

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

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April 9, 2025

Cecil Flournoy, Community Development Director
Planning and Building
City of Compton
205 S. Willowbrook Ave
Compton, CA 90220

Dear Cecil Flournoy:

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

Thank you for submitting the City of Compton (City) ADU Ordinance No. 2341 (Ordinance), adopted December 28, 2021, to the California Department of Housing and Community Development (HCD). 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 Law in the manner noted below. Under 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 May 9, 2025.

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

1. *Senate Bill (SB) 1211 (Chapter 296, § 3, Statutes of 2024)* – As of January 1, 2025, the Legislature changed Government Code section 66323. Subdivision (a)(4)(A)(ii) and (iii), now allows for the following:
 - o (ii) On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.
 - o (iii) On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units.
2. *Assembly Bill (AB) 2533 (Chapter 834, Statutes of 2024)* - As of January 1, 2025, there are changes to Government Code section 66332, subdivisions (a) – (b) and added subdivisions (d) – (f) which makes changes to permitting unpermitted ADUs, added the same protections for JADUs, and set additional requirements for local agencies. The City should review these new requirements and adjust the Ordinance to comply with State ADU Law.

3. *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, 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.
4. Section 30 11-2 b.2.b.2 – *Height Allowance* – The Ordinance states that units created subject to Government Code section 66323, subdivision (a)(2) “shall not exceed a height limit of 16 feet.” However, Government Code section 66323, subdivision (a)(2)(B), directly refers to Government Code section 66321 (b)(4), which increases height maximums under certain conditions. Therefore, the City must amend the ordinance to allow the height maximums provided in Government Code section 66321 (b)(4).
5. Section 30 11-2 c.2 – *JADUs in Attached Garages* – The Ordinance states “A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.” However, Government Code section 66333, subdivision (d) expands on this allowance to state “For purposes of this subdivision, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.” Therefore, the City must amend the Ordinance to include attached garages as part of the proposed or existing single-family residence.
6. Section 30 11-2 d – *Deed Restriction* – The Ordinance states “Prior to the issuance of a Certificate of Occupancy for an ADU or JADU, the property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property...” However, a deed restriction cannot be imposed on an ADU. 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. Therefore, the City must remove this provision from the Ordinance.
7. Section 30 11-2 g – *Approve or Deny* – The Ordinance states “The City shall act upon the accessory dwelling unit permit within 60 days of receiving a complete application...” However, Government Code section 66317, subdivision (a) states “[t]he 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...” Acting on an application does not reflect current State ADU Law. The City is required to issue an approval, or a denial with a full set of comments on how to remedy the application, within 60 days of receiving a completed application. Therefore, the City must amend the Ordinance to reflect approving or denying the ADU within the timeframe listed in State ADU Law.

8. Section 33 11-2 j.2.b – *Height for 66314 Units* – The Ordinance states, “A Detached ADU shall not exceed 16 feet in height, and an Attached ADU shall not exceed the height of the Primary Dwelling or proposed multi-family structure...” However, Government Code section 66321, subdivision (b)(4)(B), provides for height of 18 feet for detached units “within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor,” and subdivision (b)(4)(D) provides “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 accessory dwelling unit that is attached to a primary dwelling. This subparagraph shall not require a local agency to allow an accessory dwelling unit to exceed two stories.” Therefore, the City must amend the Ordinance to provide state-required height allowances.
9. Section 33 11-2 j.2.d – *Exemption Clause* – The Ordinance states, “ADU shall conform to all lot coverage and open space requirements applicable to the zoning district in which the property is located, except where the application of the lot coverage or open space regulations would not permit construction of an 800 square foot ADU that is 16 feet in height with at least four-foot side and rear yard setbacks.” However, Government Code section 66321, subdivision (b)(3), applies much broader exemptions that do not appear in the Ordinance, prohibiting “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 must amend the Ordinance to note all exemptions in this section.
10. Section 33 11-2 j.2.h – *Sprinklers* – The Ordinance states, “ADUs are required to provide fire sprinklers if they are required for the Primary Dwelling or proposed multi-family structure.” However, Government Code section 66314, subdivision (d)(12) expands on this section, stating “Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.” Therefore, the City must amend the Ordinance to note the exceptions.
11. Section 33 11-2 j.3 – *Parking Requirements* – The Ordinance provides for five conditions under which parking replacement may not be required. However, this section omits reference to the conditions described in Government Code section 66322, subdivision (a)(6), “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.” Therefore, the City must amend the Ordinance to include this exception.

12. Section 33 11-2 k.2 – Nonconforming Zoning Conditions – The Ordinance states, “All structures onsite prior to construction of any ADU or JADU must be legally built structures with all required permits, inspections, and no outstanding code violations. The conversion of an illegally constructed garage or accessory structure, which was constructed prior to January 1, 2021, shall be exempt from this provision for a period of 24 months after adoption of this provision so long as the applicant obtains a building permit and complies with all necessary requirements, as provided in subdivision 'b' herein.” However, Government Code section 66315 states, “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.” The status of other structures would be an additional standard that is inconsistent with State ADU Law.

Additionally, section 66322, subdivision (b) states, “The local agency shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.” This is mirrored for junior accessory dwelling units (JADUs) in section 66336. Therefore, the City must remove this section.

13. Section 30-11.2 b.2 – *Unit Allowance* – The Ordinance reproduces the language from Government Code section 66323 as it existed at the time of the Ordinance’s adoption. The Department is in receipt of a complaint that the City is only allowing one Section 66323 ADU per single family lot. While the *language* in the Ordinance is mostly consistent with State ADU Law, the City’s application of that language may not be.

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 a list of permitted ADU types indicates that any of these ADU types can be combined on a lot zoned for single family dwellings.

This permits a homeowner, who meets specified requirements, 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 setbacks pursuant to the subdivision, the local agency cannot deny the application, nor deny a permit for a JADU under this section. Therefore, HCD would like to remind the City of the allowable combinations of ADUs permitted under Government Code section 66323.

Please note that 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 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 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 contact Mike Van Gorder, of our staff, at Mike.VanGorder@hcd.ca.gov if you have any questions or would like HCD's technical assistance in these matters.

Sincerely,



Jamie Candelaria
Senior Housing Accountability Manager
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).

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)