STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

June 25, 2024

So Kim, Community Development Director
Planning Services
City of Aliso Viejo
12 Journey, Suite 100
Aliso Viejo, CA 92656

Dear So Kim:

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

Please Note: As of March 25, 2024, with the Chaptering of Senate Bill (SB) 477 (Chapter 7, Statutes of 2024), the sections of Government Code relevant to State ADU and Junior Accessory Dwelling Unit (JADU) Laws have been re-numbered (Enclosure).

Thank you for submitting the City of Aliso Viejo's (City) ADU Ordinance No. 2023-235 (Ordinance), adopted March 1, 2023, to the California Department of Housing and Community Development (HCD). The Ordinance was received on September 27, 2023. 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 JADU Laws in the manner noted below. Under 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 July 24, 2024.

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

1. 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.

2. Section 15.14.080 (C)(5)(d) – *JADU Entrance Requirements* – The Ordinance states that JADUs must satisfy the following: "If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling." However, Government Code section 66333, subdivision (e)(1), states that all JADUs must

include a separate entrance from the main entrance to the primary dwelling, and subdivision (e)(2) qualifies that JADUs which do not provide a separate bathroom shall include both a separate entrance from, and an interior entry to, the primary dwelling. Because the separate entrance requirement is combined with the requirement for shared entries for JADUs without separate sanitation, the Ordinance's JADU entrance requirements could be construed that only JADUs without separate sanitation must require separate exterior entrances. Therefore, the Ordinance should be amended to clarify that all JADUs require a separate entrance from the main entrance of the primary dwelling.

3. Section 15.14.080 (D)(1) and (2); (H)(8) – *Applications for ADUs: Deed Restrictions* – The Ordinance states that draft deed restrictions are required with an application to create an ADU, and Section 15.14.080 (H) details the deed restriction requirements therein and specifies that a deed restriction must be recorded prior to issuance of an ADU building permit. However, Government Code section 66315 states, "No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer." A deed restriction would be an "additional standard" and thus cannot be imposed. Additionally, a deed restriction cannot contain language or provisions that are not consistent with state law. Effective January 1, 2024, Government Code section 66314 was amended to entirely remove owner occupancy requirements for ADUs. Therefore, the City must remove the deed restriction requirement for ADUs.

4. Section 15.14.080 (D)(2) – *HOA Notice* – The Ordinance states that an application for a development review permit (DRP) must include, "…evidence of having given notice to the HOA, if applicable." While this finding does not present a violation of State ADU Law, HCD reminds the City that no other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit. Additionally, no discretion or third-party intervention is allowed in the ministerial process; only permitting agencies have the authority to approve or deny ADU applications. Therefore, the City should consider omitting these requirements. However, if the City keeps this language, HCD strongly recommends the Ordinance clarify the ministerial nature of ADU approvals.

5. Section 15.14.080 (E) – *Number of Units* – The Ordinance does not make explicit the total number of units allowed on a lot with a single-family or multifamily dwelling. Government Code section 66323, subdivision (a), states, "Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following: (1) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling…(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." Paragraph (2) permits "[o]ne detached, new construction, accessory dwelling unit that does not exceed four-

foot side and rear yard setbacks." The use of the term "any" followed by an enumeration of by-right ADU types permitted indicate that any of these ADU types can be combined on a lot zoned for single family dwellings.

This was changed in 2019 with the passing of clean-up legislation (AB 3182). The Legislature changed "or" to "and" in paragraph (1), but they left the "or" in (1), subparagraph (A). HCD assumes that this change was intentional in that it validates HCD's understanding of a second unit being allowable via paragraph (1) while setting the criteria for creating those two units in the subsequent subparagraphs.

This permits a homeowner, who meets the specified requirements of this section, to create one converted ADU; one detached, new construction ADU; and one JADU. Thus, if the local agency approves an ADU that is created from existing (or proposed) space, and the owner subsequently applies for a detached ADU (or vice versa) that meets the size and setback requirements pursuant to this section, the local agency cannot deny the application, nor deny a permit for a JADU under this section. HCD notes that the Legislature, in creating the list, did not use "or" nor "one of" to indicate only one or another would be applicable to the exclusion of the other. Limiting single-family lots to one ADU would prevent property owners from creating ADUs by-right under subdivision (a).

This section also applies to ADUs created pursuant to Government Code section 66323, subdivisions (a)(3) and (a)(4), on lots with proposed or existing multifamily dwellings. Limiting single-family or multifamily lots to one ADU would prevent property owners from creating ADUs by-right under subdivision (a).

Therefore, the Ordinance must be amended to reflect the allowable numbers of units on lots with single-family and/or multifamily dwellings.

6. Section 15.14.080 (E)(4) – *Limited Detached on Multifamily Lot* – The Ordinance states, "If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU…" However, Government Code section 66314, subdivision (d)(7) states that, "No setback shall be 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…" Therefore, the Ordinance must be amended to specify that no setbacks are required when a detached ADU is created on a multifamily lot in the same location and to the same dimensions as an existing structure or converted from an existing structure.

7. Section 15.14.080 (F) and (G) – *Development Review Permit (DRP) / Process and Timing* – The Ordinance states that except for ADUs created according to the Building-Permit-Only scenario list in subsection (E), "…no ADU may be created without both a building permit and a DRP permit in compliance with the standards set forth in subsections (H) and (I)…" of the Ordinance. Section 15.14.080 (G)

states that applications to create ADUs or JADUs will be considered and approved ministerially, and that the city will approve or deny applications to create ADUs and JADUs within 60 days from the date that the city receives a completed application.

However, Government Code section 66317, subdivision (a) states that, "A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing… The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot." The local agency shall only approve or deny applications to create or serve ADUs; conditional approvals are not permitted by State ADU Law. Pursuant to Government Code section 66317, permit applications for ADUs and JADUs must be considered and approved ministerially.

Government Code Section 66314, subdivision (b)(1) requires that local agencies shall impose only objective standards on ADUs, defined in section 66313, subdivision (h) as "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."

Therefore, the City should consider amending the Ordinance to specify that the ADUs subject to the DRP process will follow procedures set forth in Section 15.14.020 where the Sections conflict with each other and must amend the Ordinance so that the DRP process complies with State ADU Law. The Ordinance shall be amended to provide objective standards for a "complete application."

8. Section 15.14.080 (H)(2)(c), (E)(2)(c) and (E)(4)(b) – *Detached ADU Height* – The Ordinance states that, "A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height." However, Government Code Section 66321, subdivision (b)(4)(C) states that, "A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling." State ADU Law does not specify that any of the stories contained in a multifamily, multistory dwelling structure must be located above grade to qualify the lot for the 18-foot detached ADU height allowance in subparagraph (C). For example, a multifamily structure with a subterranean garage floor is described by (C) and the lot on which that structure is located qualifies for the 18-foot height allowance therein. Therefore, the Ordinance must be amended to remove the "above grade" qualifier in Subsection (H)(2)(c).

9. Section 15.14.080 (H)(2)(e) – *Height Determination* – The Ordinance states that, "For the purposes of this subsection (H.2), height is measured above existing legal grade to the peak of the structure." However, section 202 of the California Building Code (CBC) defines "Height, Building" as "the vertical distance from

grade plane to the average height of the highest roof surface," not the distance from "existing legal grade" to the single highest point. The Municipal Code also does not provide a definition of "existing legal grade" and thus does not meet the definition on "objective standard," creating the potential for non-ministerial review. Therefore, the City must amend the Ordinance to measure building height based on the established grade plane and average height of the highest roof surface in accordance with the CBC definition.

10. Section 15.14.080 (H)(5) – *Separate Conveyance* – The Ordinance states that except as provided in Government Code Section 65852.26, (now provided in Government Code Section 66341), "…no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling." However, State ADU Law allows separate conveyance of ADUs in two scenarios, some of which by-right, pursuant to Government Code Sections 66340 through 66342. Additionally, effective January 1, 2024, Government Code section 66342 creates the opportunity for local agencies to allow separate sale or conveyance of primary units and ADUs as condominiums through the adoption of a local ordinance meeting the specifications prescribed therein. The City must amend the ordinance to reference all of Government Code sections 66340-66342. The local agency may consider adopting an ordinance allowing separate conveyance as a means of promoting home ownership opportunities and to create a path to wealth-building for families in Aliso Viejo.
11. Section 15.14.080 (H)(7) – *Owner Occupancy* – The Ordinance states that, "…all ADUs that are permitted on or after January 1, 2025, are subject to an owner-occupancy requirement." However, effective January 1, 2024, State ADU Law was amended removing owner occupancy requirements for ADUs entirely[1]. Therefore, the City must amend this section to comply with Government Code section 66315.

12. Section 15.14.080 (I)(6)(b)(iii) – *ADU Parking Exceptions* – The Ordinance states several conditions for which parking is not required with the creation of an ADU. However, it creates a more restrictive condition to the parking exception required to be granted by Government Code section 66322, subdivision (a)(3), which states that no parking may be required when "…the accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure." This State parking exception includes ADUs created outside of the pathway described in Subsection (E. 1) of the Ordinance, although the Ordinance attempts to limit the exception to ADUs that comply with Subsection (E.1). Additionally, pursuant to Government Code section 66334, an Ordinance shall not require additional parking for a JADU. Government Code section 66325, subdivisions (a) and (b) state, "…this article shall supersede a conflicting local ordinance. This article does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit." State ADU Law does not permit local agencies to adopt *more restrictive* requirements for ADUs. Therefore, the Ordinance must be amended to remove the condition

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[1] See AB 976 (Chapter 751, Statutes of 2023) and Government Code section 66315.

about compliance with Subsection (E.1) to the referenced parking exception and must clarify that no additional parking is required for a JADU.

13. Section 15.14.080 (I)(7)(a) – *Placement of Windows and Doors* – The Ordinance states, "Windows and doors of the accessory dwelling unit may not have a direct line of sight to an adjoining residential property. Fencing or privacy glass may be used to provide screening and prevent a direct line of sight." However, State ADU Law requires that local agencies impose no greater than four-foot side and rear setbacks on ADUs and must only impose objective standards without discretionary review[2].

    Pursuant to Government Code Section 66314, subdivision (d)(7), "No setback shall be 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, and a setback of no more than 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 dimensions as an existing structure."

    Line-of-sight requirements constitute implicit setback requirements inconsistent with State ADU Law and could be considered arbitrary, excessive, or burdensome. Placement of windows and doors is regulated by building and fire codes. Applying additional placement requirements based on line-of-sight may conflict with safety codes and render ADU construction infeasible. The ordinance does not clarify definitions for "direct line of sight," "adjoining residential property," or "fencing or privacy glass," creating potential for discretionary review.

    Therefore, because the requirement establishes implicit setbacks for ADUs that do not comply with state law, and because the requirement is not objective and creates potential for discretionary review, the City must either remove this requirement or amend the Ordinance to comply with State ADU Laws' objective standards and ministerial review provisions.

14. Section 15.14.080 (I)(7)(b) – *Exterior Materials and Colors* – The Ordinance states, "The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling." However, State ADU Law requires that local agencies must only impose objective standards without discretionary review[3]. The phrases "match," "appearance" and "architectural design" are not objective phrases. The Ordinance does not establish objective measures for appearances or architectural designs, nor does it establish how an applicant can demonstrate that a proposed ADU will "match" the primary dwelling or how the public official would ministerially review whether the requirement is met. Therefore, the city

[2] Gov. Code, §§ 66314, subd. (b)(1); 66317, subd. (a).
[3] Gov. Code, §§ 66314, subds. (b)(1); 66317, subd. (a).

must amend the Ordinance to provide objective standards for “match,” “appearance,” and “architectural design” meeting the definition of “objective standard” in Government Code section 66313, subdivision (h), or must remove this requirement from the Ordinance.

15. Section 15.14.080 (I)(7)(d) – *Exterior Lighting* – The Ordinance states, “The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.” However, State ADU Law requires that local agencies must only impose objective standards without discretionary review[4]. The Ordinance and Municipal Code do not provide a definition for the term “down-light” or provide uniformly verifiable fixture or light specifications; the Zoning Ordinance provides only subjective standards for outdoor light specifications in Section 15.62.070 as their imposition requires the judgment of the public official. Therefore, the city must amend the Ordinance to provide objective standards for “down-light” meeting the definition of “objective standard” in Government Code section 66313, subdivision (h), or must remove this requirement from the Ordinance.

16. Section 15.14.080 (I)(7)(f) – *Interior Dimensions* – The Ordinance states, “The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.” However, a local agency shall not establish “[a]ny requirement for a zoning clearance or separate zoning review or any other any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards”[5]. Additionally, a local agency adopting an ordinance to provide for the creation of ADUs shall require ADUs to be created in any of the following configurations: “The accessory dwelling unit 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”[6].

    Interior minimum size requirements shall not be imposed in such a way as to prevent an ADU of 800 square feet or less with four-foot side and rear setbacks, nor shall interior minimum size requirements be imposed where they would prevent an ADU from being created in any of the allowable configurations pursuant to State ADU Law. Such interior horizontal dimension requirements can have the effect of prohibiting the creation of ADUs converted from eligible

[4] Gov. Code, §§ 66314, subds. (b)(1); 66317, subd. (a).
[5] Gov. Code, § 66321, subd. (b)(3).
[6] Gov. Code, § 66314, subd. (d)(3).

existing spaces; for example, an ADU converted from an existing attached single-car garage with an interior width of only 9 feet is prohibited by such requirement. Such requirements may also prevent new construction ADUs altogether on lots where at least fifteen feet (10' interior dimension + 2x6" thick walls + 4' side/rear setback) of clearance does not exist, effectively creating a larger setback than may be imposed on any ADU. Pursuant to Government Code Section 66314, subdivision (d)(7), "A setback of no more than 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 dimensions as an existing structure." Therefore, the city must amend the Ordinance to remove the requirement for minimum interior dimensions not established by the California Building Standards Code, as it maybe locally amended.

17. Section 15.14.080 (I)(7)(g) – *Obscuring Windows and Doors* – The Ordinance states, "All windows and doors in an ADU less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscured glass."

    However, State ADU Law requires that local agencies must only impose objective standards without discretionary review[7]. Additionally, Government Code section 66321, subdivision (b)(3) prohibits any requirements that prevent construction of "at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks."

    The Ordinance and the Municipal Code do not define "frosted" or "obscured" or provide specifications for clerestory windows. This lack of clear definitions creates potential for discretionary review and internal inconsistencies, particularly with the requirement that ADU windows and doors match the primary dwelling's design (Section 15.14.080 (I)(7)(b)). Consequently, it is unclear how applicants can demonstrate compliance or how the agency will evaluate the requirement objectively.

    Requiring windowsill heights to reach at least six feet from the finished floor effectively requires an interior dimension of more than seven feet in height for the ADU, creating internal inconsistency with Section 15.14.080 (I)(7)(f) of the Ordinance which allows a minimum of seven feet in height. This sill height requirement can also conflict with safety codes requiring lower windowsill heights for egress. The lack of objective benchmarks for frosted or obscured glass further complicates compliance. Such an interior dimensional requirement, i.e., a minimum size requirement, cannot be imposed on an ADU "that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks"[8].

[7] Gov. Code, §§ 66314, subds. (b)(1); 66317, subd. (a).
[8] Gov. Code, § 66321, subd. (b)(3).

Therefore, the City must amend the Ordinance to provide objective standards for “clerestory,” “frosted,” and “obscured” meeting the definition of “objective standard” in Government Code section 66313, subdivision (h), or must remove this requirement from the Ordinance, and must amend the Ordinance to avoid internal inconsistencies between applicable codes which could preclude construction of legally permissible ADUs.

18. Section 15.14.080 (I)(7)(h) – *Mechanical Setback* – The Ordinance states, “Mechanical equipment may not be placed within four feet of an adjacent property.” Additionally, the Ordinance establishes design requirements for roof-mounted HVAC equipment in Subsection 15.62.080 (E)(2)(a).

    However, State ADU Law prohibits local agencies from imposing requirements that prevent the construction of an 800 square foot ADU with four-foot side and rear setbacks[9]. Additionally, State ADU Law requires that ADUs be allowed in any of the following configurations: “The accessory dwelling unit 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”[10].State ADU Law requires that local agencies must only impose objective standards without discretionary review[11].

    Such standards for mechanical equipment serving the ADU (or serving the primary dwelling in context with the construction of an ADU), may constitute building setbacks and may result in a setback imposed on an ADU that is unlawful. If no alternative location for mechanical equipment exists except within four feet of the property line, this requirement could force applicants to increase the setback or reduce the size of the ADU. Locating mechanical equipment on the roof to avoid this issue may trigger subjective design standards[12] and may create potential for discretionary review.

    Therefore, the city must amend the Ordinance to provide that in no case shall an ADU be required to provide a setback greater than that which is allowed to be required by State ADU Law, nor shall any proposed ADU be required to be reduced in size to accommodate such a requirement, and where an ADU proposes to locate such equipment on the roof, subjective design standards cannot be applied.

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[9] Gov. Code, § 66321, subd. (b)(3).
[10] Gov. Code, § 66314, subd. (d)(3).
[11] Gov. Code, §§ 66314, subds. (b)(1); 66317, subd. (a).

[12] 15.62.080 (E)(2)(a): “Roof-mounted mechanical equipment such as air conditioning, heating or ventilating units or ducting shall be screened from a horizontal line of sight. Such screening shall be architecturally consistent with the building and an integral part of the roof design so as not to appear as an architectural ‘afterthought.’”

19. Section 15.14.080 (I)(8) – *Tree Replacements* – The Ordinance states that, "Trees removed on site for construction of the ADU or to provide parking should be replaced with 24-inch box trees of the same variety." However, State ADU Law requires that local agencies must only impose objective standards without discretionary review[13].Neither the Ordinance nor the Municipal Code provide a definition for "variety" with reference to trees. The Ordinance does not establish whether ADUs are permitted even where the replanting of new 24-inch box trees elsewhere on the lot is rendered infeasible due to possible ADU siting in conflict with the root zones of the replacement trees. Therefore, the Ordinance must be amended to establish specifications for tree replacements based on objective standards as defined in Government Code Section 66313, subdivision (h), and must provide for the ministerial approval of State ADU Law-mandated ADUs in situations where tree replacement requirements unreasonably restrict siting of any ADU.

20. Section 15.14.080 (I)(9) – *Historical Protections* – The Ordinance states that, "An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as not to be visible from the public right-of-way." However, Government Code Section 66314, subdivision (b)(1) states that local agencies may (emphasis added), "[i]mpose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and **standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources**" (emphasis added). Objective standards are defined in section 66313, subdivision (h) as "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." The Ordinance does not provide a definition of "visible" nor establish how such a requirement would be applied ministerially. The Ordinance also does not establish how an ADU's visibility from the public right-of-way has any adverse impact on historic properties.

    Therefore, the city should provide response indicating how visibility of any ADU located within 600 feet of a historic resource, even when located on a separate property from that historic resource, has a specific adverse impact on said historic property, or shall amend the Ordinance to remove the requirement. Unless no structures of any kind are permitted to be visible from the public right-of-way when located within 600 feet of historic properties, the reasoning provided should clearly demonstrate how public right-of-way-visible ADUs specifically create such an adverse impact that must be mitigated. Otherwise, the city must amend the Ordinance to provide objective standards to establish how the matter of visibility is addressed for Historic Resource-proximal ADUs in a manner that can be evaluated ministerially, without

[13] Gov. Code, §§ 66314, subds. (b)(1); 66317, subd. (a).

subjective judgment by a public official, and that is established by uniform benchmarks and criteria knowable by applicants prior to submittal of an application to create an ADU.

Please note that the City has two options in response to this letter[14]. The City can either amend the Ordinance to comply with State ADU Law[15] 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[16]. 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.[17]

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 David Barboza at David.barboza@hcd.ca.gov if you have any questions.

Sincerely,

Jamie Candelaria
Senior Housing Accountability Unit Manager
Housing Policy Development Division

[14] Gov. Code, § 66326, subd. (b)(2).
[15] Gov. Code, § 66326, subd. (b)(2)(A).
[16] Gov. Code, § 66326, subd. (b)(2)(B).
[17] Gov. Code, § 66326, subd. (c).

State ADU/JADU Law Statutory Conversion Table

New Government Code Sections	Previous Government Code Sections
Article 1. General Provisions	
66310	65852.150 (a)
66311	65852.150 (b)
66312	65852.150 (c)
66313	General Definition Section 65852.2 (j) 65852.22 (j)
Article 2. Accessory Dwelling Unit Approvals	
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.
Article 3. Junior Accessory Dwelling Units	
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)
Article 4. Accessory Dwelling Unit Sales	
66340	65852.26 (b)
66341	65852.26 (a)
66342	65852.2 (a)(10)