



Jake Beyer <william.jake.beyer@gmail.com>

A comment has been posted by an ADU team member on case number ADU0005950

Dept. of Housing & Community Development <calhcd@service-now.com>
Reply-To: "Dept. of Housing & Community Development" <calhcd@service-now.com>
To: william.jake.beyer@gmail.com
Cc: Jamie.Candelaria@hcd.ca.gov

Tue, Jun 17, 2025 at 3:02 PM



A comment has been posted by an ADU team member on case number ADU0005950, submitted on 05/15/2025 12:36:46 PM PDT, by David Garza at william.jake.beyer@gmail.com.

Hello Jake,

Thanks for the update. After reviewing your materials and conferring with my manager, we have not found a violation of State ADU Law or any other state housing law under HCD's jurisdiction in this case and thus do not have legal grounds to intervene with the City. We are therefore respectfully declining your request for a second meeting at this time and closing this technical assistance case.

I have provided some responses below to clarify points made in my email dated 6/10/2025.

"Our primary residence is not proposed—it has already been approved and is currently under construction."

ADU Law categorizes dwellings as "proposed or existing." The primary residence as shown on the plans you shared dated 5/13/2025 is "proposed" in the sense that it is not "existing" because it is currently under construction based on the approved plans.

"We are not seeking any modifications to the exterior of the primary house."

In your last application, you sought modifications to the floor plan of both the house (removing a bathroom, new foyer, per the permit revision form) and the proposed ADU which will be attached to the house. This makes the

City's point about the need to comply with the conditions of the original discretionary approval for the house relevant ("Construction shall remain in substantial conformance with the project plans on file [...]"). The City could make a reasonable argument that the revised plans are not "in substantial conformance" with the approved plans.

"Under California state law, an Accessory Dwelling Unit (ADU) is, by definition, accessory to the primary dwelling and must be approved ministerially if it meets objective standards."

While State ADU Law does require ministerial review of an ADU application, it does not require ministerial review of an application to modify the primary dwelling. You proposed to modify the primary dwelling in your last application, as noted on the permit revision form.

"Additionally, you state as fact that our application proposes only **one parking space**. I must again clarify that our ADU plan **preserves two off-street parking spaces**, in compliance with state and local requirements. Both the submitted plans and my prior correspondence make this clear. Could you please clarify **what, specifically, HCD believes is unclear or incorrect** about our parking plan?"

On the plans you shared dated 5/13/2025, Sheet A1.0 proposes to remove the existing driveway (see note 26) and to build a new driveway to the proposed one-car garage shown on Sheet A1.3. Thus, the plans propose one off-street parking space on site, whereas the City requires two. The open area northeast of the proposed garage is not available for parking since the plans propose to close off the driveway that currently provides access to that area. The City may also have other concerns related to the specific regulations they have for the design of off-street parking areas, beyond the issue about the number of spaces required for the primary residence.

Sincerely,
David J. Barboza, AICP (he/him)
Housing and Community Development, ADU Team

Replies to this message will be processed by the ADU Technical Assistance Portal and David Barboza will be notified of your question or comment

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