

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

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December 1, 2025

Amy J. Bodek, Director of Regional Planning
Planning Department
County of Los Angeles
320 W. Temple St
Los Angeles, CA 90012

Dear Amy J. Bodek:

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

Thank you for submitting the County of Los Angeles (County) ADU Ordinance No. 2025-0029 (Ordinance), adopted July 29, 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 County has up to 30 days to respond to these findings. Accordingly, the County must provide a written response to these findings no later than December 31, 2025.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law as follows:

1. *Recent Legislation* – Please note that there is recent legislation that has amended State ADU Law. To ensure all new legislation is incorporated into the County's ADU ordinance, it is recommended that the County review the following bills:
 - *Assembly Bill (AB) 130 – Effective 6/30/2025*
 - *AB 462 – Effective 10/10/2025*
 - *AB 1154 – Effective 1/1/2026*
 - *Senate Bill (SB) 9 - Effective 1/1/2026*
 - *SB 543 – Effective 1/1/2026*
2. *Table 22.140.640-A – Unit Allowance* – The Ordinance allows “1 [ADU] attached to or within a single family residence or accessory structure, and 1 detached from residences” and “25 percent of principal dwelling units attached

to or within residential buildings and 2 detached from [the primary multifamily units]." 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. The County must amend the Ordinance to specifically include units subject to Government Code section 66314.

3. Table 22.140.640-A, Section 22.140.640 H.1b.ii. – *Multifamily ADU Allowances* – The Ordinance allows two detached ADUs with an existing or proposed multifamily primary dwelling. However, current Government Code section 66323, subdivision (a)(4)(A)(ii) requires ministerial approval, "[o]n 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." The County must amend the Ordinance to provide for up to eight ADUs on a lot with an existing multifamily dwelling.
4. Section 22.140.640 G.1.b.iii – *Height* – The Ordinance states that "[any] new accessory dwelling unit, or expanded portion of an existing structure that is part of a proposed accessory dwelling unit, shall not exceed the maximum height specified in a Planning Area Standards District, Community Standards District, or Specific Plan, heights are limited to 16, 18, or 20 feet given stated circumstances that match Government Code section 66321, subdivisions (b)(4)(A) through (b)(4)(C)." However, the Ordinance omits reference to the conditions required by subdivision (b)(4)(D), which requires a maximum height allowance of "25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This subparagraph shall not require a local agency to allow an accessory dwelling unit to exceed two stories." The County must amend the Ordinance to include this allowance.
5. Section 22.140.640 G.1.c.i. and G.1.f.7.a. – *Feasibility in Front Setbacks* – The Ordinance allows ADUs to be in the front setback only "...if there is no other location on the property where the accessory dwelling unit could be constructed at the ground level." It states, "To the extent feasible, the accessory dwelling unit shall be located in the rear yard and shall not be visible from the public right-of-way. If locating the accessory dwelling unit in the rear yard is infeasible, then the accessory dwelling unit may be located in the side yard. If locating the accessory dwelling unit in the side yard is infeasible, then the accessory dwelling unit may be located in the front yard." However, Government Code section 66321, subdivision (b)(3), authorizes a unit of at least 800 square feet, prohibits setbacks that preclude it, and prohibits associated siting conditions. The County's Ordinance restricting the location of ADUs is inconsistent with State ADU Law. Accordingly, the County must amend the Ordinance to remove this limiting language.

6. Section 22.140.640 G.1.f.2.i – *Subjective Standards* – The Ordinance states, “Character-defining features of an existing accessory dwelling unit or an existing contributing space or accessory structure that is converted to an accessory dwelling unit shall be preserved in place.” However, Government Code section 66314, subdivision (b)(1) requires local ordinances to apply only “objective standards on accessory dwelling units”. The term “Character-defining features” is subjective and thus inconsistent with State ADU Law. The County must amend the Ordinance to remove subjective standards and apply only objective development standards.

The County has two options in response to this letter.¹ The County 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 County believes that the Ordinance complies with State ADU Law despite HCD’s findings.³ If the County fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD must notify the County and may notify the California Office of the Attorney General that the County is in violation of State ADU Law.⁴

HCD appreciates the County’s efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the County 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.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Policy Development Division

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).