



CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 FAX (831) 394-6421

CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Denise Duffy & Associates, City Planning Consultant

DATE: August 25, 2026

Subject: Waive the First Reading, Conduct a Public Hearing, and Adopt an Ordinance to Repeal and Replace Chapter 17.70 of the City of Del Rey Oaks Municipal Code for Consistency with State Law (Government Code Sections 66310–66342).

Recommendation: That the City Council waive the first reading, conduct a public hearing, and adopt an ordinance to the City of Del Rey Oaks Municipal Code and replace it with a new Chapter 17.70 regarding the Accessory Dwelling Units (ADU) ordinance (**Attachment 1**). The proposed ordinance will modify the City's ADU regulations for consistency with State law, incorporating technical assistance provided by the California Department of Housing and Community Development (HCD) and promote the development of ADUs.

The Purpose of Local ADU Ordinances: Under California housing law and policy, ADUs and JADUs are recognized as critical components to expanding the infill housing supply. The replacement ADU ordinance will bring the City's ADU law into regulatory compliance with the State's recent ADU laws passed between 2022 and 2025, prevent State preemption (Government Code Section 66326(d)), and provide a clear framework for local property owners.

Background and Current Summary of State Legislation: Between 2022 and 2025, the State Legislature adopted a series of laws that reduce barriers to ADU development and require local jurisdictions to ministerially approve qualifying applications. Although the City previously adopted ADU regulations (Ordinance No. 308), subsequent statutory changes established new requirements and clarified existing provisions concerning development standards, permitting timelines, and the allowance of ADUs and JADUs.

While the City of Del Rey Oaks currently enforces and follows all applicable State housing statutes in its daily operations, the City's ordinance has not yet been amended to reflect these mandates. To address this and to respond to State requirements, the Municipal Code is proposed to be formally amended, consistent with State law.

This action also satisfies the requirements communicated in two technical assistance letters from HCD: an initial HCD Findings Letter dated August 14, 2024, and a subsequent HCD Letter of Technical Assistance dated February 27, 2026. Together, these communications track legislative mandates and provide the direction on compliance with the recent updated HCD ADU Handbook (March 2026). The August 2024 letter listed non-compliant sections of Del Rey Oaks Ordinance No. 308—such as outdated statutory numbering following the passage of Senate Bill 477. The subsequent February 27, 2026, letter provides a follow-up technical assistance notice, adding the new 2025 statutory updates.

The proposed ADU ordinance integrates both State mandates and the recommendations provided in HCD’s 2024 and 2026 communications with the City. The ADU ordinance amendments would ensure compliance with current state regulations, specifically Government Code Sections 66310-66342. The amendment is also consistent with the City’s adopted 2023-2031 6th Cycle Housing Element Update, including Program C.2, Encourage the Construction of Accessory Dwelling Units. In addition to promoting the development of ADUs, the program provides that the City will continue to review and update the ADU ordinance in compliance with updated State regulations.

The Planning Commission held a public hearing on August 12, 2026, and considered the revisions to Del Rey Oaks Municipal Code Chapter 17.70 regarding ADUs. The Commission unanimously approved a motion to recommend that the City Council repeal and replace the existing ADU ordinance. The Planning Commission Staff Report is included as **Attachment 2**.

Environmental Determination (CEQA): The adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which provides that CEQA does not apply to the adoption of an ordinance by a city or county to implement Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code, which is State ADU and JADU law. This ordinance implements State law governing ADU and JADUs, and is, therefore, statutorily exempt from CEQA.

Recommended Action

City Council waive the first reading, conduct a public hearing, and adopt an ordinance to City of Del Rey Oaks Municipal Code and replace it with a new Chapter 17.70 regarding the Accessory Dwelling Units (ADU) ordinance (Attachment 1).

Attachments

1. Draft City Council Ordinance Del Rey Oaks Municipal Code Chapter 17.70 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
2. Planning Commission Staff Report, August 12, 2026.

Attachment 1

**Draft City Council Ordinance Del Rey Oaks Municipal Code Chapter 17.70
(Accessory Dwelling Units and Junior Accessory Dwelling Units).**

DRAFT CITY COUNCIL ORDINANCE NO. 2026-325

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS
REPEALING THE EXISTING ACCESSORY DWELLING UNIT ORDINANCE IN ITS
ENTIRETY AND APPROVING A COMPREHENSIVE REPLACEMENT TO CHAPTER
17.70 OF THE DEL REY OAKS MUNICIPAL CODE TO ENSURE FORMAL TEXTUAL
COMPLIANCE WITH REVISED CALIFORNIAN STATE HOUSING MANDATES
(GOVERNMENT CODE SECTIONS 66310–66342)**

WHEREAS, the State of California is experiencing a housing supply crisis, with housing demand far outstripping supply; and

WHEREAS, the California Department of Housing and Community Development (HCD) issued an official Ordinance Findings Letter on August 14, 2024, followed by a subsequent Letter of Technical Assistance to the City of Del Rey Oaks on February 27, 2026, noting that while the City adheres to current state law in its administrative practices, the formal ordinance text on file remains outdated; and [\[1\]](#)

WHEREAS, the California Legislature passed Senate Bill 477 (2024), which completely repealed the former statutory chapters governing local secondary dwellings and renumbered them into an entire newly consolidated state framework under California Government Code Sections 66310 through 66342; and [\[1\]](#)

WHEREAS, the State has enacted legislation to encourage the construction of Accessory Dwelling Units (“ADU”), which includes new standards that limit how municipalities can regulate the permitting and development of ADUs; and

WHEREAS, California Government Code Section 66326(d) provides that if a local agency fails to update its municipal code or timely respond to state corrections, its existing local zoning rules are rendered entirely null and void as a matter of law, stripping the City of all local development controls; and

WHEREAS, the City currently implements all state-mandated ADU and Junior ADU streamlined requirements, but recognizes that amending the formal municipal text is necessary to align the Del Rey Oaks Municipal Code with active statutory structures; and

WHEREAS, the Planning Commission of the City of Del Rey Oaks conducted a duly noticed public hearing on August 12, 2026, reviewed the text amendments, and recommended the approval of the replacement ordinance text for City Council approval.

WHEREAS, the City Council (“Council”) recognizes that ADU can provide additional affordable housing opportunities in the City; and

WHEREAS, the Council finds that it is appropriate to repeal Chapter 17.70 regarding “Accessory Dwelling Units” and replace this code with new standards for ADU; and

WHEREAS, on August 25, 2026, the Council conducted a public hearing to consider the Commission's recommendation, and after considering public testimony, the staff report and all submitted evidence, the Council now desires to approve the proposed ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DEL REY OAKS DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1: REPEAL AND REPLACEMENT OF CHAPTER 17.70

Chapter 17.70 of the Del Rey Oaks Municipal Code is hereby amended, repealed in parts, and replaced to read in its entirety as follows:

CHAPTER 17.70 - ACCESSORY DWELLING UNITS

17.70.010 - Purpose and Intent

The purpose of this chapter is to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in conformity with California Government Code Title 7, Division 1, Chapter 13 (Sections 66310 through 66342). These provisions are designed to allow infill housing production while protecting the established public health, safety, and single-family/multifamily residential parameters of Del Rey Oaks.

17.70.020 - Definitions

- "Accessory Dwelling Unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family or multifamily dwelling is or will be situated. An ADU also includes the following (Government Code Section 66313(a)):
 - An efficiency unit.
 - A manufactured home as defined in Section 18007 of the Health and Safety Code.
- "Efficiency Unit" means a dwelling unit that contains a minimum of 190 square feet in living space, a separate closet, kitchen sink, cooking appliance, refrigerator, and a separate bathroom containing a water closet, lavatory, bathtub, or shower (Government Code Section 66313(c); Health and Safety Code Section 17958.1).
- "Manufactured Home" means a structure that was constructed on or after June 15, 1976, is transportable in one (1) or more sections, is eight (8) body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein (Health and Safety Code Section 18007(a)).
- "Junior Accessory Dwelling Unit" or "JADU" means a unit that is no more than 500 square feet in interior livable space and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure (Government Code Section 66313(d)).
- "Livable Space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation (Government Code Section 66313(e)).
- "Objective Development Standards" means standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an

external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

17.70.030 - Processing, Timelines, and Rolling Objections

- **A. Application and Fee:** Application for an ADU shall be processed ministerially and shall be accompanied by the appropriate fee. An ADU shall be permitted through the issuance of a building permit.
- **B. Completeness Review:** Within fifteen (15) business days of receiving an application for an ADU or JADU, the City shall issue a written determination to the applicant specifying whether the application is complete or incomplete (Government Code Section 66317(a)(1)-(2)).
- **C. Deemed Complete:** If the City fails to provide a written determination of incompleteness within fifteen (15) business days, the application shall be deemed complete by operation of law as of the sixteenth (16th) business day, and the mandatory 60-day ministerial clock to approve or deny the permit shall commence (Government Code Section 66317(a)(2)(F) and 66317(a)(3)).
- **D. Prohibition on Rolling Objections:** If an application is deemed incomplete, the City's written notice shall itemize all missing or non-compliant elements. When the applicant resubmits corrected plans, the City shall not raise any new objections, comments, or requests for information that were not explicitly cited in the initial written notice of incompleteness. The City is subject to the same review timelines described under subparagraph (B). (Government Code Section 66317(a)(2)(B)-(F)).
- **E. Approval Process:** The City shall approve or deny the application within 60 days from the date the City received the completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or sever an ADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the permit application for the ADU until the City approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or sever the ADU shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the City has not approved or denied the completed application within 60 days, the application shall be deemed approved. The City may charge a fee to reimburse it for costs incurred to implement this section, including the costs of adopting or amending any ordinance that provides for the creation of an ADU (Government Code Section 66317(a)(3)).
- **F. Appeals:** An applicant may appeal a completeness determination pursuant to Section 17.70.030(D) or denial pursuant Section 17.70.030(E) in writing to the Planning Commission, no later than 15 calendar days from either action. The Planning Commission must issue a written determination on the appeal within 60 business days of the City's receipt of the written appeal. The Planning Commission's decision is final and not appealable.
- **G. Right to Appeal:** If a permit application for an ADU or JADU is deemed incomplete or is denied, the permitting agency is required to establish a process allowing the

applicant to appeal the decision in writing. This appeal must be directed to the Planning Commission per section 17.70.030(F) of this Chapter.

17.70.040 – Permitted Uses, Requirements, and Restrictions

- **A. Permitted Zones:** ADUs and JADUs are permitted ministerially in any zone where residential or mixed-use developments are allowed by right or conditional use.
- **B. Ownership and Separate Sale:** An ADU or JADU shall not be sold or otherwise conveyed separately from the primary dwelling, except as authorized by California Government Code Section 66341 for properties built or developed by qualified housing non-profit corporations, or if the City explicitly adopts an AB 1033 partition framework.
- **C. Owner Occupancy:**
 1. *ADUs:* Owner occupancy is not required for an ADU.
 2. *JADUs:* Owner occupancy is required in either the remaining portion of the primary residence or the JADU itself where the JADU unit has shared sanitation facilities with the existing structure. Owner-occupancy shall not be required if the JADU unit has separate sanitation facilities, or if the owner is another governmental agency, land trust, or housing organization (Government Code Section 66333(b)).
- **D. Short-Term Rental Restriction:** No ADU or JADU shall be rented or offered for rent for a period of less than thirty (30) consecutive days (Government Code Section 66323(e)).

17.70.050 – Spatial and Design Configurations

- **A. Statewide Exempt ADUs ("66323 Units"):** The City shall ministerially approve a building permit for ADUs and JADUs conforming with Government Code Section 66323. 66323 Units need only comply with the development standards set forth in this subsection. Lots with existing or proposed single family developments are entitled to no more than three (3) 66323 Units: one (1) internal ADU, one (1) JADU, and one (1) detached ADU, as more specifically described below:
 - 1. *Single-Family Developments:*
 - i. One (1) internal ADU and (1) JADU. For a lot with an existing or proposed single-family dwelling, one (1) internal ADU and/or one (1) JADU if all of the following requirements are met.
 - a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling, accessory building, or accessory structure. ADUs converted from an accessory building or structure are eligible for a 150-square-foot expansion. An expansion beyond the physical dimensions of the existing accessory building or structure shall be limited to accommodating ingress and egress.

- b. The space has exterior access from the proposed or existing single-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety.
 - d. The JADU complies with the requirements of Government Code Section 66333 et seq.
 - e. Internal ADUs and JADUs, constructed concurrently with the primary dwelling unit, shall not exceed the maximum allowed floor area limit or floor area ratio of the zoning district.
 - f. The height of an attached unit shall not exceed a height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower. This subparagraph shall not require the City to allow an ADU to exceed two (2) stories (Government Code Section 66321(b)(4)(D)).
 - ii. One (1) detached ADU. For a lot with an existing or proposed single-family dwelling, one (1) detached, new construction ADU that meets all the following requirements.
 - a. The ADU shall not exceed 800 square feet of interior livable space.
 - b. The ADU shall have a minimum rear and side setback of four (4) feet.
 - c. The ADU shall conform to the following maximum height limitations (Government Code Section 66321):
 - A height of 16 feet for a detached ADU on a lot with an existing or proposed single family dwelling unit.
 - A height of 18 feet for a detached ADU on a lot with an existing or proposed single family dwelling unit that is within one-half of one (1) mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. The City shall also allow an additional two (2) feet in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- 2. *Multifamily Developments:*
- i. Internal Multifamily ADUs. ADUs are permitted within portions of existing multifamily residential structures not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided each unit complies with building standards. At least one (1) internal ADU and up to twenty-five percent (25%) of the existing number of multifamily dwelling units are permitted.

- ii. Detached Multifamily ADUs. ADUs that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling, are subject to the following:
 - a. On a lot with an existing multifamily dwelling, not more than eight (8) detached ADUs. However, the number of ADUs allowable pursuant to this clause shall not exceed the number of existing units on the lot.
 - b. On a lot with a proposed multifamily dwelling, not more than two (2) detached ADUs. Once two (2) detached ADUs have been constructed as part of a new or proposed multifamily development, no additional detached ADUs can be constructed on-site.
 - c. The ADU shall have a minimum rear and side setback of four (4) feet. However, if the existing multifamily dwelling has a rear or side setback of less than four (4) feet, no modification of the existing multifamily dwelling shall be required as a condition of approving the application to construct an ADU that satisfies the requirements of this subsection.
 - d. The ADU shall conform to the following maximum height limitations (Government Code Section 66321):
 - A height of 16 feet for a detached ADU on a lot with an existing or proposed multifamily dwelling unit.
 - A height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily dwelling unit that is within one-half of one (1) mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. The City shall also allow an additional two (2) feet in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 - A height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.
- **B. Non-Exempt ADU Standards:** For units exceeding 800 square feet, the following limits apply, provided they do not physically block the assembly of an 800-square-foot unit:
 - 1. One (1) bedroom or studio: Maximum of 1,000 square feet.
 - 2. Two (2) or more bedrooms: Maximum of 1,200 square feet.
 - 3. Setbacks: A minimum of four (4) feet for rear and side property lines is required for any new construction. Zero (0) feet setback is required for conversions of existing legal structures or structures rebuilt in the exact same location and footprint.

- **C. Objective Design Standards:** No objective development or design standard shall be imposed on an ADU authorized by this section unless expressly authorized by Government Code Section 66323(b). Correction of nonconforming zoning conditions shall not be required as a condition of ministerial ADU or JADU approval, consistent with Government Code Section 66323(c).
- **D. Fire Sprinklers:** The installation of fire sprinklers shall not be required in an ADU or a JADU if sprinklers are not required for the primary residence. The construction of an ADU or a JADU shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling (Government Code Section 66323(d)).

17.70.060 - Parking Mandates

- A. Parking requirements for an ADU shall not exceed one (1) parking space per unit or per bedroom, whichever is less.
- B. No parking space shall be required for an ADU if it is:
 1. Located within a one-half mile walking distance of public transit.
 2. Located within an architecturally and historically significant historic district.
 3. Part of the proposed or existing primary residence or an accessory structure.
 4. When on-street parking permits are required but not offered to the occupant of the ADU.
 5. When there is a car share vehicle located within one (1) block of the ADU.
 6. When a permit application for an ADU 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 ADU or the parcel satisfies any other criteria listed in Government Code section 66322, subdivision (a)(1)-(5).
 7. ADUs subject to Government Code Section 66323.
- C. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, the City shall not require the property owner to replace or re-establish those displaced vehicular parking spaces.

17.70.070 - Fees and Utility Exemptions.

- A. **Impact Fees:** No development impact fees (including traffic, parks, and public facilities) shall be assessed by the City for any ADU under 750 square feet. Development impact fees for units 750 square feet or larger shall be assessed proportionally relative to the square footage of the primary dwelling (Government Code Section 66311.5(a)-(d)).
- B. **School District Fees:** Any ADU or JADU containing five hundred (500) square feet or less of interior livable space shall be completely exempt from school impact fees, in strict compliance with current state handbook protections (Government Code Section 66311.5(c)).

17.70.080 – Utilities.

- **A. Utility Connections:** The City cannot require ADUs and JADUs that qualify under Government Code Section 66323(a)(1) created from the existing space of a primary dwelling or accessory structure to install a new or separate connection unless the ADU or JADU is constructed concurrently with a new single-family dwelling. For all other ADUs and JADUs not created pursuant to Government Code Section 66323(a)(1), a new or separate connection directly from the utility to the ADU or JADU may be required (Government Code Section 66311.5(d)(e)).
- **B. Utility Fees:** Consistent with Government Code Section 66013, a utility connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU. This fee or charge shall not exceed the reasonable cost of providing this service.

SECTION 2: SEVERABILITY

If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 3: SUBMISSION TO STATE HCD

The City Clerk is hereby directed to submit a clean copy of this adopted ordinance to the [California Department of Housing and Community Development \(HCD\)](#) within sixty (60) days of passage to finalize the City's statutory compliance file.

SECTION 4. This ordinance shall take effect thirty (30) days following its final adoption.

SECTION 5. The City Manager and City Clerk are directed to perform all tasks necessary to implement this ordinance.

SECTION 6: PUBLICATION. The City Clerk is hereby directed to publish in a newspaper of general circulation.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Del Rey Oaks, California, at its regular meeting held on the ____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Donaldson, Mayor

ATTEST:

Karen Minami, City Clerk

Attachment 2

**Planning Commission Staff Report
August 12, 2026**



CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 FAX (831) 394-6421

PLANNING COMMISSION STAFF REPORT

TO: Chairperson and Members of the Planning Commission
John Guertin, City Manager

FROM: Denise Duffy & Associates, City Planning Consultants

DATE: August 12, 2026

SUBJECT: Consider Revisions to Del Rey Oaks Municipal Code Chapter 17.70 Regarding Accessory Dwelling Units and Junior Accessory Dwelling Units

RECOMMENDATION

That the Planning Commission receive the staff report, conduct a public hearing, review the proposed text amendments, and vote to recommend that the City Council repeal Chapter 17.70 of the Del Rey Oaks Municipal Code regarding Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) in its entirety, and adopt a replacement ordinance (please refer to **Exhibit 1**).

The Purpose of Local ADU Ordinances: Under California housing law and policy, ADUs and JADUs are recognized as critical components to expanding infill housing supply. The State Legislature has adopted a series of laws that reduce barriers to ADU development and require local jurisdictions to ministerially approve qualifying applications. Although the City previously adopted ADU regulations, subsequent statutory changes established new requirements and clarified existing provisions concerning development standards, permitting timelines, and the allowance of ADUs and JADUs.

Background Ordinance Compliance: The City of Del Rey Oaks last updated its ADU ordinance in 2021 through Ordinance No. 308. Since then, the California Legislature has revised ADU and JADU requirements, permitting rights, and review procedures. The proposed replacement ordinance updates Chapter 17.70 to conform to Government Code Sections 66310–66342. The proposed replacement ordinance will also implement a provision of **Program C.2, Encourage the Construction of Accessory Dwelling Units**, in the adopted 2023–2031 Sixth Cycle Housing Element, which directs the City to continue reviewing and updating its ADU ordinance as State requirements change.

Regulatory Feedback: Correspondence from the California Department of Housing and Community Development (HCD) identified requirements to meet State law. HCD issued an initial compliance letter based upon its review of the City's adopted ADU Ordinance, notifying the City that portions of Ordinance No. 308 were out of compliance with State criteria (August 14, 2024 HCD Findings Letter)(please refer to **Exhibit 2**). Following receipt of the letter, the City continued communication with HCD staff regarding needed ADU updates while also working to achieve a compliant Housing Element. In 2025, the State legislature passed another round of housing bills focused on ADUs, rendering some of the HCD 2024 recommendations outdated. HCD sent a separate letter in 2026 to identify more recent changes to the

ADU requirements statewide. The 2026 letter notified the City that the City's ADU Ordinance was outdated and conflicted directly with newly enacted statutes (February 27, 2026 HCD Letter of Technical Assistance)(please refer to **Exhibit 3**). The action before the Planning Commission responds directly to the concerns raised by HCD in their February 2026 letter and achieves stated objectives of the City's Housing Element (**Program C.2, Encourage the Construction of Accessory Dwelling Units**).

The State Preemption (Government Code Section 66326(d)): The City of Del Rey Oaks currently processes and reviews all incoming ADU and JADU applications in accordance with State law. However, the outdated text in the existing ordinance creates administrative confusion. Under Government Code Section 66326(d), if a local agency fails to update its formal ordinance or fails to respond to HCD findings within the statutory timelines, that local ordinance is rendered null and void by operation of law. Adoption of the replacement ordinance consistent with State law will address State preemption and avoid administrative confusion.

ENVIRONMENTAL DETERMINATION (CEQA)

The adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which provides that CEQA does not apply to the adoption of an ordinance by a city or county to implement Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code, which is State ADU and JADU law. This ordinance implements State law governing ADU and JADUs, and is, therefore, statutorily exempt from CEQA.

ACTION

The Planning Commission may vote to recommend approval to the City Council, instead of a separate written resolution. This action satisfies the requirement under Government Code Section 65855 for a written recommendation to the City Council, using the verified meeting minutes and a transmittal memo to the Council. The adoption sequence is as follows:

1. **Planning Commission Review and Recommendation (Current Step):** The Commission opens a public hearing and votes whether to recommend approval of the Replacement ADU and JADU Ordinance.
2. **City Council Action:** The recommendation will be transmitted to the City Council for their upcoming public hearing (currently scheduled for Tuesday, August 25, 2026), where the Replacement ADU and JADU Ordinance will be considered. Upon formal and final adoption, the staff will upload the adopted ordinance directly to the HCD portal to satisfy the 60-day legal submission window.

CONCLUSION

The proposed replacement ordinance will bring the City of Del Rey Oaks into formal, textual alignment with active California housing mandates. It resolves outstanding items flagged in HCD's 2024 and 2026 letters, protects the City from State preemption, and provides a clear framework for local property owners.

RECOMMENDATION

Staff recommend that the Commission vote by direct motion and direct staff to reflect this recommendation to the City Council in the meeting minutes.

LIST OF EXHIBITS

- **Exhibit 1:** Draft City Council Ordinance Del Rey Oaks Municipal Code Chapter 17.70 (Accessory Dwelling Units and Junior Accessory Dwelling Units)
- **Exhibit 2:** State HCD Technical Assistance Letter **2024**
- **Exhibit 3:** State HCD Technical Assistance Letter **2026**

Exhibit 1

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(Accessory Dwelling Units and Junior Accessory Dwelling Units)**

DRAFT CITY COUNCIL ORDINANCE NO. 2026-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS
REPEALING THE EXISTING ACCESSORY DWELLING UNIT CODE IN ITS
ENTIRETY AND APPROVING A COMPREHENSIVE REPLACEMENT AMENDMENT
TO CHAPTER 17.70 OF THE DEL REY OAKS MUNICIPAL CODE TO ENSURE
FORMAL TEXTUAL COMPLIANCE WITH REVISED CALIFORNIAN STATE
HOUSING MANDATES (GOVERNMENT CODE SECTIONS 66310–66342)**

WHEREAS, the State of California is experiencing a housing supply crisis, with housing demand far outstripping supply; and

WHEREAS, the California Department of Housing and Community Development (HCD) issued an official Ordinance Findings Letter on August 14, 2024, followed by a subsequent Letter of Technical Assistance to the City of Del Rey Oaks on February 27, 2026, noting that while the City adheres to current state law in its administrative practices, the formal ordinance text on file remains outdated; and [\[1\]](#)

WHEREAS, the California Legislature passed Senate Bill 477 (2024), which completely repealed the former statutory chapters governing local secondary dwellings and renumbered them into an entire newly consolidated state framework under California Government Code Sections 66310 through 66342; and [\[1\]](#)

WHEREAS, the State has enacted legislation to encourage the construction of Accessory Dwelling Units (“ADU”), which includes new standards that limit how municipalities can regulate the permitting and development of ADUs; and

WHEREAS, California Government Code Section 66326(d) provides that if a local agency fails to update its municipal code or timely respond to state corrections, its existing local zoning rules are rendered entirely null and void as a matter of law, stripping the City of all local development controls; and

WHEREAS, the City currently implements all state-mandated ADU and Junior ADU streamlined requirements, but recognizes that amending the formal municipal text is necessary to align the Del Rey Oaks Municipal Code with active statutory structures; and

WHEREAS, the Planning Commission of the City of Del Rey Oaks conducted a duly noticed public hearing on August 12, 2026, reviewed the text amendments, and recommended the approval of the replacement ordinance text for City Council approval.

WHEREAS, the City Council (“Council”) recognizes that ADU can provide additional affordable housing opportunities in the City; and

WHEREAS, the Council finds that it is appropriate to repeal Chapter 17.70 regarding “Accessory Dwelling Units” and replace this code with new standards for ADU; and

WHEREAS, on August 25, 2026, the Council conducted a public hearing to consider the Commission's recommendation, and after considering public testimony, the staff report and all submitted evidence, the Council now desires to approve the proposed ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DEL REY OAKS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council hereby finds and determines that all the foregoing recitals are true, accurate, and are incorporated into the body of this Ordinance.

SECTION 2. Complete Code Repeal & Replacement. The City Council hereby completely repeals the City's existing Accessory Dwelling Unit code frame (Ordinance No. 308) and replaces Chapter 17.70 of the Del Rey Oaks Municipal Code in its entirety with the text set forth within this **Ordinance No. _____**.

SECTION 3. Authority to Transmit. The City Council hereby directs the City Manager, or their designated representative, to transmit a copy of this adopted ordinance directly to California HCD within sixty (60) days of local adoption in accordance with state submittal mandates.

CHAPTER 17.70 OF THE DEL REY OAKS MUNICIPAL CODE IN ITS ENTIRETY AND ADOPTING A REPLACEMENT CHAPTER 17.70 REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN COMPLIANCE WITH STATE LAW AND STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) MANDATES:

SECTION 1: REPEAL AND REPLACEMENT OF CHAPTER 17.70

Chapter 17.70 of the Del Rey Oaks Municipal Code is hereby amended, repealed in parts, and replaced to read in its entirety as follows:

CHAPTER 17.70 - ACCESSORY DWELLING UNITS

17.70.010 - Purpose and Intent

The purpose of this chapter is to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in conformity with California Government Code Title 7, Division 1, Chapter 13 (Sections 66310 through 66342). These provisions are designed to allow infill housing production while protecting the established public health, safety, and single-family/multifamily residential parameters of Del Rey Oaks.

17.70.020 - Definitions

- "Accessory Dwelling Unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family or multifamily dwelling is or will be situated. An ADU also includes the following (Government Code Section 66313(a)):
 - An efficiency unit.
 - A manufactured home as defined in Section 18007 of the Health and Safety Code.
- "Efficiency Unit" means a dwelling unit that contains a minimum of 190 square feet in living space, a separate closet, kitchen sink, cooking appliance, refrigerator, and a separate bathroom containing a water closet, lavatory, bathtub, or shower (Government Code Section 66313(c); Health and Safety Code Section 17958.1).
- "Manufactured Home" means a structure that was constructed on or after June 15, 1976, is transportable in one (1) or more sections, is eight (8) body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein (Health and Safety Code Section 18007(a)).
- "Junior Accessory Dwelling Unit" or "JADU" means a unit that is no more than 500 square feet in interior livable space and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure (Government Code Section 66313(d)).

- "Livable Space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation (Government Code Section 66313(e)).
- "Objective Development Standards" means standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

17.70.030 - Processing, Timelines, and Rolling Objections

- **A. Application and Fee:** Application for an ADU shall be processed ministerially and shall be accompanied by the appropriate fee. An ADU shall be permitted through the issuance of a building permit.
- **B. Completeness Review:** Within fifteen (15) business days of receiving an application for an ADU or JADU, the City shall issue a written determination to the applicant specifying whether the application is complete or incomplete (Government Code Section 66317(a)(1)-(2)).
- **C. Deemed Complete:** If the City fails to provide a written determination of incompleteness within fifteen (15) business days, the application shall be deemed complete by operation of law as of the sixteenth (16th) business day, and the mandatory 60-day ministerial clock to approve or deny the permit shall commence (Government Code Section 66317(a)(2)(F) and 66317(a)(3)).
- **D. Prohibition on Rolling Objections:** If an application is deemed incomplete, the City's written notice shall itemize all missing or non-compliant elements. When the applicant resubmits corrected plans, the City shall not raise any new objections, comments, or requests for information that were not explicitly cited in the initial written notice of incompleteness. The City is subject to the same review timelines described under subparagraph (B). (Government Code Section 66317(a)(2)(B)-(F)).
- **E. Approval Process:** The City shall approve or deny the application within 60 days from the date the City received the completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or sever an ADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the permit application for the ADU until the City approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or sever the ADU shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the City has not approved or denied the completed application within 60 days, the application shall be deemed approved. The City may charge a fee to reimburse it for costs incurred to implement this section, including the costs of adopting or amending any ordinance that provides for the creation of an ADU (Government Code Section 66317(a)(3)).
- **F. Appeals:** An applicant may appeal a completeness determination pursuant to Section 17.70.030(D) or denial pursuant Section 17.70.030(E) in writing to the Planning Commission, no later than 15 calendar days from either action. The Planning Commission must issue a written determination on the appeal within 60 business days of

the City's receipt of the written appeal. The Planning Commission's decision is final and not appealable.

- **G. Right to Appeal:** If a permit application for an ADU or JADU is deemed incomplete or is denied, the permitting agency is required to establish a process allowing the applicant to appeal the decision in writing. This appeal must be directed to the Planning Commission per section 17.70.030(F) of this Chapter.

17.70.040 – Permitted Uses, Requirements, and Restrictions

- **A. Permitted Zones:** ADUs and JADUs are permitted ministerially in any zone where residential or mixed-use developments are allowed by right or conditional use.
- **B. Ownership and Separate Sale:** An ADU or JADU shall not be sold or otherwise conveyed separately from the primary dwelling, except as authorized by California Government Code Section 66341 for properties built or developed by qualified housing non-profit corporations, or if the City explicitly adopts an AB 1033 partition framework.
- **C. Owner Occupancy:**
 1. *ADUs:* Owner occupancy is not required for an ADU.
 2. *JADUs:* Owner occupancy is required in either the remaining portion of the primary residence or the JADU itself where the JADU unit has shared sanitation facilities with the existing structure. Owner-occupancy shall not be required if the JADU unit has separate sanitation facilities, or if the owner is another governmental agency, land trust, or housing organization (Government Code Section 66333(b)).
- **D. Short-Term Rental Restriction:** No ADU or JADU shall be rented or offered for rent for a period of less than thirty (30) consecutive days (Government Code Section 66323(e)).

17.70.050 – Spatial and Design Configurations

- **A. Statewide Exempt ADUs ("66323 Units"):** The City shall ministerially approve a building permit for ADUs and JADUs conforming with Government Code Section 66323. 66323 Units need only comply with the development standards set forth in this subsection. Lots with existing or proposed single family developments are entitled to no more than three (3) 66323 Units: one (1) internal ADU, one (1) JADU, and one (1) detached ADU, as more specifically described below:
 - 1. *Single-Family Developments:*
 - i. One (1) internal ADU and (1) JADU. For a lot with an existing or proposed single-family dwelling, one (1) internal ADU and/or one (1) JADU if all of the following requirements are met.
 - a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling, accessory building, or accessory structure. ADUs converted from an accessory building or structure are eligible for a 150-square-foot

expansion. An expansion beyond the physical dimensions of the existing accessory building or structure shall be limited to accommodating ingress and egress.

- b. The space has exterior access from the proposed or existing single-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety.
 - d. The JADU complies with the requirements of Government Code Section 66333 et seq.
 - e. Internal ADUs and JADUs, constructed concurrently with the primary dwelling unit, shall not exceed the maximum allowed floor area limit or floor area ratio of the zoning district.
 - f. The height of an attached unit shall not exceed a height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower. This subparagraph shall not require the City to allow an ADU to exceed two (2) stories (Government Code Section 66321(b)(4)(D)).
 - ii. One (1) detached ADU. For a lot with an existing or proposed single-family dwelling, one (1) detached, new construction ADU that meets all the following requirements.
 - a. The ADU shall not exceed 800 square feet of interior livable space.
 - b. The ADU shall have a minimum rear and side setback of four (4) feet.
 - c. The ADU shall conform to the following maximum height limitations (Government Code Section 66321):
 - A height of 16 feet for a detached ADU on a lot with an existing or proposed single family dwelling unit.
 - A height of 18 feet for a detached ADU on a lot with an existing or proposed single family dwelling unit that is within one-half of one (1) mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. The City shall also allow an additional two (2) feet in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- 2. *Multifamily Developments:*
- i. Internal Multifamily ADUs. ADUs are permitted within portions of existing multifamily residential structures not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided each unit complies with building

standards. At least one (1) internal ADU and up to twenty-five percent (25%) of the existing number of multifamily dwelling units are permitted.

- ii. Detached Multifamily ADUs. ADUs that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling, are subject to the following:
 - a. On a lot with an existing multifamily dwelling, not more than eight (8) detached ADUs. However, the number of ADUs allowable pursuant to this clause shall not exceed the number of existing units on the lot.
 - b. On a lot with a proposed multifamily dwelling, not more than two (2) detached ADUs. Once two (2) detached ADUs have been constructed as part of a new or proposed multifamily development, no additional detached ADUs can be constructed on-site.
 - c. The ADU shall have a minimum rear and side setback of four (4) feet. However, if the existing multifamily dwelling has a rear or side setback of less than four (4) feet, no modification of the existing multifamily dwelling shall be required as a condition of approving the application to construct an ADU that satisfies the requirements of this subsection.
 - d. The ADU shall conform to the following maximum height limitations (Government Code Section 66321):
 - A height of 16 feet for a detached ADU on a lot with an existing or proposed multifamily dwelling unit.
 - A height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily dwelling unit that is within one-half of one (1) mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. The City shall also allow an additional two (2) feet in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 - A height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.
- **B. Non-Exempt ADU Standards:** For units exceeding 800 square feet, the following limits apply, provided they do not physically block the assembly of an 800-square-foot unit:
 - 1. One (1) bedroom or studio: Maximum of 1,000 square feet.
 - 2. Two (2) or more bedrooms: Maximum of 1,200 square feet.
 - 3. Setbacks: A minimum of four (4) feet for rear and side property lines is required for any new construction. Zero (0) feet setback is required for conversions of

existing legal structures or structures rebuilt in the exact same location and footprint.

- **C. Objective Design Standards:** No objective development or design standard shall be imposed on an ADU authorized by this section unless expressly authorized by Government Code Section 66323(b). Correction of nonconforming zoning conditions shall not be required as a condition of ministerial ADU or JADU approval, consistent with Government Code Section 66323(c).
- **D. Fire Sprinklers:** The installation of fire sprinklers shall not be required in an ADU or a JADU if sprinklers are not required for the primary residence. The construction of an ADU or a JADU shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling (Government Code Section 66323(d)).

17.70.060 - Parking Mandates

- A. Parking requirements for an ADU shall not exceed one (1) parking space per unit or per bedroom, whichever is less.
- B. No parking space shall be required for an ADU if it is:
 1. Located within a one-half mile walking distance of public transit.
 2. Located within an architecturally and historically significant historic district.
 3. Part of the proposed or existing primary residence or an accessory structure.
 4. When on-street parking permits are required but not offered to the occupant of the ADU.
 5. When there is a car share vehicle located within one (1) block of the ADU.
 6. When a permit application for an ADU 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 ADU or the parcel satisfies any other criteria listed in Government Code section 66322, subdivision (a)(1)-(5).
 7. ADUs subject to Government Code Section 66323.
- C. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, the City shall not require the property owner to replace or re-establish those displaced vehicular parking spaces.

17.70.070 - Fees and Utility Exemptions.

- **A. Impact Fees:** No development impact fees (including traffic, parks, and public facilities) shall be assessed by the City for any ADU under 750 square feet. Development impact fees for units 750 square feet or larger shall be assessed proportionally relative to the square footage of the primary dwelling (Government Code Section 66311.5(a)-(d)).
- **B. School District Fees:** Any ADU or JADU containing five hundred (500) square feet or less of interior livable space shall be completely exempt from school impact fees, in

strict compliance with current state handbook protections (Government Code Section 66311.5(c)).

17.70.080 – Utilities.

- **A. Utility Connections:** The City cannot require ADUs and JADUs that qualify under Government Code Section 66323(a)(1) created from the existing space of a primary dwelling or accessory structure to install a new or separate connection unless the ADU or JADU is constructed concurrently with a new single-family dwelling. For all other ADUs and JADUs not created pursuant to Government Code Section 66323(a)(1), a new or separate connection directly from the utility to the ADU or JADU may be required (Government Code Section 66311.5(d)(e)).
- **B. Utility Fees:** Consistent with Government Code Section 66013, a utility connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU. This fee or charge shall not exceed the reasonable cost of providing this service.

SECTION 2: SEVERABILITY

If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

SECTION 3: SUBMISSION TO STATE HCD

The City Clerk is hereby directed to submit a clean copy of this adopted ordinance to the [California Department of Housing and Community Development \(HCD\)](#) within sixty (60) days of passage to finalize the City's statutory compliance file.

Exhibit 2

State HCD Technical Assistance Letter 2024

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

651 Bannan Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



August 14, 2024

John Guertin, City Manager
City of Del Rey Oaks
650 Canyon Del Rey Blvd.
Del Rey Oaks, CA 93940

Dear John Guertin:

**RE: Review of City of Del Rey Oak'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 ADU and junior accessory dwelling unit (JADU) Law have been re-numbered (Enclosure 1).

Thank you for submitting the City Del Rey Oak's (City) ADU Ordinance No. 308 (Ordinance), adopted October 26, 2021, 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 does not comply with State ADU and JADU Laws in the manner noted 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 September 13, 2024.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law in the following respects:

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 (sections 66310-66342, see Enclosure). The City must amend the Ordinance to refer to the correct code sections.
2. Sections 17.70.020, 17.70.40(A) 17.70.050 (B)(3) - *Definitions & General JADU Requirements* - The Ordinance defines a Junior Accessory Dwelling Unit (JADU) as, "a unit...contained entirely within a single-family residence..." However, this definition omits reference to the conditions required in Government Code 66333, subdivision (d): "For purposes of this subdivision,

enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.” The City must amend the Ordinance to note the allowance.

Additionally, Government Code section 66333, subdivision (e) states, “If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.” This requirement does not appear in the Ordinance, which must be amended accordingly.

3. Section 17.70.030 - *Denial* - The Ordinance states that the City shall “approve or deny [an] application within 60 days of receipt of the application...” However, there is no 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 amend the Ordinance accordingly.
4. Section 17.70.40(B) - *General ADU and JADU Requirements* - The Ordinance states that, “ADUs and JADUs may not be sold separately from the primary dwelling.” However, Government Code section 66341 creates a narrow exception to allow separate conveyance of an ADU to a qualified buyer if the property was built or developed by a qualified nonprofit corporation, among other things. The City must amend the Ordinance to comply with State ADU Law.
5. Section 17.70.040 (C) - *JADU Terms* - The Ordinance states, “ADUs and JADUs shall not be rented for a period of less than thirty (30) days.” However, Government Code section 66333 does not require rental term minimums for JADUs and therefore such a requirement would be inconsistent with State JADU Law. The City must amend the Ordinance accordingly.
6. Section 17.70.050 (A)(1) - *Design Standards* - The Ordinance states, “ADUs are subject to the same requirements that apply to primary dwellings on the same lot in the applicable zoning district except as specified in this section.” However, Government Code section 66315 states, “Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. 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.”

Additionally, Government Code section 66321, subdivision (b)(3) prohibits, "Any requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards."

Lastly, local development standards may not preclude the development of any unit subject to Government Code section 66323. The City must amend the Ordinance to note these exceptions.

7. Section 17.70.050 (C) (1) and (2) - *Height* - The Ordinance states, "1. A single-story attached or detached ADU may not exceed 16 feet in height above grade, measured to the peak of the structure." and "2. A second story or two-story attached ADU addition may be permitted subject to an architectural permit and may not exceed the height of the zoning district. The minimum allowed height shall be 16 feet." However, Government Code section 66321, subdivision (b)(4) states that "Notwithstanding subdivision (a), a local agency shall not establish by ordinance any of the following...(4) Any height limitation that does not allow at least the following, as applicable..." The applicable height limits are 16, 18, 20 or 25 feet. Therefore, the City must amend the minimum height requirements in the Ordinance to comply with State ADU Law. Additionally, the City should align height measurement with the definitions stated in the California Building Code.
8. Section 17.70.050 (C)(2) - *Architectural Permit* - The Ordinance states, "A second story or two-story attached ADU addition may be permitted subject to an architectural permit..." However, pursuant to Government Code section 65852.2, subdivision (a)(3)(A), "A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits." The Ordinance should only require ministerial provisions for the approval of accessory dwelling units. The City must amend their Ordinance to comply with State ADU Law.
9. Section 17.70.50 (F)(6) - *Parking* - The Ordinance states that, "No on-site parking is required for an ADU in the following cases..." It then describes conditions that match Government Code section 66322, subdivision (a)(1) through (a)(4) but omits reference to the conditions of (a)(5) and (a)(6). Therefore, the City must amend the Ordinance to add the additional parking exceptions.

10. Section 17.70.50 (G)(2) - *Sprinklers* - The Ordinance states, “The installation of fire sprinklers shall not be required in an ADU if sprinklers are not required for the primary residence.” However, Government Code sections 66314, subdivision (d)(12) and 66323, subdivision (c) expand on this to require that “The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.” Therefore, the City must amend the Ordinance to note the allowance.

Please note that the City has two options in response to this letter¹. 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 findings³. 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 Law⁴.

HCD appreciates the City of Del Rey Oaks’ 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 if you have any questions.

Sincerely,



Jamie Candelaria
Senior Housing Accountability Unit Manager
Housing Policy Development Division

¹ Gov. Code, § 66326, subd. (c)(1).

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

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

⁴ Gov. Code, § 66326, subd. (c)(1).

State ADU/JADU Law Statutory Conversion Table

New Government Code Sections	Previous Government Code Sections
Article 1. General Provisions	
66310	65852.150 (a)
66311	65852.150 (b)
66312	65852.150 (c)
66313	General Definition Section 65852.2 (j) 65852.22 (j)
Article 2. Accessory Dwelling Unit Approvals	
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.
Article 3. Junior Accessory Dwelling Units	
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)
Article 4. Accessory Dwelling Unit Sales	
66340	65852.26 (b)
66341	65852.26 (a)
66342	65852.2 (a)(10)

Exhibit 3

State HCD Technical Assistance Letter 2026

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

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February 27, 2026

John Guertin
Planning Department Contact
City of Del Rey Oaks
650 Canyon Del Rey Blvd.
Del Rey Oaks, CA 93940

Dear John Guertin:

**RE: City of Del Rey Oaks – Accessory Dwelling Unit (ADU) Ordinance Updates –
Letter of Technical Assistance**

The most recent ADU ordinance on file for the City of Del Rey Oaks with the California Department of Housing and Community Development (HCD) is from 2021. Given the numerous changes to State ADU Law since the adoption of the ordinance, the ordinance may be outdated and out of compliance with State ADU Law. If HCD's records are incorrect, and a new ordinance has been adopted, please submit it to the [ADU Portal](#) for HCD's review.

Below are the changes to State ADU Law that have occurred in recent years and may warrant an update to the City of Del Rey Oaks ADU ordinance:

Updates to the [ADU Handbook \(2025\)](#)

- Clarifies that ADU Law prohibits deed restrictions on ADUs. A deed restriction would be an "additional standard" and thus cannot be imposed on ADUs (Gov. Code, § 66315).
- Clarifies that homeowners' associations (HOAs), as a third party, cannot influence the approval of an application to create an ADU. Third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or junior ADU (JADU) permit application (Gov. Code, § 66317, subd. (c)).
- Clarifies that a local agency may not require parking as a condition to permitting a JADU, even when the JADU is converted from an attached garage (Gov. Code, § 66334, subd. (a)).

Changes to ADU Law in 2025:

- Specifies that if a JADU has shared sanitation facilities with the primary structure, owner-occupancy will be required. If the JADU does *not* have shared sanitation facilities, owner-occupancy will *not* be required (Gov. Code, § 66333, subd. (b)).
- Requires rental terms for JADUs for terms longer than 30 days (Gov. Code, § 66333, subd. (g)).
- Specifies that if a local agency fails to submit an adopted ADU ordinance to HCD within the 60-day timeline or fails to respond to HCD's findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when permitting ADUs (Gov. Code, § 66326, subd. (d)).
- Revises the definition of a "junior accessory dwelling unit" to require the size of a JADU to be no more than 500 square feet of interior livable space (Gov. Code, § 66313, subd. (d)).
- Revises the limitations on impact fees to, instead, prohibit impact fees upon the development of an ADU that has 750 square feet of interior livable space or less or a JADU that has 500 square feet of interior livable space or less, and to require that any impact fee on an ADU that has more than 750 square feet of interior livable space be charged proportionately in relation to the square footage of the primary dwelling unit (Gov. Code, § 66311.5, subds. (a) – (d)).
- Requires a permitting agency to determine whether an application for an ADU or JADU is complete and provide written notice of the determination not later than 15 business days after the permitting agency received the application (Gov. Code, § 66317, subd. (a)(2)(A)).
- Requires the permitting agency to provide the applicant with a list of incomplete items and a description of how the application can be made complete in the written notice and authorizes the applicant to cure and address the application, as specified, if it is determined that an application is incomplete (Gov. Code, § 66317, subd. (a)(2)(B)).
- Requires the permitting agency to provide a process for the applicant to appeal a denied application, as provided, and requires the permitting agency to provide a final written determination by not later than 60 business days after receipt of the written appeal if a permit application is determined to be incomplete or is denied (Gov. Code, § 66317, subd. (d)(1)).
- Specifies that an ADU or JADU that contains less than 500 square feet of interior livable space does not increase assessable space.
- Revises size limitations to be based on the square footage of interior living space of the ADU (Gov. Code, § 66321, subds. (b)(2)(A), (b)(2)(B), and (b)(3)).

- Specifies the number of allowable ADUs per lot with a proposed or existing single-family dwelling (Gov. Code, § 66323, subd. (a)).
- Clarifies that fire sprinklers are not required for a JADU if the primary residence does not have fire sprinklers and that the addition of a JADU cannot trigger the requirement for fire sprinklers (Gov. Code, § 66323, subd. (d)).
- Adds section 66333.5, which specifies that if a local agency fails to submit an adopted JADU ordinance to HCD within the 60-day timeline or fails to respond to HCD's findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when processing applications for ADUs.
- Requires a local agency to issue a certificate of occupancy for an ADU constructed in a county that is subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025, even if the primary dwelling has not yet been issued a certificate of occupancy, if certain requirements are met, including that the primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation (Gov. Code, § 66328).
- Creates an exception to areas that fall under the California Coastal Act by requiring a local government or the Coastal Commission, as specified, to either approve or deny a coastal development permit application for an ADU within 60 days of receiving a completed application (Gov. Code, § 66329, subd. (a).)
- Specifies that no reimbursement is required for school service charges, fees, or assessments sufficient to pay for the program or level of service within the meaning of Government Code section 17556 (Gov. Code, § 66329).
- Specifies that reasonable restrictions in covenants, restrictions, and conditions, as described in the Civil Code, shall not include any fees or other financial requirements (Civil Code, § 714.3, subd. (b)).

Changes to ADU Law in 2024:

- SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of the Government Code for State ADU and JADU Laws.
- Prohibits a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for building code violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard (Gov. Code, § 66332, subds. (a)-(c)).
- Defines "livable space" as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).

- Provides that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced (Gov. Code, § 66314, subd. (d)(11)).
- Changes the allowable number of detached ADUs on a lot with an existing multifamily dwelling to eight detached ADUs, provided that the number of ADUs does not exceed the number of existing units on the lot (Gov. Code, § 66323, subd. (a)(4)(A)(ii)).
- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a) (Gov. Code, § 66323, subd. (b)).

Changes to ADU Law in 2023:

- Sunsets a former prohibition on a local agency imposing an owner occupancy requirement on any ADU and instead prohibits a local agency from requiring owner occupancy for an ADU (Gov. Code, § 66315).
- Allows a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums, subject to certain conditions (Gov. Code, §§ 66340-66342).

If an existing ADU ordinance fails to meet the requirements of State ADU Law, the ordinance is “null and void” and the local jurisdiction must apply the standards set forth in State ADU Law until it adopts an ordinance that complies with state law (Gov. Code, § 66316). HCD recommends that a local jurisdiction with a noncompliant ADU ordinance repeal the ordinance to provide clarity for ADU applicants who may otherwise rely on the outdated ordinance.

HCD requests a response by March 29, 2026 with either (1) a description of how the ADU ordinance continues to comply with State ADU Law despite the changes to the law, or (2) a plan and timeline to either repeal the current ordinance or adopt an amended, compliant ordinance and submit it to HCD for review.

If you have any questions or need additional information, please contact Mike VanGorder at Mike.VanGorder@hcd.ca.gov.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit