



**CITY OF
WALNUT
CREEK**

September 18, 2025

VIA EMAIL ONLY

Jamie Canderlaria, Section Chief
ADU Policy, Housing Policy Development Division
Department of Housing and Community Development (HCD)
61 Bannon Street
Sacramento, CA 95811

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

Dear Jamie Canderlaria:

The City of Walnut Creek ("City") has reviewed HCD's correspondence dated August 25, 2025 regarding its review of Walnut Creek Ordinance No. 2246. This ordinance amends the City of Walnut Creek ADU regulations codified at Chapter 2, Part III, Article 5 of the Walnut Creek Municipal Code (the "ADU Ordinance"), and was adopted on October 15, 2024. Ordinance No. 2246 was submitted to HCD for review on October 31, 2024, in accordance with Government Code section 66326(a). Pursuant to Subdivision (b)(2), the City provides the following responses to HCD's comments and requests for clarification. We remain committed to ensuring the City's ADU Ordinance aligns with State law while also balancing local implementation considerations.

1. **State Exempt Detached ADUs (§10-2.3.503.A.2.b):** The City wishes to provide further clarification regarding this finding. The City's ADU Ordinance currently does allow "state-exempt" ADUs inandated under Gov. Code section 66323 to be constructed at any time. Specifically, Section 10-2.3.503(A)(2)(a) outright permits detached ADUs described in Section 66323(a)(2) under any circumstances. There is no limitation on when this type of ADU may be constructed. The City further provides for an additional category of detached ADUs—those that exceed 800 square feet of floor area, and thus outside the scope of Section 66323(a)(2)— but requires them to be constructed prior to any other ADUs. Overall, applicants are allowed to construct both ADUs under Gov. Code Section 66323 (a)(1)& (2) together or separately at any time.
2. **State Exempt ADUs on Multifamily Lots (§10-2.3.503.B.2.b):** The City has already amended its ADU Ordinance in August 2025 to address this finding. While the City adopted Ordinance No. 2246 in 2024 in compliance with state ADU law then in effect, recent legislative changes to Government Code section 66314 et seq. renders it necessary for the City to update its ADU regulations. As a result, the City recently amended its ADU Ordinance via Ordinance No. 2250 to address amended ADU allowance on multi-family properties under Government Code section 66323. Ordinance No. 2250 was adopted on August 5, 2025; enclosed is a copy of that ordinance for HCD's review with the relevant revisions on Pages 7-8. Please note we've attempted to provide the updated ADU ordinance

several times in August via email which were bounced back. However we successfully submitted it in September by sending it to APR@HCD.ca.gov.

3. **Severability Clause:** The City wishes to provide further clarification regarding this finding. We acknowledge that Government Code section 66316 states:

“An existing accessory dwelling unit ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this article. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this article, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this article for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this article.”

The City complies with this mandate as its ADU Ordinance allows only ministerial review and approval, and the City regularly updates its regulations to stay consistent with state law. In response to HCD’s comment, it’s important to note that the ADU Ordinance itself (Chapter 2, Part III, Article 5 of the Walnut Creek Municipal Code) does not include a severability clause. While the adopting Ordinance No. 2246 does contain a “Severability” section, that language applies only to adoption of the ordinance as a whole. In other words, it ensures the City Council would have adopted each part of the ordinance individually if needed. This is a standard practice when passing ordinances and does not apply to the ADU regulations themselves.

4. **Missing Required Standards:** The City will amend its ADU Ordinance to address this finding. The City wishes to clarify that the provisions of Gov. Code section 66314 noted in HCD’s finding—namely, subdivisions (d)(8)(building code occupancy change), (d)(12)(fire sprinklers), (e)(demolition permit for detached garages) and (f)(require public notice for ADUs replacing garages)—are mostly mandates for the local ADU ordinance to *not include* those specified restrictions. Consistent with this state law, the City’s ADU Ordinance does not impose any of those restrictions on applicants and does concurrently issue demolition permits for garages being replaced with ADUs. Notwithstanding, the City will amend the Ordinance to provide greater clarity and certainty to applicants. The City’s current practices and information materials can also be accessed via our website at: <https://www.walnutcreekca.gov/government/community-development-department/permits/building-permits/building-and-land-use-regulations/accessory-and-junior-dwelling-units-adus-and-jadus>.
5. **Unpermitted ADU Legalization:** The City is committed to implementing the provisions of Government Code section 66332. The City has updated its ADU information available on the City’s website at <https://www.walnutcreekca.gov/government/community-development-department/permits/building-permits/building-and-land-use-regulations/accessory-and-junior-dwelling-units-adus-and-jadus> and will continue to

revise these materials to clearly inform the public about the legalization process. We will also amend the Ordinance, if necessary, to explicitly reference these requirements.

6. **Preapproved ADU Plans:** The City wishes to provide further clarification regarding this finding. In alignment with Government Code section 65852.27, the City has developed a preapproved ADU plan program. This program is referred to as the *Pre-Reviewed ADU Plans (PRADU Plans) Program* which provides pre-reviewed plans for detached new construction ADUs meeting City design standards and Building Code requirements. This program is included as a part of the City's ADU Handbook provided to the public at City Hall and online at

<https://www.walnutcreekca.gov/home/showpublisheddocument/32436/638784169119230000>. The PRADU Program can also be accessed via our website:

<https://www.walnutcreekca.gov/government/community-development-department/permits/building-permits/building-and-land-use-regulations/accessory-and-junior-dwelling-units-adus-and-jadus>.

A detailed description of the program and pre-approved plans can be found at:

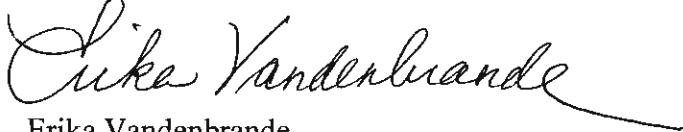
<https://www.walnutcreekca.gov/government/community-development-department/permits/building-permits/building-and-land-use-regulations/pre-reviewed-adu-plans>.

Along with the program, the City also provides an option for applicants and/or design professionals to submit detached ADU plans for the City's pre-approval process, further streamlining review.

7. **Faith-Based ADUs:** The City appreciates HCD's recognition of Walnut Creek's proactive approach in this area. We remain committed to maintaining and expanding opportunities for ADUs as a part of the City's efforts to expand housing growth and promote mobility.

The City appreciates HCD's continued partnership and guidance in this process. If we can answer any questions or provide additional information, please do not hesitate to contact my office.

Sincerely,



Erika Vandenbrande
Community Development Director
City of Walnut Creek

cc: Dan Buckshi, City Manager
Steve Mattis, City Attorney