

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

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October 15, 2025

Alexis Morris, Director
Community Development Department
City of Brentwood.
150 Park City Way
Brentwood, CA 94513

Dear Alexis Morris:

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

Thank you for submitting the City of Brentwood's ADU Ordinance No. 1083 (Ordinance), adopted February 5, 2025, to the California Department of Housing and Community Development (HCD). The Ordinance was received on March 7, 2025. HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance fails 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 November 14, 2025.

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

1. Section 17.715.050. (F) (2) – *Size* – The Ordinance states, “For detached or attached ADUs, maximum square footage is 850 square feet for a studio/one bedroom unit and 1000 square feet for an ADU with two or more bedrooms. The detached or attached ADU must have a minimum of 4-foot side and rear setbacks. Notwithstanding the foregoing, an attached ADU that is created on a lot with an existing primary dwelling is further limited to fifty percent of the floor area of the existing primary dwelling.

Government Code section 66321, subdivision (b)(3) prohibits, “Any requirement for a zoning clearance or separate zoning review or 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.” The City’s limitation for attached ADUs to fifty percent of the floor area of the existing primary dwelling violates State ADU Law. Accordingly, the City must amend its Ordinance to permit the minimum ADU size of 800 square feet and to ensure all allowable size and unit combinations consistent with Government Code section 66323.

2. Section 17.715.050. (M) (d) (i) – *Replacement Parking* – The Ordinance states, “When a parking structure, uncovered parking, or covered parking is converted or destroyed in the construction of an ADU, the lost parking is not required to be replaced. However, replacement parking is required if parking in an attached garage is converted into a JADU.” Government Code section 66334, subdivision (a) specifies, “A junior accessory dwelling unit ordinance adopted pursuant to Section 66333 shall not require additional parking as a condition to grant a permit.” Therefore, the City’s requirement of replacement parking for a JADU converted from a garage violates State ADU Law. The City must remove this requirement from its Ordinance.

The City has two options in response to this letter.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 accompanying 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 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.⁴

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 Reshma Sen at Reshma.Sen@hcd.ca.gov if you have any questions.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Policy Development Division

¹ Gov. Code, § 66326, subd. (c)(1).

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

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

⁴ Gov. Code, § 66326, subd. (c)(1).