

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

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May 12, 2025

Christopher E. Jackson, Sr., Development Services Director
Development Services Department
City of Inglewood
One Manchester Boulevard
Inglewood, CA 90301

Dear Christopher E. Jackson, Sr.:

RE: Review of Inglewood's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66313 - 66342)

Thank you for submitting the City of Inglewood (City) accessory dwelling unit (ADU) Ordinance No. 24-02 (Ordinance), adopted December 13, 2023, 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 and JADU Laws 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 June 11, 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:
 - (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.
 - (iii) On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units.

The Ordinance does not currently list any of this information. The City must add new language reflecting these allowable uses.

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) and (b) were changed and subdivisions (d) – (f) were added. Changes include permitting previously unpermitted ADUs, adding the same protections for JADUs, and setting 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 Government Code sections.
4. Section 12-43 (l) – *Parking Exceptions* – The Ordinance provides two exceptions to parking requirements: “a. No off-street parking is required for ADUs when located within ½ mile of a transit stop; b. When a garage carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.” This omits five other conditions under which no parking may be required, per Government Code section 66322, subdivision (a):
 - “(2) Where the accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (3) Where the accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (5) When there is a car share vehicle located within one block of the accessory dwelling unit.
 - (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 add the exceptions listed above.

5. Section 12-147 1, 2, 3, 4, 7 – *Site Plan Review* – The Ordinance makes numerous references to a “Site Plan Review”, exempting certain formats of ADUs from a Site Plan Review and requiring it for others. The Site Plan Review is not described in the Ordinance. Please note that Government Code section 66316 requires local jurisdictions to 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.” If this is a discretionary process, the City must remove this from the Ordinance.

6. Section 12-147 5. – *“Shall Act”* – The Ordinance states that, “The Economic and Community Development Director shall act on a Planning application to create an ADU or JADU within 60 days...” However, Government Code section 66315 states “The 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...” Therefore, the City must amend the Ordinance to change “shall act” to “shall approve or deny”.
7. Section 12-148 3. – *Separate Conveyance* – The Ordinance states, “No ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling...” However, Government Code section 66341 requires local jurisdictions to allow separate sales under stated conditions (involving a qualified nonprofit corporation). The City must amend the Ordinance to state that a separate conveyance may be allowed if all conditions of Government Code Section 66341 are met.
8. Section 12-148 4. – *Covenant* – The Ordinance requires a covenant “prior to the issuance of a building permit for an ADU or JADU....” However, 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 covenant on an ADU would be an “additional standard” that would be impermissible. Therefore, the City must remove the requirement of a covenant for ADUs.
9. Section 12-149 1. – *Placement Requirements* – The Ordinance states, “ADUs shall be located on a property with a primary dwelling and shall be located such that the front facade is farther from the front Property line than the primary dwelling.” However, local development standards provided by Government Code section 66314 – 66322 may not preclude an application for an ADU created subject to section 66323. The City must note this exception.
10. Section 12-149 1. – *Unit Allowance* – The Ordinance allows “No more than one junior accessory dwelling and one accessory dwelling... on a single lot with a single-family 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” 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, the City must amend the Ordinance to provide for all ADU unit combinations described in Government Code section 66323.

11. Section 12-149 1.a – *ADU Minimum Size* – The Ordinance states, “every ADU shall contain a minimum of 500 square feet.” However, Government Code section 66313, subdivision (a)(1) defines an ADU as also being “an efficiency unit”, which Health and Safety Code 17958.1 defines as having “a minimum floor area of 150 square feet.” Therefore, the City must amend the Ordinance to provide for efficiency units.
12. Section 12-149 1.b – *Detached Size Relative to Primary* – The Ordinance states, “The size of a detached ADU shall not exceed 1,000 square feet or 100% of the primary dwelling unit size, whichever is less. If the primary dwelling unit size is less than 850 square feet, the maximum size of the detached ADU shall not exceed 850 square feet.” However, local development standards provided by Government Code sections 66314 – 66322 cannot preclude a unit created subject to section 66323; consequently, a converted detached unit may be of any size. The City must note the exceptions described in Government Code Section, 66323.
13. Section 12-149 1.c – *Attached Size Relative to Primary* – The Ordinance states, “Attached ADUs shall be limited to 850 square feet or 50 Percent (%) of the primary dwelling unit size, whichever is less.” However, Government Code section 66321, subdivision (b)(3) prohibits “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.” Therefore, the City must note the exception provided in Government Code section 66321, subdivision (b)(3).

14. Section 12-149 2.a – *Front Setbacks* – The Ordinance states, “There shall be a front yard of not less than twenty-five percent of the depth of the lot provided such front yard need not exceed twenty-five feet except where lots comprising forty percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six feet. no building hereafter erected or structurally altered shall project beyond the average front yard line so established.” However, Government Code section 66321, subdivision (b)(3) prohibits “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.” Therefore, the City must provide for an 800 square foot exception to its front setback requirements.

15. Section 12-149 3.a – *Number of Stories* – The Ordinance states, “A detached ADU on a single-family or multifamily lot shall not exceed one story or 16 feet to the top of the roof pitch.” 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.” There is no mention in section 66314 of the number stories that an ADU may be, Therefore, a restriction to one story is an impermissible standard.

Additionally, Government Code section 66321, subdivision (b)(4) provides for heights of 16, 18, or 20 feet for detached ADUs given stated conditions. The City must amend the Ordinance to provide for the various height allowances within State ADU Law.

16. Section 12-150 1.b – *JADUs in Attached Garages* – The Ordinance requires that a JADU be “constructed within the walls of an existing or proposed single-family dwelling...” Current 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 add that attached garages are also suitable for JADU conversion.

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

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).