

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

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May 8, 2026

Greg Tsujiuchi, Director
Community Development Department
City of Gardena
1700 West 162nd Street,
Gardena, CA 90247

Dear Greg Tsujiuchi:

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

Thank you for submitting the City of Gardena's (City) ADU Ordinance No. 1883 (Ordinance), adopted June 10, 2025, to the California Department of Housing and Community Development (HCD). The Ordinance was received on June 17, 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 June 7, 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. *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. The County must amend the Ordinance to reference 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:

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

- 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 18.13.020 A. – *Application Process* – The Ordinance states, “[a]pplications for junior and accessory dwelling units shall be ministerially approved or denied within sixty days of receipt of a complete application...” and further provides for denial comments within sixty days. However, Government Code sections 66317 and 66335 now require additional process streamlining.

Government Code section 66317, subdivision (a)(2)(A) states, “A permitting agency shall determine whether an application to create or serve an accessory dwelling unit is complete and provide written notice of this determination to the applicant not later than **15** business days after the permitting agency received the application.” If the permitting agency determines an application is incomplete, the permitting agency shall provide the applicant with a list of incomplete items.² Moreover, the Ordinance is missing additional protections under Section 66317 including: “(C) After receiving a notice that the application was incomplete, an applicant may cure and address the items that are deemed to be incomplete by the permitting agency. (D) In the review of an application submitted pursuant to subparagraph (C), the permitting agency shall not require the application to include an item that was not included in the list required by subparagraph (B). (E) If an applicant submits an application pursuant to subparagraph (C), the permitting agency shall determine whether the additional application has remedied all incomplete items listed in the determination issued pursuant to subparagraph (B). This additional application is subject to the timelines and requirements specified in subparagraph (A). (F) If a permitting agency does not make a timely determination as required by this paragraph, the application or resubmitted application shall be deemed to be complete for the purposes of this section.”³

State ADU Law also requires, “The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit within 60 days from the date the permitting agency receives a **completed** application...” (Emphasis added).⁴ Similar timeframes are required for junior accessory dwelling units (JADUs).⁵ The City must amend the application section of the Ordinance to incorporate the required timelines for both ADUs and JADUs pursuant to sections 66317 and 66335, respectively.

² Gov. Code, § 66317, subd. (a)(2)(B)

³ Gov. Code, § 66317, subd. (a)(2)(C) – (F)

⁴ Gov. Code, § 66317, subd. (a)(3)

⁵ Gov. Code, § 66335

The City must also provide for an appeals process under Government Code section 66317, subdivision (d): “(1) 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. (2) A permitting agency on the appeal shall provide a final written determination by not later than 60 business days after receipt of the applicant’s written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-business-day period.”

Similarly, State JADU Law requires due process if a permit application is determined to be incomplete or denied consistent with Government Code section 66335, subdivision (e). Gardena’s Ordinance omits required due process. The City must amend the Ordinance to include due process consistent with State ADU and JADU Law.

4. Section 18.13.025 E. – *Fees* – The Ordinance states, “No impact fees or connection or capacity charges shall be imposed on a homeowner applying for a permit for a previously unpermitted junior or accessory dwelling unit built before January 1, 2020, except when the utility infrastructure is required to comply with Health and Safety Code Section 17920.3 and authorized by Government Code Section 66324(e).” The Ordinance references an incorrect, nonexistent citation. In addition, Government Code section 66332, subdivision (e) has been re-chaptered to Government Code section 66311.5, subdivision (e). State ADU Law measures impact-fee exemptions by interior livable space, and provides that a local agency, special district, or water corporation shall not impose any impact fee on an ADU with 750 square feet of interior livable space or less or a JADU with 500 square feet of interior livable space or less.⁶ The Ordinance does not reflect current State ADU Law. The City must amend the Ordinance to replace the erroneous reference and update all fee provisions to reflect interior-livable-space thresholds applicable to ADUs and JADUs.
5. Sections 18.13.050 E.1. and 18.13.060 A.2. – *Size* – The Ordinance states, “The floor area of an attached or detached accessory dwelling unit shall not exceed eight hundred fifty square feet for a studio or one bedroom or one thousand square feet for a unit that contains more than one bedroom.” It also states, for the detached single-family unit in Section 18.13.060 A.2., that the unit “shall not be more than eight hundred square feet.” However, Government Code section 66321, subdivision (b)(2), authorizes 850 square feet of interior livable space, or 1,000 square feet of interior livable space for an ADU with more than one bedroom, and Government Code section 66323, subdivision (a)(2)(A), authorizes

⁶ Gov. Code, § 66311, subd. (c)

up to 800 square feet of interior livable space for a detached new construction ADU on a lot with a proposed or existing single-family dwelling. The Ordinance's use of "floor area" must be removed and the Ordinance amended to include interior livable space. Moreover, "eight hundred square feet" is more restrictive than State ADU Law; therefore, the Ordinance must be amended to precisely reflect state law.

6. Section 18.13.050 F.1. – *"Legally Existing" Accessory Structures* – The Ordinance states, "No setback shall be required for an existing living area, or a legally existing accessory structure, including a garage, that is converted to an accessory dwelling unit or a new accessory dwelling unit constructed in the same location and built to the same dimensions as the existing structure." However, Government Code section 66314, subdivision (d)(7) provides, "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, and 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." The Ordinance's limitation to "legally existing accessory structures" is more restrictive than State ADU Law and is therefore unlawful. The City must amend the Ordinance to reflect State ADU Law.
7. Section 18.13.050 F.4. – *Front Setbacks* – The Ordinance states, "An attached or detached accessory dwelling unit shall be located behind the front yard setback, unless the accessory dwelling unit is being constructed in the exact location and to the same dimensions as a previously existing approved accessory structure, including an attached or detached garage. This requirement shall be waived to the extent that it prohibits an accessory dwelling unit of eight hundred square feet from being built with four-foot side and rear yard setbacks in compliance with all other development standards." However, units authorized by Government Code section 66323 are not subject to any objective development or design standard that is not authorized by that section upon any unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a) of section 66323.⁷ The Ordinance must be amended to reflect State ADU Law.
8. Section 18.13.060 A. – *Mandatory Approval ADUs* – The Ordinance states, "Notwithstanding any other provision of this chapter, the city shall ministerially approve an application for any of the following accessory dwelling units within a residential or mixed-use zone," and then lists the categories of units the City will approve under that section, and additional standards applicable to such units. However, Government Code section 66323, subdivision (b), provides that "[a] local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the

⁷ Gov. Code, § 66323, subd. (b)

requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).” Although the Ordinance correctly begins by stating that these units shall be approved notwithstanding other provisions of the chapter, the Ordinance references standards in Section 18.13.050 that are unauthorized by State ADU Law. Therefore, the City must amend Section 18.13.060 to include clarity that no local development or design standard shall be imposed on units approved under that section except those standards expressly authorized by Government Code section 66323.

9. Section 18.13.070 C. – *JADU Entrance Location* – The Ordinance states, “The junior accessory dwelling unit shall be required to have a separate entrance from the primary dwelling which shall be located on a different side of the home than the front door of the primary dwelling.” However, Government Code section 66333, subdivision (e), requires only that “a JADU include a separate entrance from the main entrance to the proposed or existing single-family residence, and, if the JADU does not include a separate bathroom, the permitted JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.”. State law does not authorize the City to require the JADU entrance to be located on a different side of the home from the front door. The City must amend the Ordinance to delete the entrance-location requirement.
10. Section 18.13.070 H.4. – *JADU Owner Occupancy* – The Ordinance requires a deed restriction stating “...that the owner resides in either the single-family dwelling or the junior accessory dwelling unit,” subject only to the exception for a governmental agency, land trust, or housing organization. However, Government Code section 66333, subdivision (b), provides that owner-occupancy may be required only if the JADU has shared sanitation facilities with the existing structure. Owner-occupancy shall not be required if the JADU has separate sanitation facilities, or if the owner is another governmental agency, land trust, or housing organization. The Ordinance’s owner-occupancy requirement is inconsistent with State law. The City must amend the Ordinance to specifically limit owner-occupancy to JADUs with shared sanitation facilities.

The City has two options in response to this letter.⁸ The City can either 1) amend the Ordinance to comply with State ADU Law⁹ 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.¹⁰ 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.¹¹

⁸ Gov. Code, § 66326, subd. (b)(2).

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

¹⁰ Gov. Code, § 66326, subd. (b)(2)(B).

¹¹ 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 Mike McLaughlin, michael.mclaughlin@hcd.ca.gov, if you have any questions or wish to discuss any of HCD's findings.

Sincerely,

A handwritten signature in cursive script that reads "Jamie Candelaria".

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit