

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

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November 12, 2025

Raffi Boloyan  
Director Community Development Department  
City of Dixon  
600 East A Street  
Dixon, CA 95620

Dear Raffi Boloyan:

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

Thank you for submitting the City of Dixon (City) ADU Ordinance No. 24-002 (Ordinance), adopted May 7, 2024, to the California Department of Housing and Community Development (HCD). The Ordinance was received on October 7, 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 December 12, 2025.

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

1. Section 18.19.040. C.1. and C.2. – *Unit Allowance* – The Ordinance permits no more than one ADU and JADU on a single-family lot, and no more than two detached ADUs or “up to twenty-five percent (25%) of the number of units within a multi-unit structure, with a minimum of one (1) accessory dwelling unit, constructed within portions of the multi-unit structure that are not used as livable space on a lot with multifamily dwelling at any given time.” However, Government Code section 66323, subdivision (a), states, “Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following: (1) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling... (A) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single family dwelling or existing space of a single-family dwelling or accessory structure.” Paragraph (2) permits “one detached, new construction, accessory dwelling unit that does not exceed

four-foot side and rear yard setbacks." The use of the term "any" followed by a list of permitted ADU types means that any of these ADU types can be combined on a lot, zoned for single-family dwellings.

This permits a homeowner to create one converted ADU; one detached, new construction ADU; and one JADU. Thus, if the local agency approves an ADU and/or JADU that is created from existing (or proposed) space, and the owner subsequently applies for a detached ADU (or vice versa) that meets the size and setback requirements of Government Code section 66323, subdivisions (a)(1) and (2) the local agency must approve the application, entitling the applicant to a total of three units on their lot. This section also requires the ministerial approval of detached ADUs in combination with units created in portions of multifamily primary dwellings that are not yet used as habitable space.

In addition, Government Code section 66323, subdivision (a)(4)(A)(ii), states, "On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units... not [to] exceed the number of existing units on the lot" and subdivision (a)(4)(A)(iii) states, "On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units." Restricting detached ADUs with multifamily dwellings to two units, and only with existing multifamily dwellings is inconsistent with State ADU Law. Therefore, the City must amend the Ordinance to provide for the maximum state-mandated ADU combinations.

2. Section 18.19.040 D.4. – *Design Material* – The Ordinance states that, "The exterior design and materials of the accessory dwelling unit shall be visually compatible with the primary dwelling in regard to the roof, building walls, doors, windows, horizontal/vertical expression, and architectural detail." However, Government Code section 66314, subdivision (b)(1) allows local ordinances to apply only "objective standards on accessory dwelling units," and section 66313, subdivision (h) states, "'Objective standards' means standards that involve no personal or subjective judgment 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." As there is no objective standard for "visually compatible," the City must remove this language. Moreover, such standards, even if they were objective, would not be applicable to units created under Government Code section 66323.<sup>1</sup> The City must note this exception for development standards as applied to "66323 units."
3. Section 18.19.040 E. – *ADUs Constructed Within Existing or Proposed Structures* – In reference to ADUs constructed within existing or proposed structures, the Ordinance states, "...in order to be considered an existing structure, the structure must be a legally permitted structure that conforms to current zoning or is legal nonconforming as to current zoning." However, Government Code section 66322, subdivision (b) states, "The local agency shall not deny an application for a permit

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<sup>1</sup> Gov. Code, § 66323, subd. (b).

to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.” Not recognizing a structure as legally permitted or “existing” due to not being legally permitted, is inconsistent with State ADU Law provided the structure meets the conditions of section 66322, subdivision (b). The City must amend the Ordinance to account for the conditions described in Section 66322, subdivision (b).

4. Section 18.19.040 E.4.d. – *JADU Owner Occupancy* – The Ordinance states, “The owner of the single-unit dwelling in which the junior accessory dwelling unit is located shall reside in either the remaining portion of the structure or the junior accessory dwelling unit.” However, JADU owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.<sup>2</sup> Moreover, as of January 1, 2026, the owner-occupancy requirement would apply only if the JADU has shared sanitation facilities with the existing structure.<sup>3</sup> Therefore the City must amend its Ordinance to note these owner occupancy exceptions.
5. Section 18.19.040 H. – *Separate Conveyance* – The Ordinance states ADUs “...may not be sold or otherwise conveyed separate from the primary residence, except as allowed pursuant to government code section 65852.2.” However, this references a section of the Government Code deleted by Senate Bill 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. The City must amend the Ordinance to refer to the correct Government Code sections.
6. *Missing required standards* – State ADU Law requires an ADU ordinance to include specific contents, but the Ordinance is missing some of the required contents. These include the standards described in Government Code section 66314, subdivision (d)(8) regarding changes in occupancy, subdivision (d)(10) regarding parking in setback areas or as tandem parking, subdivision (d)(12) regarding exemptions from fire sprinkler requirements, subdivision (e) regarding demolition of a detached garage, and subdivision (f) regarding demolition of a detached garage. The City must amend the Ordinance to include these missing requirements.
7. *Unpermitted ADUs and JADUs* – The Ordinance provides for the legalization of qualifying unpermitted ADUs and JADUs required by Government Code section 66332. However, the City must also “...inform the public about the provisions of this section through public information resources, including permit checklists and the local agency’s internet website.”<sup>4</sup> As of the time of this review, HCD could not find

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<sup>2</sup> Gov. Code, § 66333, subd. (b).

<sup>3</sup> Assembly Bill 1154 (Chapter 507, Statutes of 2025).

<sup>4</sup> Gov. Code, § 66332, subd. (d).

evidence of the City's required public information regarding legalization of ADUs and JADUs on the agency's website. The City should ensure that the required checklist and public notice are available on the City's website.

The City has two options in response to this letter.<sup>5</sup> The City can either amend the Ordinance to comply with State ADU Law<sup>6</sup> or 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.<sup>7</sup> 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 Law.<sup>8</sup>

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 Jamie Candelaria at [Jamie.Candelaria@hcd.ca.gov](mailto:Jamie.Candelaria@hcd.ca.gov) if you have any questions.

Sincerely,



Jamie Candelaria  
Section Chief, ADU Policy  
Housing Policy Development Division

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<sup>5</sup> Gov. Code, § 66326, subd. (c)(1).

<sup>6</sup> Gov. Code, § 66326, subd. (b)(2)(A).

<sup>7</sup> Gov. Code, § 66326, subd. (b)(2)(B).

<sup>8</sup> Gov. Code, § 66326, subd. (c)(1).