

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

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May 4, 2026

Michael Klein, Director
Community Development
City of Calabasas
100 Civic Center Way
Calabasas, CA 91302

Dear Michael Klein,

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

Thank you for submitting the City of Calabasas' (City) ADU Ordinance No. 2020-382 (Ordinance), adopted January 22, 2020, to the California Department of Housing and Community Development (HCD). The Ordinance was received on December 22, 2021. 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 June 3, 2026.

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

1. *Statutory Numbering* - 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 and 65852.22. The contents of these sections were relocated to Government Code, Title 7, Division 1, Chapter 13. The City must amend the Ordinance to refer to the correct Government Code sections.
2. 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

3. Section 17.11.010 – *Land Use Table* – The table lists zones in which ADUs are permitted, not including zones REC and CMU. However, State ADU Law states that “...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 units, or any combination of the following units”¹ within a residential or mixed-use zone. State ADU Law identifies residential or mixed-use zones to include zones that allow single-family or multifamily dwelling residential use. Residential zones are zones that allow residential use. REC and CMU zones are residential zones but ADUs are not listed in the table² as permitted uses. Therefore, the City must amend the Ordinance to list ADUs as permitted uses in REC and CMU zones.
4. Section 17.12.170 A. – *Zoning Designation* – The Ordinance states, “...accessory dwelling units are consistent with the allowable density and with the General Plan and zoning designations for residential single-family areas.” However, Government Code section 66314, subdivision (c) states “...that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.” ADUs are consistent with the general plan and zoning designations of **any** lot where residential use is allowed, not just single-family lots. Therefore, the City must amend the Ordinance to indicate that ADUs are consistent with the General Plan and zoning designations of all residential lots, including multi-family.
5. Section 17.12.170 B.1. – *Definitions* – The Ordinance states that “Accessory dwelling unit means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons, depending on square footage”. However, Government Code section 66313 subdivision (a) states, “Accessory dwelling unit’ means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence”. State ADU Law doesn’t condition building or occupancy of an ADU to square footage in the definition of the same. Therefore, the City must amend the Ordinance to remove “depending on square footage” from the definition of an accessory dwelling unit.
6. Section 17.12.170 C.1. – *Zoning Clearance* – The Ordinance states, “A single ADU, or JADU as specified in subsection (D), may be allowed on a legal lot located in... zoning districts in addition to a primary single-family residential dwelling, subject to a zoning clearance,” However, 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 an accessory dwelling unit with at least 800 square feet of

¹ Gov. Code, § 66323, subd. (a).

² Calabasas Municipal Code (CMC), § 17.10.020.

interior livable space and with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.”

Local Agencies have 60 days³ to approve or deny an ADU application when there is an existing single family or multi-family dwelling on the lot. Requiring a separate zoning clearance or review is unauthorized by State ADU Law and would thwart the 60-day approval deadline. Therefore, the City must remove the unlawful condition and timely review ADU applications consistent with statutory deadlines.

7. Section 17.12.170 C.2. – *Separate Conveyance* – The Ordinance states, “The accessory dwelling unit shall not be sold separately from the primary dwelling”. However, State ADU Law establishes that “A local agency shall allow an ADU to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply”⁴ including, but not limited to ADUs developed by a qualified corporation, sold to a qualified buyer, through a recorded tenancy in common agreement. The Ordinance fails to reflect that State ADU Law authorizes the separate sale of an ADU under specific circumstances. Therefore, the City must amend the Ordinance to specify the circumstances in which an ADU can be sold separately.
8. Section 17.12.170 C.3. – *Subjective Standards/Regulations* – The Ordinance addresses the appearance of ADUs. “The design of the unit shall conform in general to the design of the primary dwelling”. State ADU Law requires the Ordinance to “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.”⁵ Objective standards 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.⁶ Requiring the design of the ADU to conform to the design of the primary dwelling is overreaching, ambiguous and subjective.

Additionally, “...the local agency shall not impose any objective development or design standard that is not authorized by this section upon any (§ 66323 ADU) unit.”⁷ The City’s Ordinance imposes an unlawful subjective standard and fails to note that units described in Section 66323 are only subject to the development standards listed within that section. Therefore, the City must amend the Ordinance to remove the requirement for general design

³ Gov. Code, § 66317, subd. (a)(3).

⁴ Gov. Code, § 66341.

⁵ Gov. Code, § 66314 subdivision (b).

⁶ Gov. Code, § 66313 subdivision (i).

⁷ Gov. Code, § 66323 subd. (b).

conformance of the ADU to the primary dwelling and must not impose any objective standards beyond those authorized by Government Code section 66323.

9. Section 17.11.170 Development Requirements Table – *Site Coverage For Detached Rear Yard Units* – Table 2-4 lists site coverage as development requirements noting “Maximum of 30% of the rear yard area may be covered by structures, including the areas covered by the ADU other accessory structures and any projections of the primary dwelling.” However, State ADU Law 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 an accessory dwelling unit with at least 800 square feet of interior livable space and with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.”⁸ The City’s standard is unlawful as it does not apply if it does not permit an ADU of up to 800 square feet of livable space. Therefore, the City must amend the Ordinance to reflect State ADU Law.
10. Section 17.11.170 Development Requirements Table – *Front Setback* – Table 2-4 notes front yard setbacks are required per the applicable zoning district. However, State ADU Law indicates that, as noted above, 1) a local agency shall not establish by ordinance “...any requirement for front setbacks, ... that does not permit an accessory dwelling unit with at least 800 square feet of interior livable space with four-foot side and rear yard setbacks;”⁹ and 2) a local agency shall ministerially approve an application for at least “one detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks.”¹⁰ Front setbacks do not apply to ADUs that are constructed according to Government Code section 66314 standards if they do not allow an ADU containing at least 800 square feet of livable space. In addition, ADUs constructed pursuant to Government Code section 66323 are limited to four-foot side and rear yard setbacks for a detached, new construction, ADU on a lot with a proposed or existing single-family dwelling. Therefore, the City must remove the unlawful reference to zoning for front yard setbacks and amend the Ordinance to reflect State ADU Law regarding the same.
11. Section 17.11.170 Development Requirements Table – *Height limit* – Table 2-4 lists requirements for “detached units: One story, 16 ft. maximum (see Section 17. 20.140 for height measurement). If ADU is located above a garage, the applicable zoning district's height standards apply.” However, State ADU Law prohibits a height limitation that is more restrictive than any of the following for detached ADUs: “(A) A height of 16 feet for a detached accessory dwelling unit

⁸ Gov. Code, § 66321 subd. (b)(3).

⁹ Gov. Code, § 66321 subd. (b)(3).

¹⁰ Gov. Code, § 66323 subd. (a)(2).

on a lot with an existing or proposed single family or multifamily dwelling unit; (B) A height of 18 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit. (C) A height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling; (D) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an ADU that is attached to a primary dwelling.¹¹ Therefore, the City must amend the Ordinance to include all omitted missing height allowances.

12. Section 17.11.170 Development Requirements Table – *Parking* – Table 2-4 notes “No additional parking space is required for the accessory dwelling unit if any of the following (five conditions) is true.” However, State ADU Law establishes a sixth condition: “When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.”¹¹ Therefore, the City must amend the Ordinance to include all parking exceptions.

13. Section 17.12.170 C.8. – *Certificate of Occupancy* – The Ordinance states, “A permit for an accessory dwelling unit shall not issue before the issuance of a certificate of occupancy or other final approval for the primary dwelling.” However, State ADU Law specifies that for a detached ADU “...a local agency shall issue a certificate of occupancy for an accessory dwelling unit constructed in a county that is subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025”, even if the primary dwelling has not yet been issued a certificate of occupancy, if (1) the primary dwelling was substantially damaged or destroyed by the event; and (2) the accessory dwelling unit has been issued construction permits and has passed all required inspections.¹² A state of emergency was declared in Los Angeles County on December 24, 2025; therefore, this measure is applicable to the City of Calabasas within LA County.¹³ The Ordinance fails to acknowledge the requirements of the Executive Order and State ADU Law for issuance of a certificate of occupancy. Therefore, the City must amend the Ordinance to comply with Government Code section 66328.

¹¹ Gov. Code, § 66322 subd. (a)(6)

¹² Gov. Code, § 66328.

¹³ Please see Executive Order N-35-25 at <https://www.library.ca.gov/government-publications/executive-orders/>.

14. Section 17.12.170 D.2. – *Junior Accessory Dwelling Unit (JADU) Owner Occupancy* – The Ordinance states, “The owner must reside in the single-family residence but may choose to reside within the remaining portion of the structure or the newly created JADU.” However, State ADU Law states, “Owner-occupancy shall not be required if the junior accessory dwelling unit has separate sanitation facilities, or if the owner is another governmental agency, land trust, or housing organization.”¹⁴ The Ordinance is misleading, confusing and fails to acknowledge the exceptions for owner occupancy. Therefore, the City must amend the Ordinance to reflect State ADU Law and include the exceptions.
15. Section 17.12.170 D.4. – *Interior Livable Space* – The Ordinance states, “The maximum floor area for a junior accessory dwelling unit shall not exceed five hundred (500) square feet.” However, State ADU Law defines a JADU as “...a unit that is no more than 500 square feet of interior livable space in size.”¹⁵ The Ordinance fails to specify ‘interior livable space’ for the size of a JADU. Therefore, the City must amend the Ordinance to include ‘interior livable space’ in defining the size of a JADU.
16. Section 17.12.170 F. – *Permit Process* – The Ordinance states, “The decision of the director shall be final and conclusive.” However, State ADU Law mandates “If a permit application is determined to be incomplete under paragraph (2) of subdivision (a) or denied under paragraph (3) of subdivision (a), the permitting agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both”.¹⁶ The Ordinance fails to include an appeals process, specifically the right of applicants to appeal a determination of incompleteness or denial of a building permit or a use permit. Therefore, the City must amend the Ordinance to provide an appeals process consistent with State ADU Law.
17. Section 17.12.170 G. 4. – *Permit Expiration* – The Ordinance states, “an ADU permit validity shall terminate when any one of the following occur: “The permit has expired by its own terms.” However, State ADU Law specifies that “No additional standards, other than those provided in Section 66314, shall be used or imposed”.¹⁷ Permit termination conditions pursuant to the City’s Building Standards Code are contained in section 17.12.170 G. The 4th condition “The permit has expired by its own terms.” is not authorized by State ADU Law.

¹⁴ Gov. Code, § 66333, subd. (b).

¹⁵ Gov. Code, § 66313, subd. (d)

¹⁶ Gov. Code, § 66317, subd. (d)(1).

¹⁷ Gov. Code § 66315

Therefore, the City must remove the fourth unlawful condition from the Ordinance.

18. Section 17.12.170 H. – *Fees* – The Ordinance states, “The City shall not impose any development impact fees upon the development of an accessory dwelling unit less than 750 sq. ft.” However, State ADU Law specifies that: “A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit that has 750 square feet of interior livable space or less or a junior accessory dwelling unit that has 500 square feet of interior livable space or less.”¹⁸ The Ordinance fails to specify interior livable space square footage for fee calculation. Also, the Ordinance fails to exempt ADUs with exactly 750 interior livable space from impact fees. Therefore, the City must amend the Ordinance to 1) measure impact fees based on interior livable space; and 2) exempt ADUs with 750 square feet of interior livable space or less from impact fees.
19. *Missing Required Standards* – State ADU Law requires ADU ordinances to include provisions that are missing from the Ordinance: 1) restrictions on changing Group R occupancy; 2) allowance for private sewage disposal system as long as approval is obtained by the local health officer; 3) limits on fire sprinkler requirements; 4) concurrent review and issuance of demolition permits for detached garage conversions.¹⁹ Therefore, the City must amend the Ordinance to include all requirements specified in Government Code section 66314, subdivisions (d)(8), (d)(9), (d)(12), & (e).
20. Section 17.12.170.C – *Unit Combinations* – The Ordinance states, “A single accessory dwelling unit, or junior accessory dwelling unit may be allowed on a legal lot.” However, this section of the Ordinance does not fully describe what is allowed by State ADU Law. On a single-family lot, under Government Code section 66323, subdivision (a)(1) and (2) a property owner may create one JADU, one internal conversion ADU, and one detached, new-construction ADU, as specified. These ADUs may be combined with one ADU, created pursuant to Government Code section 66314, which may be detached, attached, or a conversion. On a multifamily lot, under Government Code section 66323, subdivision (a)(3) and (4), a property owner may create one ADU constructed from existing non-livable space (or up to 25 percent of the number of multifamily units), and either two detached ADUs if the multifamily dwelling is proposed, or if the multifamily dwelling is existing, up to eight detached ADUs, not to exceed the number of existing units on the lot. These ADUs may be combined with one ADU, created pursuant to Government Code section 66314, which may be detached, attached, or a conversion. The City must amend the Ordinance to provide for the full allowance of ADUs authorized in accordance with State ADU Law.

¹⁸ Gov. Code, § 66311.5, subd.(c)(1)

¹⁹ Gov. Code, § 66314, subds, (d)(8), (d)(9), (d)(12), & (e).

The City has two options in response to this letter.²⁰ The City can either amend the Ordinance to comply with State ADU Law²¹ 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.²² 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.²³

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 Hani Baker at Hani.Baker@hcd.ca.gov if you have any questions.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Policy Development Division

²⁰ Gov. Code, § 66326, subd. (b)(2).

²¹ Gov. Code, § 66326, subd. (b)(2)(A).

²² Gov. Code, § 66326, subd. (b)(2)(B).

²³ Gov. Code, § 66326, subd. (c)(1).