

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

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June 2, 2026

Brian K. Lee
Director of Community Development
City of Covina
125 E. College Street
Covina, CA 91723

Dear Brian Lee:

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

Thank you for submitting the City of Covina (City) ADU Ordinance No.25-15 (Ordinance), adopted December 2, 2025, to the California Department of Housing and Community Development (HCD). The Ordinance was received on February 2, 2026. 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 July 2, 2026, with a plan to either amend the current ordinance or adopt a resolution with findings.¹ Responses should be submitted formally on agency letterhead.

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

1. 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
2. Section 17.69.030 C. – *Application Process* – The Ordinance states, “The lot shall contain an existing primary unit at the time an application for the ADU or JADU

¹ Gov. Code, § 66326, subd. (b)(2)(B).

shall be submitted, concurrently for the development of the primary unit.” This appears to be a typo. ADUs and JADUs are permitted on a lot with an existing or proposed primary unit.² The City must amend the Ordinance to properly account for both scenarios. HCD recommends the City perform additional copyediting, as several other seeming grammatical or typographical errors were found throughout the Ordinance.

3. Section 17.69.040 A.1. and A2. – *Unit Combination* – The Ordinance states, “...an ADU allowed under this subparagraph may be combined with a JADU per CMC 17.69.050,” and in the following paragraph regarding detached ADUs, “An ADU allowed under this subparagraph may be combined with a JADU per CMC 17.69.050.” This appears to entitle an applicant to either a conversion ADU with a JADU or a detached ADU with a JADU. However, 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 units, **or any combination of the following units** [emphasis added]:”. Because State ADU Law requires any combination of the relevant unit types, the City must affirmatively provide for all possible combinations of ADUs. This requirement also applies to those ADUs in Sections A.3. and A.4. Therefore, the City must amend the Ordinance to clarify that ADUs built pursuant to CMC § 17.69.040, A.1 and A.2 may be combined, in addition to allowing such ADUs to be combined with a JADU. The City should also clarify that ADUs provided for by § 17.69.040, A.3 and A.4 may also be combined.
4. Section 17.69.050 A. – *Number of Units Allowed* – The Ordinance states that, “...no more than one ADU and one JADU shall be permitted on any one lot.” The City may impose objective standards on units created pursuant to Government Code section 66314, including numerical limits on those units.³ However, the City must also allow the full allotment of units permitted by Government Code section 66323. The City must amend the Ordinance to clarify that the numerical limit in Section 17.69.050 A. only restricts units created under that section, and does not prevent units created pursuant to Section 17.69.040.
5. Section 17.69.050 G. – *Existing Guest Houses* – The Ordinance states that, “A parcel with an existing guest house may not also have an ADU; however, a guest house may be converted to an ADU subject to the provisions of this chapter.” The City’s municipal code (Section 17.04.291) states a guest house “Means living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit. A guest house shall be deemed to be an accessory building and subject to all the standards related to accessory buildings.” However,

² Gov. Code § 66314, subd. (d)(2).

³ Gov. Code § 66314, subd. (b)(1).

Government Code section 66314 requires approval of at least one ADU, notwithstanding any other applicable units that may be built on the lot. Therefore, the City must allow at least one ADU under section 66314 regardless of the existence of a guest house. Therefore, the City must remove the provision disallowing ADUs on lots with existing guest houses.

6. Section 17.69.050 I.4. – *Setbacks for two-story ADUs* – The Ordinance states, “Side yard and rear yard setbacks of no more than 4 feet from the side and rear lot lines shall be required for an attached or detached ADU, with the exception of two-story ADUs, for which the underlying development standards shall apply.” However, Government Code section 66314, subdivision (d)(7) states that, “...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.” State ADU Law does not provide alternative setback requirements for ADUs built to two stories. Setbacks above the first floor, often referred to as “stepbacks,” must not exceed the maximum allowable side and rear setbacks of four feet in State ADU Law. The City must remove this additional setback requirement for ADUs that are two stories.
7. Section 17.69.050 P.1. – *Design Standards* – The Ordinance states, “The colors, exterior finishes, and roof pitch of the ADU shall be the same or be similar to the primary dwelling.” However, Government Code section 66314, subdivision (b)(1), allows local jurisdictions to apply only “objective standards on accessory dwelling units.” 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.”⁴ Terms such as “or similar to” are subjective. The City must eliminate all subjective language and ensure that only objective standards are applied to ADUs developed pursuant to Government Code section 66314. The City should also ensure that the only standards applied to ADUs development pursuant Government Code section 66323 are standards explicitly set forth in that section.
8. Section 17.69.060 B.2. – *JADUs in Garages* – The Ordinance states, “A JADU shall be constructed within the walls of the proposed or existing single-family residence.” 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.

⁴ Gov. Code, § 66313, subd. (i).

The City has two options in response to this letter.⁵ The City can either 1) amend the Ordinance to comply with State ADU Law⁶ or 2) adopt the Ordinance without changes and include findings in a resolution accompanying the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD's findings.⁷ If the City fails to take either course of action, or if HCD finds that the newly adopted Ordinance remains out of compliance with State ADU Law despite the City's findings and explanations, 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.⁸

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 Michael McLaughlin at Michael.McLaughlin@hcd.ca.gov if you have any questions or wish to discuss any of HCD's findings.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

⁵ Gov. Code, § 66326, subd. (b)(2).

⁶ Gov. Code, § 66326, subd. (b)(2)(A).

⁷ Gov. Code, § 66326, subd. (b)(2)(B).

⁸ Gov. Code, § 66326, subd. (c)(1).