

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

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January 6, 2026

Greg Bitter, Planning Director
Planning Department
City of Roseville
311 Vernon St.
Roseville, California 95678

Dear Greg Bitter:

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

Thank you for submitting the City of Roseville (City) ADU Ordinance No. 6829 (Ordinance), adopted June 19, 2024, 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 February 5, 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 and review the recent legislation that amended State ADU Law. These changes must be incorporated into the Ordinance as it is updated. The bills referenced below are relevant to State ADU Law:
 - Assembly Bill (AB) 130 – Effective June 30, 2025
 - AB 462 – Effective October 10, 2025
 - AB 1154 – Effective January 1, 2026
 - Senate Bill (SB) 9 – Effective January 1, 2026
 - SB 543 – Effective January 1, 2026
2. Section 19.10.130 (A), Footnote (11), Section 19.60.060 (M) – *Unit Allowance* – The Ordinance states in Table A that the “maximum number of accessory/junior

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

dwelling units per lot” is “up to 2 dwellings”, and repeats later that “Number Permitted. Except as otherwise permitted by subsection M, only one accessory dwelling unit is permitted per lot.” Subsection M permits multiple ADUs only with multifamily primary dwellings.

These restrictions are inconsistent with State ADU Law and misrepresent the maximum number of permitted units. 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) of Government Code section 66323, subdivision (a) permits “[o]ne 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 an enumeration of ADU types permitted under Government Code section 66323 means that any of these ADU types can be combined on a lot zoned for single-family dwellings.

This permits a homeowner, who meets specified requirements, to create one converted ADU; one detached, new construction ADU; and one junior accessory dwelling (JADU). Thus, if the local agency approves an ADU 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 setbacks pursuant to the subdivision, the local agency must approve the application, and must approve a permit for a JADU under this section. Therefore, the City must amend the Ordinance to provide the opportunity for all ADU/JADU combinations described in Government Code section 66323.

Additionally, these allowances reflect only the nondiscretionary, ministerially approved units and formats described in Government Code section 66323, subdivision (a). Units created subject to Government Code section 66314 must also be reflected in the Ordinance to enable maximum unit allowances.

In summary, the City must amend the Ordinance to specifically include units subject to Government Code section 66314 as well as all combinations permitted by section 66323 to allow maximum ADU/JADU combinations.

3. Section 19.60.060 (C)(2) – *Size Maximums* – The Ordinance states, “An accessory dwelling unit shall not be more than 850 square feet for a studio or one-bedroom or more than 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.” However, units created pursuant to Government Code section 66323 subdivision (a)(1), (a)(3) and (a)(4) preclude such square footage caps. The City must amend the Ordinance to include the exceptions.

4. Section 19.60.060 (E) – *Appearance* – The Ordinance states “The accessory dwelling unit shall be subordinate to the primary dwelling unit.” However, Government Code section 66314, subdivision (b) requires that development standards applied to ADUs be objective. The term “subordinate” is subjective and the City must remove this subjective standard from the Ordinance.
5. Section 19.60.060 (F) – *Parking* – The Ordinance exempts parking requirements only on the condition that an ADU is created within “existing structures or living areas”. However, Government Code section 66322, subdivision (a) outlines more exceptions:

(1) Where the accessory dwelling unit is located within one-half of one mile walking distance of public transit.

(2) Where the accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) Where the accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(6) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.

The City must amend the Ordinance to reflect *all* parking exceptions under Government Code section 66322.

6. Section 19.60.060 (I) – *Sprinklers* – The Ordinance states, “Accessory dwelling units developed within existing structures or living areas shall not be required to provide fire sprinklers if fire sprinklers were not required for the primary dwelling unit.” However, Government Code, section 66314, subdivision (d)(12) states, “The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed...” in the existing primary dwelling. Additionally, Government Code section 66323, subdivision (c) notes that “a local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.” Therefore, the City must amend the Ordinance to clarify that the construction of ADUs do not trigger sprinkler requirements either in the ADU or in the primary dwelling.

7. Section 19.60.060 (M)(3) – *Multifamily Allowances* – The Ordinance states, “Two detached accessory dwelling units are permitted per lot that has an existing multi-family dwelling unit...” Government Code section 66323, subdivision (a)(4)(A)(ii) requires “On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.” Subdivision (a)(4)(A)(iii) requires “On a lot with a *proposed* multifamily dwelling, not more than two detached accessory dwelling units.” The City must amend the Ordinance to provide for the distinction and allowances for units on lots with existing multifamily dwellings and proposed multifamily dwellings, respectively.

The City has two options in response to this letter.² The City can either 1) amend the Ordinance to comply with State ADU Law³ 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.⁴ 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.⁵

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 VanGorder at Mike.vangorder@hcd.ca.gov if you have any questions or wish to discuss any of HCD’s findings.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

² Gov. Code, § 66326, subd. (b)(2).

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

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

⁵ Gov. Code, § 66326, subd. (c)(1).