

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

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January 5, 2026

Pierce MacDonald, Senior Planner
Planning & Building Department
City of Piedmont
120 Vista Ave
Piedmont, CA 94611

Dear Pierce MacDonald:

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

Thank you for submitting the City of Piedmont (City) ADU Ordinance No. 777 (Ordinance), adopted January 21, 2025, to the California Department of Housing and Community Development (HCD). Given that the Ordinance included only the changes to the language of Section 17.40, HCD has reviewed both the Ordinance and Section 17.38 of the Municipal Code and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance and Municipal Code fail 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 February 4, 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 17.38.050 B. – *Denial* – The Municipal Code states that the director “...shall within 60 days of a completed application approve or deny the application” for an ADU application. However, the Municipal Code omits reference to the requirements stated in Government Code section 66317, subdivision (b): “If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.” The City must add language to provide for the requirements triggered by a denial.
3. Section 17.38.060 B.6.c. – *Front Setbacks* – The Municipal Code states that an ADU may be created in the front setback “...only if it is determined by the Director that there is no other configuration on the property that would allow for the construction of an 800 square foot accessory dwelling unit...” However, Government Code section 66321, subdivision (b)(3), which prohibits the application of front setbacks from prohibiting an ADU up to 800 square feet, does not allow for conditions such as the absence of alternative siting. Therefore, the City must amend the Municipal Code to remove the condition that “no other configuration on the property” exist in this section.
4. Section 17.38.060 D.2. – *Unit Mixture* – The previous findings letter to the City, sent on April 10, 2023, finding number 2 centered on the phrase “[the] new construction detached accessory dwelling unit in this subsection may be combined with a junior accessory dwelling unit as described above.” This phrase remains unchanged in the current municipal code, and so HCD remains concerned that the City may not permit the unit mixture that is required by Government Code section 66323, subdivision (a) – with a single-family primary dwelling, 1 new construction detached ADU up to 800 square feet, 1 converted or interior ADU and 1 JADU. In response to this letter, please confirm that the City will ministerially permit all state-mandated units.

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

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).

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,

A handwritten signature in black ink that reads "Jamie Candelaria". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit