

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

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September 5, 2024

Danny E. Santana, Community Development Director  
Planning Department  
City of Torrance  
3031 Torrance Boulevard  
Torrance, CA 90503

Dear Danny E. Santana:

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

**Please Note:** As of March 25, 2024, with the Chaptering of Senate Bill (SB) 477 (Chapter 7, Statutes of 2024), the sections of Government Code relevant to State Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Law have been re-numbered (Enclosure 1).

Thank you for submitting the City of Torrance (City) ADU Ordinance No. 3911 (Ordinance), adopted December 6, 2022, 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 and JADU Laws as specified below. Under 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 October 5, 2024.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance fails to comply with State ADU Law as follows:

1. *Urgency Ordinance* – The Ordinance was adopted as an urgency ordinance. However, its adoption as an urgency ordinance may be inconsistent with State ADU Law. On July 17, 2023, the Office of the Attorney General published a letter to all jurisdictions in California on urgency ordinances and their strict legal requirements. Please review this letter (attached) to ensure future consistency with State ADU Law.
2. *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 (sections 66310-66342, see Enclosure). The City must amend the Ordinance to refer to the correct code sections.

3. Section 92.2.10 c.3 – *Coastal Zone* – The Ordinance requires that, “A copy of the California Coastal Commission permit approval (i.e. Coastal Development Permit, Waiver, or Exemption) shall be filed with the Community Development Department as part of the building permit application.” HCD requests and requires more information – please provide the procedures for issuance of the CCC permit including but not limited to whether a hearing is required. Government Code section 66329 states, "Nothing in this article shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.”
4. Section 92.2.10 c.3 – “*Designated and Limited Designated Areas*” – The Ordinance permits ADUs in “Designated and Limited Designated Areas, identified in Exhibit A...” However, it is unclear if there are any areas within the City that are neither Designated nor Limited Designated. HCD requests and requires more information, specifically whether there any areas within the City that fall into neither category but still allow residential development by-right.

While Government Code section 66314, subdivision (a) permits local jurisdictions to “Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted,” section 66323 requires that “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...” units subject to that section. Therefore, the City must clarify that section 66323 units are permitted in any residential or mixed-use zone.

5. Section 92.2.10 c.4 and d.1 – *Unit Allowance* – The Ordinance states, “A lot with multiple detached single-family dwellings is eligible for creation of one accessory dwelling unit per lot...” Section 92.2.10 d.1 further states, “...one accessory dwelling unit shall be allowed on a lot.”

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: (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." Subparagraph (2) permits "[o]ne detached, new construction, accessory dwelling unit that does not exceed four-

foot side and rear yard setbacks." The use of the term "any" followed by an enumeration of by right ADU types permitted means that any of these ADU types can be combined on a lot zoned for single family dwellings.

This permits a homeowner, who meets specified requirements, to create one converted ADU; one detached, new construction ADU; and one JADU. Thus, if the local agency approves an ADU that is created from existing (or proposed) space, and the owner subsequently applies for a detached ADU (or vice versa) that meets the size and setbacks pursuant to the subdivision, the local agency cannot deny the application, nor deny a permit for a JADU under this section.

Limiting single-family lots to one ADU would prevent property owners from creating ADUs under section 66323. Therefore, the City must amend the Ordinance to allow for all ADU combinations allowed under Government Code Section 66323.

6. Section 92.2.10 d11 and 92.2.11 d.5 – *Owner Occupancy and JADUs* – The Ordinance states, “The property owner shall reside on the lot at the time of building permit request if the lot is developed with both an accessory dwelling unit and a junior accessory dwelling unit.” It later states, “The property owner shall reside on the lot. The owner may reside in the remaining portion of the single family dwelling or the newly created junior accessory dwelling unit.” However, Government Code section 66333, subdivision (b) states that “Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.” Therefore, the City must correct this omission.
7. Section 92.2.11 c.3 – *JADUs with Multiple Single-Family Dwellings* – The Ordinance states, “Junior accessory dwelling units are prohibited on lots that contain multiple detached single-family dwellings.” However, Government Code section 66333, subdivision (a) allows “...one [JADU] per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.” Therefore, one JADU may be allowed per lot even on lots with multiple single family detached primary dwellings. The City must amend the Ordinance to comply with State ADU Law.
8. Section 92.2.11 d.5 and d.7.B & C – *Design Standards & JADUs* – The Ordinance requires that, “A separate entry door shall be provided that is not visible on the same elevation as the main entrance door to the single family dwelling and shall not face toward an alley, except when the door is no less than 10 feet from the alley.” It later requires that “New doors shall not open on the same elevation as the main entrance to the primary dwelling, except for conversion of an existing door opening to an entry door... New doors shall not face toward an alley, except when the door is no less than 10 feet from the alley...” However, Government Code section 66333, subdivision (e)(1), requires “a permitted junior accessory dwelling unit to include a separate

entrance from the main entrance to the proposed or existing single-family residence.” This subdivision does not reference the application of development standards upon entry doors and thus, the application of such development standards is inconsistent with State ADU Law. Therefore, the City must amend the Ordinance to remove JADU entry requirements.

9. Section 92.2.11 d.7.D – *Enclosed Staircase* – The Ordinance states that “New stairways shall be completely enclosed as part of the interior of the structure, except for conversion of an existing stairway...” HCD requests and requires more information given that JADUs must be created entirely out of existing space. The City should clarify this scenario in the Ordinance.
10. Section 92.2.11 d.12 – *Covenant Restriction* – The Ordinance states, “A covenant restriction, approved by the City Attorney, shall be recorded with the Los Angeles County Recorder's Office, which shall include the pertinent restrictions and limitations of an accessory dwelling unit identified in this Section.” However, 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.” A deed restriction would be an “additional standard” and thus cannot be imposed. The City must amend the Ordinance accordingly.

The City has two options in response to this letter. The City can either amend the Ordinance to comply with State ADU Law 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. 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.

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 contact Mike Van Gorder, of our staff, at (916) 776-7541 or at [mike.vangorder@hcd.ca.gov](mailto:mike.vangorder@hcd.ca.gov) if you have any questions or would like HCD’s technical assistance in these matters.

Sincerely,



Jamie Candelaria  
Senior Housing Accountability Unit Manager  
Housing Policy Development Division

**State ADU/JADU Law Statutory Conversion Table**

<b>New Government Code Sections</b>	<b>Previous Government Code Sections</b>
<b>Article 1. General Provisions</b>	
66310	65852.150 (a)
66311	65852.150 (b)
66312	65852.150 (c)
66313	General Definition Section 65852.2 (j) 65852.22 (j)
<b>Article 2. Accessory Dwelling Unit Approvals</b>	
66314	65852.2(a)(1)(A), (D)(i)-(xii), (a)(4)-(5)
66315	65852.2 (a)(8)
66316	65852.2 (a)(6)
66317	65852.2 (a)(3), (a)(7)
66318	65852.2 (a)(9), 65852.2 (a)(2)
66319	65852.2 (a)(10)
66320	65852.2 (b)
66321	65852.2 (c)
66322	65852.2 (d)
66323	65852.2 (e)
66324	65852.2 (f)
66325	65852.2 (g)
66326	65852.2 (h)
66327	65852.2 (i)
66328	65852.2 (k)
66329	65852.2 (l)
66330	65852.2 (m)
66331	65852.2 (n)
66332	65852.23.
<b>Article 3. Junior Accessory Dwelling Units</b>	
66333	65852.22 (a)
66334	65852.22 (b)
66335	65852.22 (c)
66336	65852.22 (d)
66337	65852.22 (e)
66338	65852.22 (f)-(g)
66339	65852.22 (h)
<b>Article 4. Accessory Dwelling Unit Sales</b>	
66340	65852.26 (b)
66341	65852.26 (a)
66342	65852.2 (a)(10)