

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

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February 11, 2022

John Carver, Planning Director
City of Paramount
16400 Colorado Avenue
Paramount, CA 90723

Dear Mr. Carver:

**RE: Review of Paramount's Accessory Dwelling Unit (ADU) Ordinance under
State ADU Law (Gov. Code, § 65852.2)**

Thank you for submitting the City of Paramount's (City) accessory dwelling unit (ADU) ordinance (Ordinance No. 1151, "the Ordinance") adopted June 8, 2021, to the California Department of Housing and Community Development (HCD). The Ordinance was received on July 7, 2021. HCD has reviewed the Ordinance and is submitting these written findings pursuant to Government Code section 65852.2, subdivision (h). HCD has determined that the Ordinance does not comply with section 65852.2 in the manner noted below. Under the statute, 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 March 14, 2022.

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

- Page 3. Section 17.104.030 Definitions – *Definition of "ADUs"* – The Ordinance defines ADUs as living spaces "on the same parcel as the single-family dwelling". Effective January 2020, the statute changed the definition of an ADU to add that it may be located on the same parcel as a single-family or multifamily dwelling, as noted in Government Code section 65852.2, subdivision (j)(1). Government Code section 65852.2, subdivisions (a)(1) and (a)(1)(D)(ii), allow ADUs in areas zoned single-family or multifamily dwelling residential use. The City should amend the Ordinance definition to include multifamily dwellings.
- Page 5. Section 17.104.060 *Garage Door Removal* – The Ordinance requires that "[i]f an attached or detached garage is converted to an ADU, the garage door shall be replaced with an exterior wall compatible with the existing dwelling." However, local development standards provided by the Ordinance pursuant to Government Code section 65852.2, subdivisions (a) through (d), do not apply to ADUs created under Government Code section 65852.2 subdivision (e)(1), such as an ADU that is created within the proposed space of a single-family dwelling

(e.g., a garage). Therefore, the garage door replacement requirement imposes a local development standard that is not allowed by statute. The City should remove this requirement.

- Page 6. Section 17.104.130 (B) – *Setbacks* – The Ordinance states: “Attached ADUs shall meet the setback requirement of the zone in which they are located.” However, Government Code section 65852.2, subdivision (a)(1)(D)(vii), states: “a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.” Therefore, underlying zoning requirements cannot take precedence over state statute requiring “no more than four feet”. The City should remove references to underlying zoning in this section.
- Page 6. Section 17.104.130 (C) – *Conversion Setbacks* – The Ordinance states that “when an existing detached or attached garage is proposed to be converted to an ADU, no additional setbacks shall be required subject to meeting the zoning requirements.” The Ordinance section omits other *detached accessory structures* that are not garages. Government Code section 65852.2, subdivision (a)(1)(D)(iii), provides for an “accessory dwelling unit... either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an *accessory structure*....” Therefore, the City should add “or other detached accessory structure” to this language.
- Page 6. Section 17.104.150.(A) *Parking* – The Ordinance states that parking is not required where an ADU or junior ADU (JADU) is within a half-mile walking distance of public transit. While this complies with state law, the Ordinance omits four other instances found in Government Code section 65852.2, subdivision (d), where parking may not be required:
 - The ADU is located within an architecturally and historically significant historic district. (Gov. Code, § 65852.2 (d)(2).)
 - The ADU is part of the proposed or existing primary residence or an accessory structure. (Gov. Code, § 65852.2 (d)(3).)
 - On-street parking permits are required but not offered to the occupant of the ADU. (Gov. Code, § 65852.2 (d)(4).)
 - A car share vehicle is located within one block of the ADU. (Gov. Code, § 65852.2 (d)(5).)

Furthermore, pursuant to Government Code section 65852.22, subdivision (b)(1), a parking space may not be required under any circumstance for any JADU. The City should add this language.

- Page 7. Section 17.104.240 – *Omission of Attached ADUs* – The Ordinance creates categories of permissible ADUs. The categories as they appear are compliant with state law, but the Ordinance does not provide for a *new ADU*

construction attached to a primary dwelling. Government Code section 65852.2, subdivision (a)(1)(D)(iii), states: “The accessory dwelling unit is either *attached to*, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure [and] located on the same lot as the proposed or existing primary dwelling.” (Emphasis added.) Therefore, one attached ADU is permitted on a lot with a primary residence, either a single-family or multifamily dwelling. The City should address the omission.

- Page 7. Section 17.104.220 (A) and 240 (A). *Detached ADUs* – The Ordinance states that “corner and exterior setbacks for the zoning designation apply” for corner lot ADUs. However, Government Code section 65852.2, subdivision (a)(1)(D)(vii), states: “a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.” HCD has made the determination that side lot line setback guidelines established in statute apply to the street side of a corner lot. Therefore, the City should remove the phrase “corner and exterior setbacks for the zoning designation apply” from sections 17.140.220 (A) and 240 (A).
- Page 8. Section 17.104.240 (B). *Detached Multifamily ADUs* – The Ordinance requires that “the total floor area is no more than 850 square feet for a one-bedroom ADU or no more than 1,000 square feet for an ADU that provides more than one bedroom.” Floor area requirements may only be applied to *new construction* units. Local development standards provided by the Ordinance pursuant to Government Code section 65852.2, subdivisions (a) through (d), do not apply to ADUs created under Government Code section 65852.2, subdivision (e)(1). Converted units created in detached accessory structures are exempt from size limitations. (Gov. Code § 65852.2 (e)(1)(C)(i)). The City should amend the Ordinance to comply with statute.

In these respects, revisions are necessary to comply with statute.

HCD will consider any written response to these findings, such as a revised ordinance or a detailed plan to bring the ordinance into compliance with law by a date certain, before taking further action authorized pursuant to Government Code section 65852.2, subdivision (e), paragraphs (4), (5) and (6). Please note that HCD may notify the Attorney General’s Office in the event that the City fails to take appropriate and timely action under section 65852.2, subdivision (h).

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 mike.vangorder@hcd.ca.gov or (916) 776-7541 if you have any questions or would like HCD's technical assistance in these matters.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Zisser', with a long horizontal flourish extending to the right.

David Zisser
Assistant Deputy Director
Local Government Relations and Accountability