

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

651 Bannon Street, Suite 400

Sacramento, CA 95811

(916) 263-2911 / FAX (916) 263-7453

www.hcd.ca.gov

December 23, 2025

Brandon Phipps, Assistant City Manager
Community Development Department
City of Sausalito
420 Litho Street
Sausalito, CA 94965

Dear Brandon Phipps:

RE: City of Sausalito – Single Family Zones and Junior Accessory Dwelling Units (JADUs) – Letter of Technical Assistance

This letter provides technical assistance to the City of Sausalito (City) regarding which zones are eligible for development of a JADU.

Background

The Department of Housing and Community Development (HCD) was recently contacted by the property owner (Requestor) at 426 Pine Street, Sausalito, regarding a junior accessory dwelling unit (JADU) application. The Requestor stated that Sausalito (City) had ruled out approving a JADU on the property due to the property's zoning. The property is zoned R-3 ("Multiple Family Residential").¹ On April 6, 2023, HCD sent the City an accessory dwelling unit (ADU) ordinance review letter that found certain aspects of Ordinance No. 1290 noncompliant with State ADU Law. The letter includes a finding that the City unlawfully permitted JADUs in the R-3 zone and certain other zones that did not have titles such as "single-family residential."²

Analysis

State ADU Law provides the following requirements regarding the zoning that qualifies a property for JADU development: "a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones" and the ordinance shall "[l]imit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or

¹ [ArcGIS - Sausalito Zoning](#).

² See the finding titled "Applicability" on page 5, here: [SausalitoADU040623.pdf](#).

proposed to be built, on the lot.”³ The City’s zoning code permits single-family dwellings, multiple-family dwellings, ADUs, and other uses in the R-3 zone but does not permit JADUs.⁴

HCD periodically reassesses its guidance on State ADU Law in light of statutory changes and other relevant information. As such, HCD has updated its understanding of State ADU Law regarding the issue of what a single-family residential zone is for purposes of evaluating JADU applications.

For purposes of implementing State ADU Law, a single-family residential zone is any zone in which single-family residences are listed as a permitted use in the local agency’s zoning code. This is the case regardless of whether other uses, including, but not limited to, multifamily dwellings, are also permitted in the same zone. It is also the case regardless of the title of the zone. The statutory phrase, “zoned for single-family residences,” clarifies the term, “single-family residential zones,” which the statute does not define. To be zoned for single-family residences means single-family residences are permitted in the zone. State ADU Law does not require a single-family zone to have any particular title, nor does it require such zones to exclude multifamily dwellings, or any other land use.

Furthermore, JADUs that comply with section 66333 are listed as one of the unit types which are permissible under Government Code section 66323.⁵ Under this code section, JADUs must be located “within a residential or mixed-use zone” on a lot with a “proposed or existing single-family dwelling.” In other words, the statute does not distinguish between single-family residential and multifamily residential zones but instead enables JADUs based on the primary dwelling type (i.e., single-family dwellings), even if other dwelling types or uses (e.g., multifamily and mixed uses) are also permitted in the zone.

For the purposes of State ADU Law, a single-family dwelling is a single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and existing as a separate interest of real property, such as a detached single-family dwelling or a townhouse.⁶

As a result, the City’s R-3 zone, and any other zone in which single-family dwellings are a permitted use, are single-family zones for purposes of implementing State ADU Law.

³ Gov. Code, § 66333, subd. (a).

⁴ Sausalito Municipal Code, [§ 10.22.030](#), Table 10.22-1.

⁵ Gov. Code, § 66323, subd. (a)(1)-(2).

⁶ HCD (2025). [Accessory Dwelling Unit Handbook](#), page 11.

Conclusion

HCD hereby retracts the finding titled “Applicability” in the April 6, 2023, ADU ordinance review letter, because it implies a definition of single-family zones inconsistent with the technical assistance provided in this letter. The City must approve JADU applications in the City’s R-3 zone and any other zone in which single-family dwellings are a permitted use, provided that those applications comply with all applicable development standards in State ADU Law or a valid JADU ordinance.

HCD remains committed to supporting the City in facilitating housing at all income levels and hopes the City finds this clarification helpful. In addition, HCD has enforcement authority over State ADU Law, among other state housing laws.⁷ Accordingly, HCD may review local government actions to determine consistency with these laws. If HCD finds that a jurisdiction is in violation of state law, HCD may notify the California Office of the Attorney General. HCD requests a written response from the City by January 22, 2026, indicating how the City plans to implement the guidance provided in this letter. If you have any questions about this letter or require additional technical assistance, please contact David Barboza at david.barboza@hcd.ca.gov.

Sincerely,

Laura Nunn

Laura Nunn
Housing Accountability Unit Chief

⁷ Gov. Code, § 65585, subd. (j)