

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

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March 30, 2026

Maria Parra, Division Manager
Planning Commission
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840

Dear Maria Parra:

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

Thank you for submitting the City of Garden Grove (City) ADU Ordinance No. 2966 (Ordinance), adopted August 12, 2025, 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 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 April 29, 2026.

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. 9.54.010.C.5. – *Converted ADU Definition* – The Ordinance states, “The term ‘converted ADU’ means an ADU that is constructed within all or a portion of the permitted **existing** interior space of an accessory structure or within all or a portion of the permitted **existing** interior space of a dwelling structure, including bedrooms, attached garages, storage areas, or similar uses” (emphasis added). State ADU Law establishes that ADU ordinances shall also enable ADUs to be created within a **proposed** single family primary dwelling.¹ The Ordinance fails to provide for the creation of converted ADUs within a proposed single-family dwelling as required by State ADU Law. The City must amend the Ordinance to add this provision.
3. 9.54.010.D. – *Group R Occupancy* – The Ordinance fails to address and specify, as required by State ADU Law that the construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency of the local agency makes a written finding based on substantial evidence in the record that construction of the ADU could have a specific, adverse impact on public health and safety.² The City must amend the Ordinance to include this exception.
4. 9.54.040.B.1. – *Minimum ADU Size* – The Ordinance states, “An ADU shall be at least the following minimum sizes based on the number of bedrooms provided: a. Efficiency units: 150 square feet; b. Studio: 220 square feet; c. One bedroom: 500 square feet; d. Two or more bedrooms: 700 square feet.” However, a local agency shall not impose objective development or design standards upon ADUs that meet the requirements of Government Code section 66323, subdivision (a). Government Code section 66323 does not include minimum ADU sizes based on the number of bedrooms. This section of the Ordinance is applying unlawful, additional standards upon ADUs developed pursuant to Government Code section 66323, subdivision (a). The City must amend the Ordinance to remove these restrictions from ADUs developed pursuant to Government Code section 66323, subdivision (a).
5. 9.54.040.C.1. – *Front Setbacks* – The Ordinance states, “...a **portion** of an ADU may be constructed within the required front setback area if, and only to the extent that, application of the minimum front setback requirement would not permit an ADU of up to 800 square feet to be constructed on the lot in compliance with all other applicable development standards” (emphasis added). Government Code section 66321, subdivision (b)(3) states that a local agency shall not establish, by ordinance, specified requirements, including front setbacks, that do not permit the construction of an ADU of at least 800 square feet, four-foot side and rear yard setbacks, and that satisfies all other local development standards. Requiring an alternative site for an ADU due to front setback requirements restricts the ability of homeowners to create ADUs in

¹ Gov. Code, §§ 66314, subd. (d)(3); 66323, subd. (a)(1).

² Gov. Code, § 66314, subd. (d)(8).

zones in which they are authorized by local ordinance. Therefore, when in compliance with local development standards, an ADU developed pursuant to Government Code section 66314 may be built in the front setback. In addition, it is significant to reflect in the Ordinance that no development or design standards beyond those enumerated in Government Code section 66323, subdivision (a) may be imposed on ADUs developed pursuant to this section.³ The City must amend the Ordinance so that front setback requirements reflect State ADU Law.

6. 9.54.040.C.4. – *ADU Garage* – The Ordinance states that, “Any new ADU garage that opens directly to any street or alley shall observe a setback of not less than 20 feet. When a new ADU garage abuts an alley and the access to the garage is perpendicular to the alley, the garage shall not be constructed closer than 20 feet to the centerline of the alley and shall maintain a minimum setback of five feet from the property line.” While a local agency may impose objective development standards upon ADUs created pursuant to Government Code section 66314, consistent with local building codes, development standards may not be applied if they would unreasonably restrict the creation of ADUs, and in this case ADU garages., unless they are a requirement of a Building Code or Fire Code.⁴ Similarly, the 9.54.040.G. requirement that, “One off-street parking space must be provided for a new attached or detached ADU,” fails to incorporate the exemptions pursuant to Government Code section 66322, subdivision (a) and the specific language of Government Code section 66314, subdivision(d)(10)(3) which permits off street parking in setback areas. Accordingly, the City must amend the Ordinance to ensure that setback requirements for an ADU garage do not obstruct the creation of ADUs and ADU garages consistent with legislative intent and State ADU Law.
7. 9.54.040.D.1 and 2. – *Building Separation* – The Ordinance states that a minimum separation of six feet is required between a detached ADU and the primary dwelling unit, and that six feet of separation is also required between attached or detached ADUs and all other structures on the property not attached to the ADU, including garages. However, State ADU Law establishes that a local agency shall not impose objective development or design standards that are not authorized by Government Code section 66323 upon ADUs that meet the requirements of Government Code section 66323, subdivision (a)⁵. Government Code section 66323 does not include specific minimum separation requirements for detached or attached ADUs. No separation beyond what is required for fire and safety shall be required for detached and attached ADUs developed pursuant to Government Code section 66323, subdivision (a). The City must amend the Ordinance to clarify that this provision shall only apply to ADUs developed pursuant to Government Code section 66314.
8. 9.54.040.F.2. – *Standard Design Plans and Criteria for ADUs* – The Ordinance authorizes the Director of the Planning Commission to develop standard design

³ Gov. Code, § 66323, subd. (b).

⁴ Gov. Code, § 66311.

⁵ Gov. Code, § 66323, subd. (b).

plans and criteria for ADUs that “ensures reasonable consistency and compatibility of design”. Government Code section 66316 states, “An existing accessory dwelling unit ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this article.” Design plans and criteria developed for ‘consistency and compatibility of design’ are precisely the non-objective ‘discretionary processes, provisions, or requirements that are explicitly prohibited by State ADU Law. The City must amend the Ordinance to remove the discretionary, subjective language and only include objective standards as defined by Government Code section 66313, subdivision (i) to ensure a ministerial process as required by State ADU Law.

9. 9.54.040.L. – *Mechanical Equipment Requirements Visibility* – The Ordinance requires all roof and ground mounted mechanical equipment and metering devices to be completely “screened from view from either on or off the property.” However, State ADU Law establishes that a local agency shall not impose objective development or design standards that are not authorized by Government Code section 66323 upon ADUs that meet the requirements of Government Code section 66323, subdivision (a). Government Code section 66323 does not require mechanical equipment and metering devices to be ‘screened from view’. Furthermore, the requirement that mechanical equipment and metering devices be completely “screened from view from either on or off the property,” does not meet the definition of an objective standard as described by Government Code section 66313, subdivision (i). Therefore, this subjective standard shall not be imposed on ADUs created pursuant to both Government Code section 66314 and 66323. Accordingly, the City must amend the Ordinance to remove the arbitrary requirement that mechanical equipment and metering devices be completely “screened from view from either on or off the property.
10. 9.54.040.L. – *Mechanical Equipment Requirements Unobstructed Path* – The Ordinance states, “If mechanical equipment or metering devices are to be located between a structure and the property line, an unobstructed path at least three feet wide shall be provided between the equipment and the property line.” Government Code section 66314, subdivision (d)(7) states, “No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit...” The requirement for an unobstructed three-foot path between the equipment and the property line violates State ADU Law as it would preclude the development of some conversion ADUs. The City must amend the Ordinance to remove this requirement and reflect State ADU Law for JADUs and conversion ADUs.

- 11.9.54.050.F. – *Junior Accessory Dwelling Unit (JADU) Parking* – The Ordinance states, “No additional off-street parking is required for a JADU beyond that required at the time the existing primary dwelling was constructed.” However, Government Code section 66334, subdivision (a) states, “A junior accessory dwelling unit ordinance adopted pursuant to Section 66333 shall not require additional parking as a condition to grant a permit.” Parking required at the time the existing primary dwelling was constructed shall not be considered in granting a permit to create a JADU. The City must amend the Ordinance to remove all parking requirements for JADUs.
- 12.9.54.080.A. – *Connection Fee or Capacity Charge* – The Ordinance states that “Unless otherwise mandated by applicable law or the utility provider or determined by the City’s Public Works Director to be necessary, an ADU may be served by the same water, sewer, and other utility connections serving the primary dwelling on the property, and the installation of a new or separate utility connection directly between an ADU and a utility is not required.” However, State ADU Law provides that an ADU created pursuant to Government Code section 66323, subdivision (a)(1), shall not be required “...to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling, or upon separate conveyance of the accessory dwelling unit pursuant to Section 66342.”⁶ The City must amend the Ordinance to clarify that ADUs created pursuant to Government Code section 66323, subdivision (a)(1) shall not be required to install a new or separate utility connection directly between the ADU and the utility, as specified in State ADU Law.

The City has two options in response to this letter.⁷ The City can either 1) amend the Ordinance to comply with State ADU Law⁸ or 2) 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.⁹ 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.¹⁰

⁶ Gov. Code, § 66311.5, subd. (d).

⁷ Gov. Code, § 66326, subd. (b)(2).

⁸ Gov. Code, § 66326, subd. (b)(2)(A).

⁹ Gov. Code, § 66326, subd. (b)(2)(B).

¹⁰ Gov. Code, § 66326, subd. (c)(1).

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 Auzzie.Sheard@hcd.ca.gov if you have any questions or wish to discuss any of HCD's findings.

Sincerely,

A handwritten signature in black ink that reads "Jamie Candelaria". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit