

**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



April 9, 2025

Danielle L. Staude
Principal Planner
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941

Dear Danielle L. Staude:

**RE: City of Mill Valley – Letter of Technical Assistance Accessory Dwelling Unit (ADU)
Ordinance Repeal Request**

HCD recently contacted the City of Mill Valley (City) regarding its ADU Ordinance 1330 (Ordinance), given the changes to State ADU Law since the City's adoption of the Ordinance on November 15, 2021. HCD has been informed that, rather than amending its noncompliant Ordinance, the City intends to exclusively use State ADU Law to process ADU applications.

While HCD commends the City's intention to process ADU applications in accordance with State ADU Law, that on its own does not satisfy the requirements of Government Code section 66326, subdivision (b). Please note that the City has two options in response to a non-compliant ordinance.¹ The City can either amend the Ordinance to comply with State ADU Law² 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.³

If the City wishes to utilize State ADU Law in lieu of adopting a compliant ordinance, then the City should repeal the outdated, noncompliant Ordinance to meet the standards of State ADU Law. Repealing the Ordinance would have the additional benefit of clarity for ADU applicants who may otherwise rely on an ordinance that is still included in the City's Code of Ordinances but is not compliant with State ADU Law.

¹ Gov. Code, § 66326, subd. (c)(1).

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

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

HCD thanks the City for its efforts to better understand State ADU Law and for the spirit of partnership that has guided the City's communications with HCD. HCD welcomes any other opportunity to further assist the City in fully complying with State ADU Law. Please feel free to contact Mike Van Gorder, of our staff, at Mike.VanGorder@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Jamie Candelaria". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jamie Candelaria
Senior Housing Accountability Manager
Housing Policy Development Division