

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

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December 16, 2025

Joseph Lim, Director  
Community Development Department  
City of Solana Beach  
635 S. Highway 101,  
Solana Beach, CA 92075

Dear Joseph Lim:

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

Thank you for submitting the City of Solana Beach (City) ADU Ordinance No. 525 (Ordinance), adopted December 13, 2023, 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 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 January 15, 2026.

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 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
  - SB 543 – Effective January 1, 2026

3. Section 17.02.040 D.2. – *Development Standards* – The Ordinance states, “All development standards contained in the underlying zoning district or overlay shall apply to accessory dwelling units unless they are inconsistent with the provisions of this Section 17.20.040.D, in which case the standards of this Section 17.20.040.D shall apply.”<sup>1</sup> However, local development standards that are not entirely objective do not apply to a unit created subject to Government Code section 66323. The City must amend the Ordinance to provide for ministerial approval of units described in section 66323 and remove the applicability of development standards to such units.
4. Section 17.02.040 D.4.a. – *Proposed Multifamily Primaries* – The Ordinance allows ADUs on a lot if “A detached primary single-family dwelling unit shall exist or be proposed on the lot, or existing multifamily dwelling units shall exist on the lot.” However, this omits the necessary reference to State ADU Law which mandates ministerial approval of ADUs on lot(s) with *proposed* multifamily primary dwellings per Government Code section 66323, subdivision (a)(4)(A)(iii). Therefore, the City must amend the Ordinance to provide for the allowance of ADUs on lots with proposed multifamily primary dwellings.
5. Section 17.02.040 D.4.c.iii. – *Front Setback Exception* – The Ordinance states, “Limits on lot coverage, floor area ratio, open space, and size must permit at least an eight hundred (800) square feet detached or attached accessory dwelling unit with four-foot side and rear yard setbacks, if the proposed accessory dwelling unit is in compliance with all other development standards.” This reflects the conditions required by Government Code section 66321, subdivision (b)(3), but omits a necessary reference to *front setbacks*. The City must add front setbacks to this list to maintain consistency with State ADU Law.
6. Section 17.02.040 D.4.d. and 5. – *Unit Allowance* – The Ordinance states, “No more than one junior accessory dwelling unit or one accessory dwelling unit shall be permitted per single-family lot, except as permitted in subsection 5(b) below.” Subsection (5)(b) provides for one detached new construction detached ADU and one junior accessory dwelling unit (JADU). The Ordinance misrepresents State ADU Law.

Government Code section 66323 requires ministerial approval of one JADU, one attached ADU and one new construction ADU within the proposed space of a single-family dwelling, in combination with approval of units subject to section 66314. Senate Bill 543 amends the language of section 66323, effective January 1, 2026, to clarify this requirement: “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

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<sup>1</sup> Note also that this sentence appears to be circular logic: “ADUs that do not conform to section 17.20.040 will have the standards of 17.20.040 applied.”

*any of the following units, or any combination of the following units...*  
(Emphasis added.)

State ADU Law<sup>2</sup> mandates that a local agency “approve or deny” an application under section 66314, and “ministerially approve an application for a building permit within a residential or mixed-use zone” to create the maximum combinations set forth therein. Thus, the City must amend the Ordinance to provide for the allowance of all ADU and JADU combinations described in sections 66323 and 66314.

7. Section 17.02.040 D.4.j. – *Parking Exception* – The Ordinance provides for five conditions under which no parking is required, but omits the statutory reference to the conditions described in Government Code section 66322, subdivision (a)(6): “When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.” The City must add this parking exception to the Ordinance.
8. Section 17.02.040 (D.4.k.ii. – *Visibility* – The Ordinance states, “The primary entrance to the junior accessory dwelling unit or accessory dwelling unit shall not be visible from the street adjacent to the front yard setback.” However, Government Code section 66314, subdivision (b) requires that only objective requirements be applied to ADU permit applications. The City must remove this subjective, arbitrary requirement for ADU/JADU primary entrances from the Ordinance.
9. Section 17.02.040 D.4.n. – *Sprinklers* – The Ordinance states, “Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.” However, Government Code section 66314, subdivision (d)(12) provides that “the construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.” Likewise, Government Code section 66323, subdivision (d) states, “The construction of an accessory dwelling unit or a junior accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.” The City must add the complete statutory language to the Ordinance to provide for the complete allowance.
10. Section 17.02.040 D.5.d. – *Existing Multifamily* – The Ordinance allows “Up to two detached accessory dwelling units on a lot with an existing multifamily dwelling structure, provided that the height does not exceed the height limitations allowed under Section (D)(4)(g) and that four-foot side and rear yard setbacks are maintained.” However, Government Code section 66323,

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<sup>2</sup> Gov Code § 66317 subd. (a)

subdivision (a)(4)(A)(ii) provides that “On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units” are permitted. “However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.” The City must amend the Ordinance to allow for up to eight units on a lot with an existing multifamily primary dwelling.

The City has two options in response to this letter.<sup>3</sup> The City can either amend the Ordinance to comply with State ADU Law<sup>4</sup> or 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.<sup>5</sup> If the City fails to take either course of action and bring the Ordinance 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.<sup>6</sup>

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](mailto:mike.vangorder@hcd.ca.gov) if you have any questions.

Sincerely,



Jamie Candelaria  
Section Chief, ADU Policy  
Housing Accountability Unit

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<sup>3</sup> Gov. Code, § 66326, subd. (c)(1).

<sup>4</sup> Gov. Code, § 66326, subd. (b)(2)(A).

<sup>5</sup> Gov. Code, § 66326, subd. (b)(2)(B).

<sup>6</sup> Gov. Code, § 66326, subd. (c)(1).