

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

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February 11, 2026

Brenda Magaña, Planning Manager
Planning Department
City of Palmdale
38250 Sierra Hwy.
Palmdale, CA 93550

Dear Brenda Magaña:

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

HCD has reviewed the City's Municipal Code and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Municipal Code 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 March 10, 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 Municipal Code 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 City must amend the Ordinance to refer to 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:
 - 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

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

- SB 543 – Effective January 1, 2026

3. Section 17.91.010 (D)(1) – *Unit Maximum* – The Municipal Code states, “...no more than one accessory dwelling unit and no more than one junior accessory dwelling unit may be on the lot...” However, limiting ADU development to one is inconsistent with State ADU Law.

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 units, or any combination of the following units*: (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.” Thus, the categories described in section 66323 must be approved in combination with one another, subject to the format of the primary dwelling.]

Additionally, units created subject to section 66323 must be ministerially approved without reference to units created subject to Government Code section 66314, which requires local jurisdictions to approve at least one unit of any format, and vice versa. The City must amend the Municipal Code to provide the opportunity for all ADU combinations required by State ADU Law.

4. Section 17.91.010 (D)(2)(b) – *Multifamily Size Restrictions* – The Municipal Code states, “The maximum square footage of detached accessory dwelling units on lots with existing multifamily residential dwellings shall be 800 square feet each.” However, Government Code section 66323, subdivision (a)(4) does not address a size maximum, and units subject to section 66314 may be restricted to the size maximums described in section 66321, subdivision (b)(2), which are 850 square feet for a unit with one bedroom or less and 1,000 square feet for a unit with more than one bedroom. The City must amend the Municipal Code to remove the restriction to 800 square feet for a detached unit with a multifamily primary dwelling.
5. Section 17.91.010 (E)(4) – *Deed Restriction* – The Municipal Code requires a recorded covenant “...[b]efore obtaining a permit for an accessory dwelling unit or junior accessory dwelling unit.” However, a deed restriction cannot be imposed on an ADU created subject to section 66314 or section 66323. 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 ADUs. The City must amend the Municipal Code to remove the deed requirement for an ADU.

6. Section 17.91.010 (E)(10) – *Sprinklers* – The Municipal Code states, “Accessory dwelling units and junior accessory dwelling units shall not be required to include fire sprinklers if they are not required for the primary residence.” Government Code section 66314, subdivision (d)(12) expands on this to state “The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.” The City must add this language to the Municipal Code.
7. Section 17.91.010 (G)(1) – *Owner Occupancy* – The Municipal Code states that for JADUs, “The owner must reside either in the junior accessory dwelling unit or in the single-family residence.” However, current Government Code section 66333, subdivision (b) has amended this to require owner occupancy only “...[i]f the junior accessory dwelling unit has shared sanitation facilities with the existing structure.” The City must amend the Municipal Code to reflect current State ADU Law.

The City has two options in response to this letter.² The City can either amend the Municipal Code to comply with State ADU Law³ or adopt an identical Ordinance without changes and include findings in its resolution accompanying the Ordinance that explain the reasons the City believes that the Municipal Code complies with State ADU Law despite HCD’s findings.⁴ If the City fails to take either course of action and bring the Municipal Code 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.⁵

HCD appreciates the City’s efforts 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.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Policy Development Division

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).