

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

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June 24, 2026

Jon McMillen, City Manager
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253

Dear Jon McMillen:

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

Thank you for submitting the City of La Quinta (City) ADU Ordinance No. 618 (Ordinance), adopted December 3, 2024, to the California Department of Housing and Community Development (HCD). HCD acknowledges the City's previous Ordinance submission, which was, at the time, noted to be in substantial compliance with State ADU Law. HCD thanks the City for its diligence in updating its adopted Ordinance.

HCD has reviewed the City's new 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 24, 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 Senate Bill (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 sections 66310–66342. The City must amend the Ordinance to refer to the correct Government Code sections.

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

2. Please note, recent legislation 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
3. Section 9.06.090 C.4. – *Exemption Clause* – The Ordinance states, “The total floor area of an attached accessory dwelling unit shall not exceed fifty (50) percent of the primary dwelling if there is an existing primary dwelling or eight hundred fifty (850) square feet, or one thousand (1,000) square feet for a unit that provides more than one (1) bedroom.”

The City’s Ordinance distorts the statutory requirements of Government Code section 66321. State ADU Law requires an exemption for units 800 square feet or smaller to size restrictions based on a percentage of the primary, among other constraints. 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 accessory dwelling unit with at least 800 square feet of interior livable space and with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.”

The City must amend the Ordinance to provide for an 800 square foot exception to the 50 percent size restriction and include all statutory exemptions.

In addition, Government Code section 66321, subdivision (b)(2) prohibits a local agency from establishing via ordinance a maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than 850 square feet of *interior livable space* or 1,000 square feet of *interior livable space* for an ADU that provides more than one bedroom. The City must amend the Ordinance to clarify and add this requirement.

4. Section 9.06.090 C.13. – *Unit Allowance* – The Ordinance provides for no more than “One (1) accessory dwelling unit and one (1) junior accessory dwelling unit... permitted per lot.” The number of units that are allowed for single-family proposed or existing primary appears to be specific to the number described in Government Code section 66323, subdivision (a)(1). However, restricting the number and

format of ADUs to only this section is inconsistent with the allowance of ADUs under Government Code section 66314.

Section 66317 states that a permitting agency “shall either approve or deny the application to create or serve” an application subject to section 66314. Government Code section 66314, subdivision (d)(3) states, “[t]he accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.” Statute mandates the local agency to “approve or deny” an application under section 66314, while also requiring that “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” under section 66323, subdivision (a).

Specifically, Government Code section 66323, subdivision (a) requires “any of the following units, or any combination of the following units...” before describing the four categories. In summary, the City must amend its Ordinance to allow the maximum number of state-mandated unit combinations authorized under section 66323 and at least one unit under section 66314.

5. Section 9.06.090 D.9. – *Owner Occupancy & Junior Accessory Dwelling Units (JADUs)* – The Ordinance states, “Owner-occupancy in the single family residence in which the junior accessory dwelling unit is permitted is required. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit.” However, Government Code section 66333, subdivision (b) states, “If the junior accessory dwelling unit has shared sanitation facilities with the existing structure, [the ordinance shall] require owner-occupancy in the single family residence in which the junior accessory dwelling unit will be permitted.” The City must amend the Ordinance to specify that owner-occupancy is only required if sanitation facilities are shared with the primary dwelling.
6. Section 9.06.090 E. – *Completeness* – The Ordinance states, “The director, or his/her designee, shall either approve or deny the application within sixty (60) days from the date City receives a complete application if there is an existing single-family or multifamily dwelling on the lot.” However, Government Code section 66317, subdivision (a)(2) requires local government ministerial consideration, including its determination of “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.” The City must amend the Ordinance to include due process timelines for applicants.

The City has two options in response to this letter.² The City can either 1) amend the Ordinance to comply with State ADU Law³ 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.⁴ 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.⁵

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 Van Gorder at Mike.VanGorder@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

² Gov. Code, § 66326, subd. (c)(1).

³ Gov. Code, § 66326, subd. (b)(2)(A).

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

⁵ Gov. Code, § 66326, subd. (c)(1).