

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

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August 18, 2026

Kevin Colin, Zoning Administrator
Planning Division
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Dear Kevin Colin:

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

Thank you for submitting the City of Sacramento (City) ADU Ordinance No. 2026-0001 (Ordinance), adopted January 13, 2026, and Resolution No. 2026-0074 (Resolution), adopted March 24, 2026, to the California Department of Housing and Community Development (HCD). The Ordinance was received on February 18, 2026, and the Resolution was received on April 24, 2026. HCD has reviewed the Ordinance and Resolution and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance and the Resolution fail 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 September 17, 2026, with a plan and timeline to either amend the current Ordinance or adopt a resolution with findings.¹ Responses should be submitted formally on agency letterhead.

The Ordinance and Resolution address many statutory requirements; however, HCD finds that the Ordinance and Resolution do not comply with State ADU Law as follows:

1. *January 2026 Findings Letter* – On January 20, 2026, HCD sent the City a Findings Letter which included six findings of noncompliance with State ADU Law, based on a review of Ordinance No. 2024-0051. The City responded to those findings in a letter dated February 18, 2026. To the extent that Finding 1 (regarding ADU bills signed into law in 2025) is still relevant, it is more specifically addressed in other findings. Finding 4 (“Front Setback”) was adequately addressed in the response letter. Finding 6 (“Multifamily Unit Allowance”) was adequately addressed by the Ordinance. Findings 2 (“Unit Format Combination”),

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

3 (“Street Site Setback”), and 5 (“Owner Occupancy”) have not been adequately addressed in the Ordinance. However, HCD notes that in its response letter the City expressed its intent to make further amendments in a forthcoming ADU Ordinance later this year. Those amendments may or may not resolve Findings 2, 3, and 5, depending on the specific language the City may adopt.

2. Section 17.228.105 B.i.c.vi. (Ordinance) – *Adoption of Standards by Resolution* – The Ordinance states, “If located in a historic district or on a landmark-designated property, an accessory dwelling unit must comply with objective standards for accessory dwelling units located in a historic district or on a landmark-designated property, as adopted by resolution of the city council.” However, State ADU Law provides, “A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use.”² The City has established, and used, by adopting the Resolution, a procedure to adopt ADU and junior accessory dwelling unit (JADU) standards by resolution, whereas State ADU Law requires them to be adopted by ordinance. As a practical matter, this distinction is significant because the minimum statutory requirements for adopting an ordinance offer more opportunity for public engagement than the minimum statutory requirements for adopting a resolution. State ADU Law also contains submittal requirements that are specific to ordinances in Government Code section 66326. The City must 1) amend the Ordinance to delete the procedure to adopt standards by resolution, 2) repeal Resolution No. 2026-0074 and 3) adopt ADU or JADU development standards, including, but not limited to, historic preservation standards, by ordinance.
3. Section 17.864.020 A.2.f. (Ordinance) – [Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) *ADUs and Government Code section 65852.21 (SB 9 of 2021 as Amended)*] – The Ordinance states, “Accessory dwelling units. If one of the two proposed dwelling units is an accessory dwelling unit, it must comply with section 17.228.105.” This quote appears in the Sacramento City Code (SCC) section regarding two-unit or second unit developments under Government Code section 65852.21.³ However, the relevant provision of SB 9 states, “Notwithstanding Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.” When no lot split has occurred or been proposed on the subject property, ADUs and a JADU are permissible in addition to two units or a second unit under Government Code section 65852.21.⁴ The City must amend the Ordinance to permit the full allotment of ADUs and a JADU allowed by State ADU Law in addition to the two units or second unit permitted under Government Code

² Gov. Code, § 66314. A similar provision applies to JADUs: Gov. Code, § 66333.

³ Added by SB 9 (Chapter 162, Statutes of 2021), as amended.

⁴ [HCD ADU Handbook](#), page 37.

section 65852.21, provided that there is no existing or proposed urban lot split on the subject property.

4. Resolution page 4 – *Scope of Historic Preservation Regulations, Part 1* – The Resolution states, “This document articulates objective design standards that apply to detached ADUs historic districts and on landmark-designated properties (Historic ADU Standards).” However, Government Code section 66314, subdivision (b)(1) allows local agencies to, “[i]mpose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources.” The Resolution appears to impose historic preservation regulations on ADUs regardless of whether the historic resource is designated on the California Register or is only designated locally, even though ADUs authorized pursuant to Government Code section 66314 only allow such regulations to apply to resources on the California Register. The City must amend the Resolution⁵ to limit the scope of the historic preservation regulations on ADUs to properties with historic resources on the California Register. Furthermore, while HCD assesses that the Resolution does not apply to ADUs proposed under Government Code section 66323,⁶ the City should consider stating this more clearly in the Resolution.
5. Resolution page 4 – *Scope of Historic Preservation Regulations, Part 2* – The Resolution states, “Note: Alterations to primary historic structures (e.g., attached ADUs) or detached ADUs are not addressed by these standards; instead, those alterations are subject to the City’s Site Plan and Design Review (SPDR) process.” However, Government Code section 66316 provides, “An existing accessory dwelling unit ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this article.” The Resolution states that the Historic ADU Standards do not apply to detached ADUs, whereas elsewhere on the same page the Resolution states that it does apply to detached ADUs. The SPDR process is a discretionary process,⁷ even though State ADU Law requires ministerial review of ADU applications and makes no exception to this general rule for historic resources. The City must amend the Resolution to 1) clarify the applicability of the Historic ADU Standards for detached, attached, and conversion ADUs and

⁵ All references in this letter to amending the Resolution are to be read in the context of Finding 2, which notes that ADU regulations must be adopted by ordinance.

⁶ As required by Government Code section 66323, subdivision (b).

⁷ SCC section 17.808.100 states, “Site plan and design review is a discretionary permit and is not the automatic right of an applicant.”

- 2) create a ministerial review process for all ADUs, regardless of whether they are attached to or located within a historic resource.
6. Resolution page 4 – *Scope of Historic Preservation Regulations, Part 3* – The Resolution states, “FIGURE 1: THE MINISTERIAL REVIEW PROCESS ONLY APPLIES TO DETACHED ADUS. MODIFICATIONS TO HISTORIC BUILDINGS ARE SUBJECT TO DISCRETIONARY REVIEW.” However, this quote raises the same issues discussed above in Finding 5, regarding the applicability of the regulations to detached ADUs and discretionary review. The City must amend the Resolution consistently with the direction at the end of Finding 5.
 7. Resolution page 5 – *Reference to State ADU Law* – The Resolution states, “California Government Code Article 2 (Sections 66300–66403) mandates that local agencies allow ADUs and junior ADUs through a ministerial review process, meaning approval is required without a discretionary process or public hearing.” However, while it is correct that State ADU Law requires local agencies review ADU and JADU applications through a ministerial process, the code sections cited are not relevant. ADU applications under Government Code section 66314 must be reviewed ministerially per Government Code sections 66316 and 66317. The City must update the Resolution to refer to Government Code section 66316 or 66317 here.
 8. Resolution page 6 – *Design Principle* – The Resolution states, “New ADU construction shall be carefully and thoughtfully designed to demonstrate an understanding of the property’s historic context, architectural styles and features, and pattern of spatial arrangements. Inspiration shall be drawn from the defining features of the primary dwelling and/or closest contributing resource whenever possible.” However, Government Code sections 66313, subdivision (i) and 66314, subdivision (b)(1) limit a local agency to objective standards to protect resources on the California Register and define objective standards as, “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.” This provision of the Resolution is subjective. The City must delete it or clarify that it is a statement of legislative intent, but not a development standard that may lead to the denial of an ADU or JADU application.
 9. Section 1.3 (Resolution) – *Front Yard ADUs* – The Resolution states that when there is not an area of at least 800 square feet in the rear yard, “the detached ADU must: Be located behind the front yard setback required by the base zoning district; Not extend beyond the midpoint of the parcel, measured halfway between the two side property lines (Figure 5).” However, Government Code section 66321, subdivision (b)(3) provides, “a local agency shall not establish by ordinance [...] Any requirement for [...] front setbacks [...] for either attached or detached dwellings that does not permit an accessory dwelling unit with at least

800 square feet of interior livable space and with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.”⁸ The Resolution precludes ADU development in the front yard setback in a scenario where State ADU Law allows it, even though public views of the historic resource would be protected by the midpoint requirement. The City must amend the Resolution to allow an ADU of up to 800 square feet to encroach into the front yard setback in situations where it is not feasible to avoid the front yard.

10. Section 2.1 (Resolution) – *Height* – The Resolution states, “ADUs must not be more than 150% taller than any contributing resource or landmark structure on the same or adjacent parcel (two parcels are adjacent if they share a rear or side property line), measured from the lowest plate height of any adjacent contributing resource or landmark.” However, Government Code section 66321, subdivision (b)(4) provides for minimum height allowances in different scenarios, allowing detached ADU heights of 16, 18, or 20 feet depending on the scenario. Section 2.1 has the potential to violate the height allowances in some situations. For example, if a historic resource were only 10 feet tall to the top plate and had a flat or low-pitched roof, the regulation would constrain an ADU entitled to a height of 20 feet to a height of only 15 feet, plus the building height above the top plate, which could still be lower than 20 feet. For purposes of State ADU Law, building height is defined as “the vertical distance from grade plane to the average height of the highest roof surface” per California Building Code section 202. However, with certain roof designs, the top plate height and building height would be similar (Gov. Code, § 66314, subd. (d)(8)).

The City must amend the Resolution to ministerially waive the regulation in cases where it would result in an ADU receiving less than the applicable statutory height allowance.

11. Section 3.6 – *Pedestrian Entrances* – The Resolution states, “For ADUs with façades fronting a public street or alley, the primary pedestrian entrance must face the public right-of-way. Alternatively, the entrance may face a side yard if all of the following conditions are met: The side yard has a minimum clear width of 5 feet, and A permanent paved pathway, at least 3 feet in width, connects the entrance directly to a public right-of-way without obstruction.” However, Government Code sections 66314, subdivision (b)(1) and 66313, subdivision (i) require development standards on ADUs to be objective, and define objective standards as “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.” The phrase “fronting a public street or alley” is not objective, because it does not specify how close the

⁸ Gov. Code, § 66321, subd. (b)(3).

structure must be to the street or alley to be considered “fronting” on it. The City’s definition of “frontage” does not resolve this problem because it relates to a portion of a lot that abuts certain streets.⁹ The City must amend the Resolution to define fronting on a street or alley in an objective manner.

The City has two options in response to this letter.¹⁰ The City can either 1) amend the Ordinance to comply with State ADU Law¹¹ 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.¹² 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.¹³

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 David Barboza at David.Barboza@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

⁹ SCC, § 17.108.070.

¹⁰ Gov. Code, § 66326, subd. (b)(2).

¹¹ Gov. Code, § 66326, subd. (b)(2)(A).

¹² Gov. Code, § 66326, subd. (b)(2)(B).

¹³ Gov. Code, § 66326, subd. (c)(1).