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May 8, 2026

Rudy Emami, Director
Public Works Department
City of Anaheim
200 S. Anaheim Boulevard, 2nd Floor
Anaheim, CA 92805

Dear Rudy Emami:

RE: City of Anaheim – Roadway Dedication and Improvement Requirements for ADUs – Letter of Technical Assistance

This letter provides technical assistance to the City of Anaheim (City) regarding the limits State ADU Law places on road dedication requirements.

Background

The California Department of Housing and Community Development (HCD) was recently contacted by an applicant (Requester) for a 1,199 square-foot detached accessory dwelling unit (ADU) project located at 602 South Sherrill Street, Anaheim (Project). The subject property is a corner lot fronting on Sherrill Street and Orange Avenue and is developed with a house and an attached garage. The Requester shared a denial letter for the Project dated December 3, 2025. The denial letter states: “Prior to approval of building plans, the property owner shall irrevocably offer to dedicate in a signed deed to the City of Anaheim a 5-ft dedication at Orange Avenue for road, public utilities, and other public purposes per Anaheim Municipal Code (AMC) 18.40.060.020.” The letter also provided a cost estimate of $15,090.75 for associated “roadway improvements” that the Requester would be responsible for paying as a condition of approval. HCD provided technical assistance to the Requester by email on February 6, 2026, indicating that requirements for roadway dedications or “improvements” are not permissible under State ADU Law.

Analysis

Anaheim Municipal Code (AMC) section 18.40.060.010 requires roadway dedication and improvement: “before any building permits are issued for development of the property, except as otherwise specifically set forth herein.” AMC section 18.40.060.020 states: “The right-of-way for all streets, highways, sewers, storm drains, and alleys

which abut or cross the subject property shall be dedicated to the full width required by the City Engineer in accordance with the Circulation Element of the General Plan and any applicable Specific Plan, and as clarified by the City of Anaheim Standard Details or Precise Alignments, approved by the City Engineer." AMC section 18.40.060.030 states: "Unless otherwise required by the Subdivision Map Act, prior to issuance of occupancy permits, all street, highway, sewer, storm drain, street light, CATV, alley, trail improvements, parkway landscaping and median island landscaping shall have been installed, removed and reconstructed, and/or be in good repair, or improvement plans shall be required to be prepared to City of Anaheim standards and such improvements constructed, removed and reconstructed at their ultimate locations, or repaired." Taken together, these provisions are the basis for the City's argument that the Project triggers the requirement for a road dedication and "improvements" along Orange Avenue.

The ADU is proposed pursuant to Government Code section 66314, because it is a detached ADU with more than 800 square feet of interior livable space on a lot with an existing single-family dwelling.[1] For such ADUs, a local agency may: "Impose 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. These standards shall not include requirements on minimum lot size."[2] State ADU Law prohibits additional standards, beyond those described above: "Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. 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."[3] Requirements for road dedications or improvements are not listed under section 66314, nor are they similar to the other development standards listed under that section, which pertain to an ADU's building envelope and exterior design. Therefore, both road dedication and improvement requirements are prohibited by state law in the context of an ADU application. This prohibition overrides the conflicting standards in the AMC.[4]

In an email dated March 11, 2026, the City notes that Government Code section 66314 does not specifically prohibit right of way dedication requirements, and that it authorizes local agencies to impose objective development standards in a non-exclusive list, by using the phrase "standards on accessory dwelling units that include, but are not limited to."[5] However, while it is true that the list of development standards authorized by Government Code section 66314 is not an exclusive list, additional standards that are

[1] Gov. Code, § 66314, subds. (d)(3) and (d)(5).
[2] Gov. Code, § 66314, subd. (b)(1).
[3] Gov. Code, § 66315.
[4] Gov. Code, § 66317, subd. (c).
[5] Gov. Code, § 66314, subd. (b)(1).

permissible under section 66314 must be similar to the standards on that list: “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.” Standards authorized but not specifically listed as examples in Government Code section 66314, subdivision (b)(1) must be objective, must directly or indirectly regulate the size or exterior appearance of an ADU, and may not be more restrictive than State ADU Law allows. Valid but non-enumerated standards under section 66314 include size based on a percentage of the proposed or existing primary dwelling, maximum lot coverage, maximum floor area ratio, minimum open space, and requirements for specific and commonly used and reasonably available exterior wall-cladding and roofing materials.[6]

Requirements to dedicate a portion of the property to widen a road relate to a different policy goal: reducing traffic delay by increasing the capacity of a given street to accommodate vehicles. Furthermore, to the extent that this goal may be achievable through road widening, that could only be the case once other properties along the roadway made similar dedications, allowing the City to widen the road in a uniform way for a significant distance. The Government Code section 66315’s prohibition on additional development standards, not listed in Government Code section 66314 must be interpreted by considering the legislative intent of State ADU Law: “It is the intent of the Legislature that an accessory dwelling unit or a junior accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units or a junior accessory dwelling unit and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units or junior accessory dwelling units in zones in which they are authorized by local ordinance.” Roadway dedication and improvement requirements on ADUs, such as those that Anaheim seeks to impose, are arbitrary, excessive and burdensome, because they impose significant short-term costs on the ADU Project, in exchange for abstract, long-term, and questionable benefits (i.e., if all properties along the road dedicate land to the City over many years, the road will eventually be widened uniformly, which may reduce traffic congestion, assuming that the wider road does not induce additional vehicle travel). The roadway dedication and paving requirements contradict the legislative intent to prohibit unreasonable development standards on ADUs, so that the supply of ADUs may increase and help to make the market price of housing more affordable.

[6] Gov. Code, § 66321.

Although roadway dedication and paving requirements are prohibited for ADU applications, State ADU Law does allow local agencies to charge impact fees to certain ADUs. For impact fees to apply, the ADU must contain more than 750 square feet of interior livable space, the impact fee must be charged proportionately to the floor area of the primary dwelling unit, and the fee must be properly adopted and justified pursuant to the Mitigation Fee Act.[7]

Conclusion

State ADU Law prohibits all local agencies, including the City of Anaheim, from requiring roadway dedications or "improvements" because an ADU or a junior accessory dwelling unit (JADU) is proposed. While State ADU Law does not limit the application of such requirements for other project types, the City must waive these requirements for the subject application and other ADU or JADU applications.

HCD remains committed to supporting the City in facilitating housing at all income levels and hopes the City finds this clarification helpful. In addition, HCD has enforcement authority over State ADU Law, among other state housing laws.[8] Accordingly, HCD may review local government actions to determine consistency with these laws. If HCD finds that a jurisdiction is in violation of state law, HCD may notify the California Office of the Attorney General. HCD requests a written response from the City by June 7, 2026, indicating how the City plans to implement the guidance provided in this letter. If you have any questions about this letter or require additional technical assistance, please contact David Barboza at david.barboza@hcd.ca.gov.

Sincerely,

Jamie Candelaria

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

[7] Gov. Code, § 66311.5, subd. (c).
[8] Gov. Code, § 65585, subd. (j).