

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

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April 16, 2025

Cindy Jacinth, Planning Manager
Community Development Department
760 Mattie Road
Pismo Beach, CA 93449

Dear Cindy Jacinth:

RE: City of Pismo Beach - Letter of Technical Assistance Accessory Dwelling Unit (ADU) Ordinance Repeal Request

HCD recently contacted the City of Pismo Beach regarding its non-coastal ADU Ordinance 0-2020-007 (Ordinance) given the changes to State ADU Law since the adoption of the Ordinance in 2020. HCD has been informed that, rather than amending its noncompliant Ordinance, the City intends to exclusively use State ADU Law to process ADU applications.

While HCD commends the City's intention to process ADU applications in accordance with State ADU Law, that on its own does not satisfy the requirements of Government Code section 66326, subdivision (b). Please note that the City has two options in response to a non-compliant ordinance.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If the City wishes to utilize State ADU Law in lieu of adopting a compliant ordinance, then the City should repeal the outdated, noncompliant Ordinance to meet the standards of State ADU Law. Repealing the Ordinance would have the additional benefit of clarity for ADU applicants who may otherwise rely on an ordinance that is still included in the City's Code of Ordinances but is not compliant with State ADU Law.

¹ Gov. Code, § 66326, subd. (c)(1).

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

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

HCD thanks the City for its efforts in better understanding state law and for the spirit of partnership that has guided its communications with HCD. HCD welcomes any other opportunity to further assist the City in fully complying with State ADU Law. Please feel free to contact Mike Van Gorder, of our staff, or at Mike.VanGorder@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Jamie Candelaria". The script is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jamie Candelaria
Senior Housing Accountability Manager
Housing Policy Development Division