

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

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July 24, 2026

Jake Morley, Planning Consultant
Planning and Building Department
City of Colusa
425 Webster Street
Colusa, CA 95932

Dear Jake Morley:

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

Thank you for submitting the City of Colusa (City) ADU Ordinance No. 568 (Ordinance), adopted May 20, 2025, to the California Department of Housing and Community Development (HCD). The Ordinance was received on June 10, 2025. HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance fails to comply with State ADU Laws in the manner noted below. Pursuant to Government Code 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 August 23, 2026, with a plan to either amend the current ordinance or adopt a resolution with findings.¹ Responses should be submitted formally on agency letterhead.

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

1. Please note, recent legislation amended State ADU Law. Language relevant to these changes should be incorporated into the Ordinance as it is updated. The following bills are relevant to State ADU Law:
 - Assembly Bill (AB) 130 (Chapter 22, Statutes of 2025) - Effective June 30, 2025
 - AB 462 (Chapter 491, Statutes of 2025) - Effective October 10, 2025
 - AB 1154 (Chapter 507, Statutes of 2025) - Effective January 1, 2026
 - Senate Bill (SB) 9 (Chapter 510, Statutes of 2025) - Effective January 1, 2026
 - SB 543 (Chapter 520, Statutes of 2025) - Effective January 1, 2026

¹ Gov. Code, § 66326, subd. (b)(2)(B).

2. *Statutory Numbering* – The Ordinance contains several references to code sections that were deleted by SB 477 (Chapter 7, Statutes of 2024), 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 sections 66310–66342. The City must amend the Ordinance to refer to the correct Government Code sections.
3. Section 49.01 (a) – *General Requirements, Allowed Locations* – The Ordinance states that an accessory dwelling unit “[m]ay be located on any lot that allows a single-family or multifamily residential use and includes a proposed or existing dwelling.” However, Government Code section 66323, subdivision (a) requires a local agency to ministerially approve qualifying units “within a residential or mixed-use zone,” and the omission of mixed-use zones is a defect where the language in an ordinance does not clearly extend ADU eligibility to those zones. Because the Ordinance refers only to lots that allow single-family or multifamily residential use, the language may be read more narrowly than State ADU Law and may omit mixed-use zones that allow residential development but are not expressly identified. Therefore, the City should amend the Ordinance to mirror current State ADU Law by expressly providing that qualifying units are allowed in residential and mixed-use zones.
4. Sections 49.01 (b) and 49.14 (b) – *General Plan Consistency* – The Ordinance states that an accessory dwelling unit “[i]s not subject to the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.” In Section 49.14(b), the City also imposes this standard on junior accessory dwelling units (JADUs). However, Government Code section 66315 provides that section 66314 establishes the maximum standards a local agency may use to evaluate a proposed ADU on a lot with a proposed or existing single-family dwelling and that no additional standards may be used or imposed. Government Code section 66319 further provides that a conforming ADU “shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot”. Additionally, Government Code section 66323, subdivision (b) bars any objective development or design standard not authorized by that section for units approved under section 66323, including JADUs. By requiring an ADU or JADU to “otherwise be consistent with the General Plan text and diagrams,” the Ordinance appears to impose a separate General Plan consistency review outside a compliant ADU/JADU ordinance and may allow General Plan text or diagrams to serve as an independent basis for delay or denial. Therefore, the City must amend the Ordinance to delete that quoted language or clarify that no separate consistency review with General Plan text and diagrams applies beyond what State ADU Law expressly permits.
5. Sections 49.03 (a) and 49.04 (a) and (b) – *Application Processing* – The Ordinance states, “If the Department, together with utility providers and County Environmental Health when a septic system is utilized, has not approved or

denied the completed application within 60 days, the application shall be deemed approved,” and further states in Section 49.04, “The Department shall approve or deny an application for an accessory dwelling unit permit within 60 days of submittal of a complete application.” However, Government Code section 66317, subdivision (a)(2)(A) states, “A permitting agency shall determine whether an application to create or serve an accessory dwelling unit is complete and provide written notice of this determination to the applicant not later than 15 business days after the permitting agency received the application.” If the permitting agency determines an application is incomplete, the permitting agency shall provide the applicant with a list of incomplete items. Moreover, the Ordinance is missing additional protections provided under Section 66317, subdivisions (a)(2)(C)–(F). The City must also provide for an appeals process under Government Code section 66317, subdivision (d). State ADU Law also requires, “The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit within 60 days from the date the permitting agency receives a **completed** [emphasis added] application.”² This clarifies that, while the City has 15 business days to determine completeness, the 60-day clock to approve or deny the application begins when the application is submitted, not when it is determined to be complete. The same timeframes are required for JADUs.³ The City must amend the application section of the Ordinance to incorporate the current requirements under Government Code section 66317.

6. Section 49.03 (c) – *Unpermitted ADUs* – The Ordinance states, “A permit shall not be denied for an unpermitted accessory dwelling unit that was constructed before January 1, 2018, because, among other conditions, the unit is in violation of building standards or state or local standards applicable to accessory dwelling units, unless the Department finds that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.” However, Government Code section 66311.7, subdivisions (a) and (b) apply to ADUs and JADUs constructed before January 1, 2020, and allow denial only if the local agency makes a finding that correcting the violation is necessary to comply with the standards specified in Health and Safety Code section 17920.3. Because the Ordinance uses the incorrect date, omits JADUs, and applies a different denial standard, the Ordinance is more restrictive than State ADU Law. The City must amend this provision to align with Government Code section 66311.7.
7. Sections 49.06 (b) a. and 49.06 (b) b. – *Front Setbacks* – The Ordinance states, in single-family districts, “A new attached or detached 800 square foot accessory dwelling unit shall provide a minimum four-foot side and four-foot rear setback, and a front setback consistent with that of the primary dwelling unit in a standard zoning district,” and further states that such a unit “may be built within the front yard setback of a lot if it is otherwise physically infeasible to build an accessory

² Gov. Code § 66317, subd. (a)(3).

³ Gov. Code § 66335, subd. (a).

dwelling unit on other areas of the lot while maintaining the minimum rear and side yard setbacks.” The Ordinance also states, in multifamily districts, “The front setback shall be consistent with a primary dwelling unit in the applicable standard zoning district, or the most similar standard zoning district.” The Ordinance also imposes minimum eight-foot “side-corner setbacks” on lots in multifamily zoning districts. However, Government Code section 66321, subdivision (b)(3) does not permit front setback requirements that prevent an ADU with at least 800 square feet of interior livable space and four-foot side and rear yard setbacks from being constructed in compliance with all other local development standards. Further, Government Code section 66323, subdivision (b) does not authorize front setback requirements for units approved under section 66323. The Ordinance is not aligned with current standards. The City must amend the Ordinance to align the front setback requirements with Government Code sections 66321 and 66323.

8. Section 49.06 (c) – *“Legally Constructed” Structures and Above-Garage Setbacks* – The Ordinance states, “No setback shall be required for an existing legally constructed living area, garage, or other accessory structure that is converted to an accessory dwelling unit with independent exterior access from an existing or proposed residence. A setback of five feet from the side and rear property lines is required for an accessory dwelling unit constructed above an existing legally constructed or proposed garage.” However, Government Code section 66314, subdivision (d)(7) does not limit the no-setback rule to “legally constructed” structures, and provides that a setback of no more than four feet from the side and rear lot lines shall be required for ADUs not converted from existing structures. In addition, Government Code section 66323, subdivision (a)(1)(C) provides only that side and rear setbacks be sufficient for fire and safety for units converted under section 66323. By adding the “legally constructed” qualifier and by imposing a five-foot side and rear setback above a garage, the Ordinance is more restrictive than State ADU Law. Therefore, the City must amend the Ordinance to delete the noncompliant qualifiers and to conform the setback requirement to Government Code sections 66314 and 66323, as applicable.
9. Section 49.06 (d) – *Future Street Width Setbacks* – The Ordinance states, “Any new attached accessory dwelling unit, detached accessory dwelling unit or expansion of the single-family dwelling to support the internal conversion for an accessory dwelling shall be designed to maintain appropriate setbacks ... from the future width of any abutting public streets.” However, State ADU Law does not permit front setback or similar street-width standards that prevent an ADU with at least 800 square feet of interior livable space and four-foot side and rear yard setbacks from being constructed.⁴ HCD has already brought this issue to the City’s attention and the City confirmed during communications with HCD that they are aware of this conflict and will amend the Ordinance.

⁴ Gov. Code § 66321, subd. (b)(3).

10. Section 49.07 (c) – *Internal Conversion Standard* – The Ordinance states, “An ADU created entirely within an existing single-family dwelling shall not exceed 45% of the existing habitable space, excluding the garage, or 1,200 square feet, whichever is less,” and further states, “An ADU created entirely within a detached accessory structure shall not exceed 1,200 square feet.” However, Government Code section 66323, subdivision (a)(1)(A) requires ministerial approval of one ADU within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure, and Government Code section 66323, subdivision (b) does not authorize local floor area caps for these conversion units. State ADU Law also permits an expansion of not more than 150 square feet beyond the same physical dimensions of an existing accessory structure solely to accommodate ingress and egress. Because the Ordinance imposes floor area limits on conversion ADUs created within existing or proposed single-family dwelling space or an existing accessory structure, the City must amend the Ordinance to remove these caps for units approved under Government Code section 66323, subdivision (a)(1).
11. Section 49.07 (b) – *Fire Sprinklers* – The Ordinance states, “An automatic fire sprinkler system must be installed in any building that undergoes a substantial remodel, addition, or both, if the total floor area is increased by more than 50%.” However, Government Code section 66314, subdivision (d)(12) provides that ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence and that the construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling. Government Code section 66323, subdivision (d) contains parallel protection for units approved under section 66323 and for existing multifamily dwellings. Because the Ordinance could require sprinklers in an existing building based on floor area increases associated with the construction of an ADU or JADU, the City must amend the Ordinance to clarify that ADU and JADU construction shall not trigger a requirement to install fire sprinklers in an existing primary or multifamily dwelling.

While ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence, and the construction of an ADU may not trigger the requirement for fire sprinklers to be installed in the existing primary dwelling, Government Code section 66314, subdivision (d)(8) requires ADUs to follow local building code requirements, including fire and life safety standards. Government Code section 66314, subdivision (d)(12) and section 66323, subdivision (d) do not prohibit local agencies from requiring other life safety or fire mitigation standards applicable to non-sprinklered buildings for ADUs constructed without fire sprinklers.

12. Section 49.10 (c) – *Privacy* – The Ordinance states, “A balcony, window or door of a second story accessory dwelling unit shall be designed to lessen privacy impacts to adjacent properties. Appropriate design techniques include obscured

glazing, window placement above eye level, screening treatments, or locating balconies, windows and doors toward the existing on-site residence.” However, Government Code section 66314, subdivision (b)(1) permits only objective standards on ADUs, and Government Code section 66313, subdivision (i) defines “objective standards” as standards that involve no personal or subjective judgment by a public official. Terms such as “designed to lessen privacy impacts” and a non-exhaustive “include” involve subjective judgment and are therefore inconsistent with State ADU Law. The City must amend the Ordinance to remove this subjective language or replace it with objective and measurable requirements.

13. Section 49.11 – *Unit Allowance* – The Ordinance states, “No more than the number of ADUs allowed by state law may be constructed on any lot.” However, Government Code section 66323 requires a local agency to permit any combination of at least: (1) one ADU and one JADU per lot with a proposed or existing single-family dwelling... and (2) “[o]ne detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks.” This permits a homeowner, who meets specified requirements, to create one converted ADU; one detached, new construction ADU; and one JADU on a lot with a single-family dwelling. Section 66323, subdivision (a), paragraphs (3) and (4) similarly provide for the number of units on lots with existing and proposed multifamily dwellings. Existing multifamily primaries may have “at least one accessory dwelling unit...and up to 25 percent of the existing multifamily dwelling units” created in existing non-livable space per Government Code section 66323, subdivision (a)(3) and up to eight detached ADUs (not to exceed the number of existing units on the lot) per section 66323, subdivision (a)(4). Proposed multifamily primary dwellings may have up to two detached ADUs per section 66323, subdivision (a)(4)(iii). Section 66323 units must also be combined, in any order, with at least one unit created subject to local development standards per section 66314. HCD encourages the City to spell out these unit allowances in its Ordinance.
14. Section 49.12 (a) – *Parking* – The Ordinance states, “One off-street parking space is required for an ADU, except as outlined below,” and then lists four exemptions. Those exemptions align with State ADU Law, however, Government Code section 66322, subdivision (a) also prohibits parking requirements where the ADU is within one-half mile walking distance of public transit, within an architecturally and historically significant historic district, when on-street parking permits are required but not offered to the occupant, and when there is a car share vehicle within one block. In addition, Government Code section 66323, subdivision (b) does not authorize parking standards for units approved under section 66323. Because the Ordinance omits mandatory parking exemptions and would require parking for some units approved under Government Code section 66323, the City must amend the Ordinance to include all statutory parking exemptions and to clarify that parking requirements do not apply to units approved under section 66323.

15. Section 49.14 (a) – *JADU Location* – The Ordinance states, “A junior accessory dwelling unit: (a) May be located on any lot that allows single-family or multifamily dwellings and that contains only one existing or proposed single-family **detached** [emphasis added] dwelling. Only one junior accessory dwelling unit shall be permitted per parcel.” However, this does not allow a JADU in situations where there is a townhome or a half-plex, which may be attached but are on separate individual lots. The City should amend the Ordinance to remove the word “detached.”
16. Sections 49.16 and 49.17 – *JADU Application Processing* – The Ordinance states, “An application for a junior accessory dwelling unit that complies with all applicable requirements of this section shall be approved ministerially,” and further states, “The Department shall approve or deny an application for a junior accessory dwelling unit permit within 60 days of submittal of a complete application.” However, and as indicated above in Finding 5 for ADUs, Government Code section 66335, subdivisions (a)(2) and (e) now require a permitting agency to determine whether a JADU application is complete within 15 business days, provide written notice of that determination, provide a list of incomplete items and a description of how the application can be made complete if incomplete, deem the application complete if the agency does not timely make that determination, and provide a written appeal process for determinations that an application is incomplete or denied. Because the Ordinance omits these current procedural requirements, the City must amend the Ordinance to incorporate the requirements of Government Code section 66335.
17. Section 49.20 (b) – *JADU Owner-Occupancy* – The Ordinance states, “The junior accessory dwelling unit shall be considered legal only if either the primary residence or junior accessory dwelling unit is occupied by the owner of the property’s record. Such owner-occupancy, however, shall not be required if the property owner is a governmental agency, land trust or non-profit housing organization.” However, Government Code section 66333, subdivision (b) provides that owner-occupancy is required only if the JADU has shared sanitation facilities with the existing structure. If the JADU has separate sanitation facilities, an owner-occupancy requirement is not permitted. Therefore, the City must amend the Ordinance to limit owner-occupancy to JADUs with shared sanitation facilities and to preserve the statutory exceptions for governmental agencies, land trusts, and housing organizations.
18. *Interior Livable Space* – The Ordinance imposes several standards on ADUs and JADUs based on measuring the floor area of the proposed unit in “square feet.” However, State ADU Law now requires that these standards be based on square feet measured as “interior livable space.” The City must update the outdated sections of the Ordinance to instead impose such standards on ADUs and JADUs based on interior livable space.

The City has two options in response to this letter.⁵ The City can either 1) amend the Ordinance to comply with State ADU Law⁶ or 2) adopt the Ordinance without changes and include findings in its resolution accompanying the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD's findings.⁷ If the City fails to take either course of action, or if HCD finds that the newly adopted Ordinance remains out of compliance with State ADU Law despite the City's findings and explanations, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.⁸

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 feel free to contact Michael McLaughlin at Michael.Mclaughlin@hcd.ca.gov if you have any questions or wish to discuss any of HCD's findings.

Sincerely,

A handwritten signature in cursive script that reads "Jamie Candelaria".

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

⁵ Gov. Code, § 66326, subd. (c)(1).

⁶ Gov. Code, § 66326, subd. (b)(2)(A).

⁷ Gov. Code, § 66326, subd. (b)(2)(B).

⁸ Gov. Code, § 66326, subd. (c)(1).