

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

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July 14, 2026

Brandon Northart
Planning Department
City of Martinez
525 Henrietta St
Martinez, CA 94553

Dear Brandon Northart:

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

Thank you for submitting the City of Martinez (City) ADU Ordinance No. 1485 (Ordinance), adopted March 18, 2026, to the California Department of Housing and Community Development (HCD). 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 13, 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. *Application Processing* – The Ordinance omits any reference to the processing of applications. Government Code section 66317 outlines the process a local agency must follow when it receives an ADU or JADU application, including 15-day completeness and 60-day approval or denial timelines. The City must update its Ordinance to cover all the provisions in Government Code section 66317.
2. Section 22.43.030 – *Unit Combinations* – The Ordinance allows, on lots with one or more single-family primary dwellings, no more than “one detached ADU, one attached ADU, and one JADU.”

However, this restricts the number of allowable units to no more than two ADUs and one JADU. Section 66317 states that a permitting agency “shall either

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

approve or deny the application to create or serve” an application subject to section 66314. Section 66314, subdivision (d)(3) states that an ADU may be “either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.” Since the statute mandates that a local agency “shall approve or deny” an application under section 66314, while also requiring a local agency to approve all applicable ADUs under section 66323, the City must update its Ordinance to allow at least one ADU under section 66314 as well as all applicable ADUs under section 66323.

3. Section 22.43.040 B. – *Unit Size* – The Ordinance states, “The total floor area of an attached or detached ADU shall not exceed 1,200 square feet, excluding any garage area.” This is the correct standard for ADUs created pursuant to Government Code section 66314. However, the Ordinance does not specify that this applies to 66314 units only and not 66323 units. The City must update the Ordinance to specify that this provision does not apply to 66323 units.
4. Sections 22.43.050 A. and 22.43.055 – *Exception Clause* – The Ordinance states, “Front. Both attached and detached Non-State Exempt ADUs shall be subject to the same front setback requirements as the primary dwelling.” It later states “Both attached and detached ADUs shall not encroach within the sight distance area, as established by the California Department of Transportation Highway Design Manual, Chapter 400, Section 405, to protect the health and safety of the public.”

However, Government Code section 66321, subdivision (b)(3) does not allow front setbacks (or the effective front setback described as a sight distance area in 22.43.055) to preclude a unit that is 800 square feet or smaller. The City must amend its Ordinance to include this exception.

The City has two options in response to this letter.² The City can either amend the Ordinance to comply with State ADU Law³ 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.⁴ 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.⁵

² Gov. Code, § 66326, subd. (c)(1).

³ Gov. Code, § 66326, subd. (b)(2)(A).

⁴ Gov. Code, § 66326, subd. (b)(2)(B).

⁵ Gov. Code, § 66326, subd. (c)(1).

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 Mike Van Gorder at mike.vangorder@hcd.ca.gov if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jamie Candelaria". The script is cursive and fluid, with the first letter of each word being capitalized and prominent.

Jamie Candelaria
Section Chief, ADU Policy
Housing Policy Development Division