

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

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December 29, 2025

Alexis Oropeza, Planning Manager
Community Development
City of Hermosa Beach
1315 Valley Dr.
Hermosa Beach, CA 90254

Dear Alexis Oropeza:

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

Thank you for submitting the City of Hermosa Beach (City) ADU Ordinance No. 1484 (Ordinance), adopted January 28, 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 January 30, 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

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

2. Section 17.21.030 (A)(1) – *Unit Allowances* – The Ordinance allows “One ADU as described in this subsection (A) (1) and one JADU (or a second ADU in lieu of the JADU) on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU (or a second ADU in lieu of the JADU)...” Thus, the City limits ADU and JADU development to no more than two units on a lot with a single-family primary dwelling.

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: (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 combination” followed by an enumeration of ADU types permitted under Government Code section 66323 means 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 junior accessory dwelling (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.

Additionally, these allowances reflect only the units and formats described in Government Code section 66323, subdivision (a). Units created subject to Government Code section 66314 must also be reflected in the Ordinance to enable maximum unit allowances.

In summary, the City must amend the Ordinance to specifically include units subject to Government Code section 66314 as well as all combinations required by section 66323.

3. Section 17.21.030 (F)(2) – *JADU Owner Occupancy* – The Ordinance states, “As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence.” However, Government Code section 66333, subdivision (b) was changed as of January 1, 2026 to require owner occupancy only “...If the junior accessory dwelling unit has shared sanitation facilities with the existing structure.” The City must amend the Ordinance to match current State JADU Law.

4. Section 17.21.030 (G) – *Deed Restriction* – The Ordinance requires a deed restriction for ADUs. 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.” Although deed restrictions are required for JADUs, they are prohibited for ADUs². The City must amend the Ordinance to remove the deed requirement for an ADU.
5. Section 17.21.050 (A)(3) – *Size Exceptions* – The Ordinance states, “Application of other development standards in this section or any other section, might further limit the size of the ADU, but no application of the percent-based size limit in this section or other section or front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.” This is an incomplete recreation of the exceptions required in Government Code section 66321, subdivision (b)(3); the City must add *floor area ratio* and *minimum lot size* as two other conditions that may not restrict a unit to be below 800 square feet to come into consistency with State ADU Law.
6. Section 17.21.050 (G) – *Architectural Requirements* – The Ordinance lists several architectural requirements to apply to ADUs; however, such requirements may not preclude any unit subject to Government Code section 66323. The City must note the exception.

The City has two options in response to this letter.³ The City can either 1) amend the Ordinance to comply with State ADU Law⁴ 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.⁵ 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.⁶

² Local jurisdictions should eliminate all ADU and JADU deed restrictions unless expressly authorized by statute. Deed restrictions unnecessarily “lock in” current state and local requirements, even as the Legislature continues to update ADU and JADU statutes.

³ Gov. Code, § 66326, subd. (c)(1).

⁴ Gov. Code, § 66326, subd. (b)(2)(A).

⁵ Gov. Code, § 66326, subd. (b)(2)(B).

⁶ 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 VanGorder at Mike.vangorder@hcd.ca.gov if you have any questions or wish to discuss any of HCD's findings.

Sincerely,

Jamie Candelaria

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit