30, 2025
 - AB 462 – Effective October 10, 2025
 - AB 1154 – Effective January 1, 2026
 - Senate Bill (SB) 9 – Effective January 1, 2026
 - SB 543 – Effective January 1, 2026

¹ Gov. Code, § 66326, subd. (b)(2)(B).

2. Section 17.38.050 B. – *Denial* – The Municipal Code states that the director “...shall within 60 days of a completed application approve or deny the application” for an ADU application. However, the Municipal Code omits reference to the requirements stated in Government Code section 66317, subdivision (b): “If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.” The City must add language to provide for the requirements triggered by a denial.
3. Section 17.38.060 B.6.c. – *Front Setbacks* – The Municipal Code states that an ADU may be created in the front setback “...only if it is determined by the Director that there is no other configuration on the property that would allow for the construction of an 800 square foot accessory dwelling unit...” However, Government Code section 66321, subdivision (b)(3), which prohibits the application of front setbacks from prohibiting an ADU up to 800 square feet, does not allow for conditions such as the absence of alternative siting. Therefore, the City must amend the Municipal Code to remove the condition that “no other configuration on the property” exist in this section.
4. Section 17.38.060 D.2. – *Unit Mixture* – The previous findings letter to the City, sent on April 10, 2023, finding number 2 centered on the phrase “[the] new construction detached accessory dwelling unit in this subsection may be combined with a junior accessory dwelling unit as described above.” This phrase remains unchanged in the current municipal code, and so HCD remains concerned that the City may not permit the unit mixture that is required by Government Code section 66323, subdivision (a) – with a single-family primary dwelling, 1 new construction detached ADU up to 800 square feet, 1 converted or interior ADU and 1 JADU. In response to this letter, please confirm that the City will ministerially permit all state-mandated units.

The City has two options in response to this letter.² The City can either 1) amend the Ordinance to comply with State ADU Law³ or 2) adopt the Ordinance without changes and include findings in its resolution accompanying the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD’s findings.⁴ If the City fails to take either course of action, or if HCD finds that the newly adopted Ordinance remains out of compliance with State ADU Law despite the City’s findings and explanations, 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.⁵

² Gov. Code, § 66326, subd. (c)(1).

³ Gov. Code, § 66326, subd. (b)(2)(A).

⁴ Gov. Code, § 66326, subd. (b)(2)(B).

⁵ Gov. Code, § 66326, subd. (c)(1).

Pierce MacDonald, Senior Planner
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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 VanGorder at Mike.vangorder@hcd.ca.gov if you have any questions or wish to discuss any of HCD's findings.

Sincerely,

A handwritten signature in black ink that reads "Jamie Candelaria". The script is cursive and fluid.

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit