

# **Updates to the Accessory Dwelling Unit Ordinance City Council Study Session**

**City Council  
July 28, 2026**



**COMMUNITY  
DEVELOPMENT**

# Purpose of the Study Session

- Discuss recent updates to State ADU Law and the latest HCD implementation guidance for ADUs

# ADU Ordinance Background

- ADU Ordinance was last updated in 2023
- Since then, new State ADU legislation has taken effect
- Existing ADU ordinance is no longer consistent with the most recent State ADU legislation
- Staff have been actively monitoring state legislation and evaluating potential impacts on the local ordinance

# Recently Adopted State ADU Regulations

| Bill           | Summary                                                                                                                                                                  |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AB 976 (2023)  | Eliminates owner occupancy requirements                                                                                                                                  |
| AB 1033 (2023) | ADUs can be sold separately (not required)                                                                                                                               |
| SB 1211 (2024) | Allows up to eight detached ADUs                                                                                                                                         |
| SB 477 (2024)  | Reorganizes various ADU provisions                                                                                                                                       |
| AB 1154 (2025) | Clarifies JADU owner occupancy requirement                                                                                                                               |
| SB 543 (2025)  | <i>Defines Interior Livable Space &amp; clarifies fire sprinkler requirements for JADUs, &amp; <u>Clarifies requirements to allow any combination of 66323 units</u></i> |

# ADU Conveyance

- State ADU Law allows, but does not require, local agencies to authorize the separate sale of ADUs as condominiums
- Staff does not recommend authorizing the separate conveyance of ADUs
- Does not align with the City's adopted Legislative Platform

# Government Code Sections 66323 & 66314

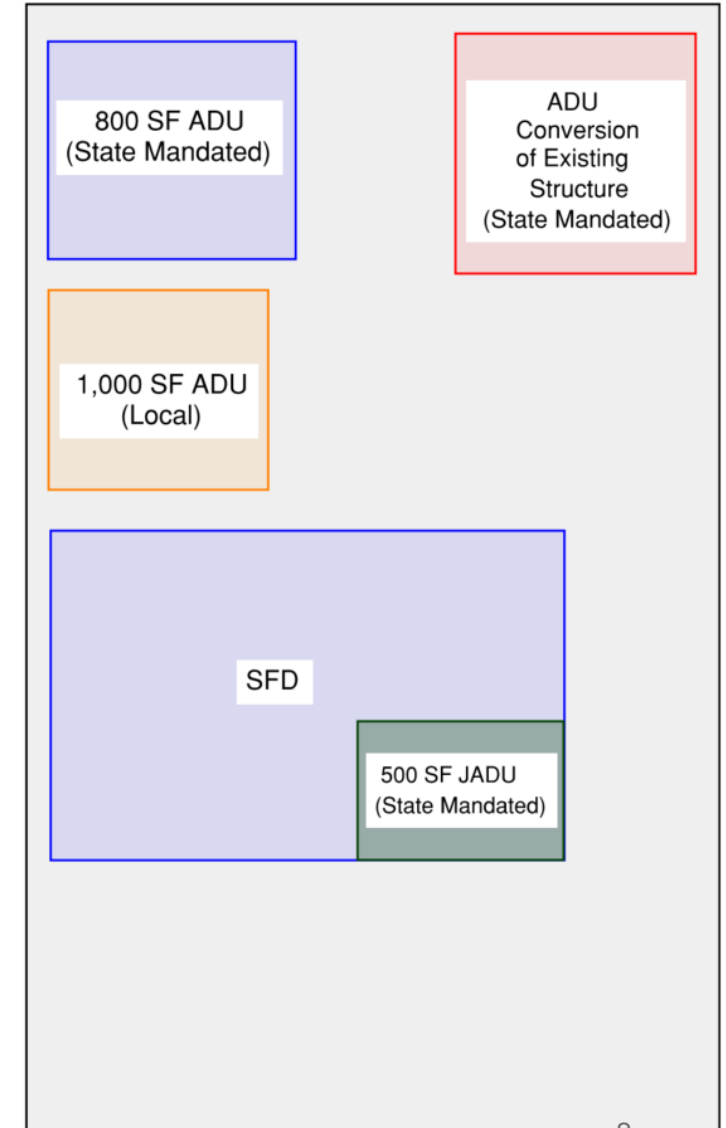
| GC 66323 (State Mandated)                                                                                                                                                                                                                                                                                                             | GC 66314 (Local Program)<br>(Not Required)                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• <u>Requires</u> ministerial approval of specified ADU types and limits local agencies from imposing objective standards</li></ul> <p>66323 Units Include:</p> <ul style="list-style-type: none"><li>- One detached 800 sf ADU</li><li>- One ADU conversion</li><li>- One Junior ADU</li></ul> | <ul style="list-style-type: none"><li>• <u>Authorizes</u> local agencies to adopt a local ADU ordinance to allow at least one ADU on a lot that allows for single family or multifamily residential use</li></ul> <ul style="list-style-type: none"><li>- Allows for local objective standards to be imposed</li><li>- Current BMC includes a local ADU program</li></ul> |

# Government Code Sections 66313.5

- Authorizes the Department (HCD) to publish and amend guidelines for local agencies to implement the standards or criteria related to State ADU Law

# 2026 HCD Interpretation of Local & State Exempt ADUs

- 2026 HCD Interpretation: Clarified that if a local program exists, at least one local ADU must be allowed in conjunction with all state exempt ADUs (66323 units)
- R-1 zone lot could potentially result in 5 units
- Projects consisting of 5 or more units may seek additional residential units



# Technical Assistance Letter

- December 5, 2025 – City received a letter of technical assistance from HCD
- December 30, 2025 – Staff responded to HCDs letter
- February 26, 2026 – Draft ADU Ordinance was submitted to HCD
- March 2026 – HCD released an updated ADU Handbook
- April 3, 2026 – HCD provided preliminary review letter
- May 5, 2026 – HCD provided further clarification about State Mandated ADUs

# Impact

- If the City retains a local ADU program, HCD's interpretation requires City to allow up to 5 units on a single-family lot
- Projects with five or more units may qualify for added residential density and waivers under State Density Bonus Law

# Assembly Bill 956 (Quirk-Silva)

- Staff is monitoring AB 956
- Introduced in 2025 and subsequently amended in May 2026
- Would increase the number of detached ADUs that a local agency must ministerially approve on lots with an existing or proposed single-family from one to two units
- Recent Amendment: Not required to permit two ADUs and a JADU on the same lot

# ADU Ordinance Options

Option 1: Remove the Local ADU Program but Retain the R-1-H and Very High Fire Hazard Severity Zone (VHFHSZ) Provisions

Option 2: Eliminate the Entire Local ADU Program and Allow Only State Mandated ADUs

Option 3: Retain & Update the Local ADU Program Consistent with State ADU Law & the HCD Interpretation

Option 4: Retain & Update the Local ADU Program consistent with State ADU Law, but Reject the HCD Interpretation

## Next Steps:

- Staff is preparing an amended ordinance, reflecting option 1, to remove the Local ADU Program but retain the R-1-H Single Family Residential Horsekeeping and Very High Fire Hazard Severity Zone provisions
- Community Outreach
- Planning Commission & City Council

# Questions?

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