

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

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April 7, 2026

Tristan Osborn
Planning Manager
City of West Sacramento
1110 W. Capitol Avenue, Suite 2
West Sacramento, CA 95691

Dear Tristan Osborn:

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

Thank you for submitting to the California Department of Housing and Community Development (HCD), Chapter 17.30.040 of the City of West Sacramento (City) municipal code codifying the City's ADU Ordinance (Ordinance). 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 May 7, 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.

On December 5, 2026, HCD issued the City a Letter of Technical Assistance requesting that the City repeal their outdated ADU ordinance as it was last updated in 2020. The City responded stating that the ordinance was still compliant with State ADU Law. HCD has conducted a review of that ordinance via the municipal code. While the Ordinance addresses many statutory requirements, HCD finds that the Ordinance does not comply with State ADU Law as follows:

1. Please note, there is recent legislation that amended State ADU Law. Language relevant to these changes should 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

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

2. Chapter 17.30.040 – *Ministerial Review for ADU Applications* – The Ordinance does not fully establish that applications to create ADUs shall be considered and approved ministerially. Government Code section 66317, subdivision (a)(1) states, “A permit application for an accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits.” In addition, Government Code section 66316 states, “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 City must amend the Ordinance to establish a process to approve or deny an ADU application that includes only ministerial provisions for the approval of ADUs.
3. Chapter 17.30.040 – *Local Policies and Regulations* – The Ordinance states, “Accessory dwelling units shall comply with all provisions of the base, overlay, or specific plan zone, except as modified by this section.” However, Government Code section 66323 establishes four categories of ADUs that must be approved ministerially and are not subject to standards set forth in Government Code sections 66314-66322, or local objective development or design standards that are not authorized by Government Code section 66323. In addition, for ADUs created pursuant to the Ordinance, Government Code section 66315 establishes that “No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.” Government Code section 66314 allows a local ADU Ordinance to impose objective standards that address the physical characteristics of ADUs created pursuant to the Ordinance. Therefore, the City must amend the Ordinance to exempt ADUs created under Government Code section 66323 from the provisions of the base, overlay, or specific plan zone that conflict with the requirements listed in Government Code section 66323. The City must also amend the Ordinance to exempt ADUs created under the Ordinance from subjective standards and provisions unrelated to the physical characteristics of ADUs that are included in the base, overlay, or specific plan zone.
4. Chapter 17.30.040.A. – *Size and Height Requirements* – The Ordinance states, “Even if requirements such as floor area ratio, proportionality (i.e. 50% threshold) to the existing or proposed primary dwelling unit's floor area, or other zoning standards cannot be met, the city must still allow an 850 square foot unit with setbacks of four feet from side and rear property lines, and up to the maximum building height permitted by the underlying zoning district”. However, Government Code section 66321, subdivision (b)(3) uses the term “square feet of interior livable space” and State ADU Law defines ‘livable space’ as “a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.”

In addition, The Ordinance also applies the building heights “permitted by the underlying zoning district” rather than the height limitations established by State ADU Law in Government Code 66321, subdivision (b)(4). Therefore, the City must (1) amend the Ordinance to specify “square feet of interior livable space” rather than “square feet,” and (2) apply, at a minimum, the height limits required under State ADU Law.

5. Chapter 17.30.040.A. – *Height Requirements* – The Ordinance is largely silent on the height requirements for ADUs. The one provision referring to ADU height states, “...even if requirements such as floor area ratio, proportionality...to the existing or proposed primary dwelling unit's floor area, or other zoning standards cannot be met, the city must still allow an 850 square foot unit with setbacks of four feet from side and rear property lines, and up to the maximum building height permitted by the underlying zoning district.” However, State ADU Law establishes specific minimum height restrictions for ADUs that are not included in the Ordinance. There are also some instances where the height restrictions in State ADU may supersede the building height requirements permitted by the underlying zoning district.

Government Code section 66321, subdivision (b)(4) states a local agency shall not establish by ordinance any of the following “any height limitation that does not allow at least the following, as applicable: (A) A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit. (B) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit. (C) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling. (D) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This subparagraph shall not require a local agency to allow an accessory dwelling unit to exceed two stories. Therefore, the City must amend the Ordinance to align the City’s ADU height restrictions with the height restrictions included in State ADU Law.

6. Chapter 17.30.040.C. – *Unit Allowance on a Single-Family Lot* – The Ordinance states, “No more than one accessory dwelling unit and one junior accessory unit shall be permitted on any one lot.” However, State ADU Law allows more than one ADU and one JADU on a lot with a proposed or existing single-family dwelling. Therefore, the City must amend the Ordinance to correctly identify the number and type of ADUs that may be created on a lot with a proposed or existing single-family dwelling. Government Code section 66323 requires a local agency to ministerially approve specified ADUs. For a lot with a proposed or existing single-family dwelling, Government Code section 66323, subdivision (a)(1) allows a property owner to

create one JADU and one ADU “within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure”. In addition, Government Code section 66323, subdivision (a)(2) allows a property owner to create one detached, new construction, ADU that is up to 800 square feet, that does not exceed four-foot side and rear yard setbacks and satisfies the height requirements of State ADU Law. Senate Bill 543 amended State ADU Law, effective January 1, 2026, to expressly confirm the ability to combine the ADUs described in Government Code section 66323, subdivision (a)(1) and (a)(2).² ADUs created pursuant to Government Code section 66323 may be combined with one ADU created under a local ADU Ordinance that is adopted pursuant to Government Code section 66314. Government Code section 66314 authorizes the creation of one detached, attached, or conversion ADU that is subject to the objective standards in a local ADU ordinance. The standards allowed in a local ADU Ordinance by Government Code section 66314 does not permit a local jurisdiction to prohibit an ADU authorized under that section from being constructed in combination with the ADUs permitted under Government Code section 66323.

7. Chapter 17.30.040.C. – *Number of ADUs on a Multifamily Lot* – The Ordinance states, “if the lot has an existing multifamily unit building then multiple ADUs are allowed in portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.” The Ordinance is silent on the exact number of ADUs that may be created from non-livable space. However, Government Code section 66323, subdivision (a)(3) specifies that local agencies must allow at least one ADU within an existing multifamily dwelling and up to 25 percent of the existing multifamily dwelling units. In addition, the Ordinance states that two detached ADUs can be added on a lot that has an existing multifamily dwelling.” However, Government Code section 66323, subdivision (a)(4) allows up to eight detached ADUs, not to exceed the number of existing multifamily units, on a lot that has an existing multifamily dwelling, and up to two detached ADUs on a lot with a proposed multifamily dwelling. State ADU Law establishes that a property owner may create “any combination” of the units described in Government Code section 66323, subdivision (a)(3) and (a)(4).³ These units may be in addition to one ADU created pursuant to Government Code section 66314 for the same reasons stated in Finding number 6. Therefore, the City must amend the Ordinance to correctly identify the number of ADUs that may be created on a multifamily lot.
8. Chapter 17.30.040.D. – *Floor Area Maximums* – The Ordinance states, “...the allowable square footage is 850 square feet for a one-bedroom ADU and 1,000 for an ADU over one bedroom. Lots larger than one acre can continue to have an ADU up to 1,200 square feet.” These floor area maximums shall not apply to ADUs created pursuant to Government Code section 66323. State ADU Law states that “A local agency shall not impose any objective development or design standard that is not authorized by [Government Code section 66323] upon any accessory dwelling

² Gov. Code, § 66323, subd. (a).

³ Gov. Code, § 66323, subd. (a).

unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."⁴ Government Code section 66323, subdivision (a) includes different floor area maximums. Therefore, the City must amend the Ordinance to note this exception.

9. Chapter 17.30.040.E.1. – *Exceptions to Setback Requirements* – The Ordinance states, “No setback shall be required for an existing, legally permitted garage that is converted to an accessory dwelling unit.” However, State ADU Law (Gov. Code § 66314(d)(7)) goes further. It exempts setbacks not only for: (a) Existing living areas or any accessory structure; and (b) Structures built in the same location and to the same dimensions as the original structure - if they are converted to an ADU or a part of an ADU. It also authorizes the legal conversion of unpermitted structures into ADUs, provided the finished ADU complies with building codes. The City must (1) explicitly exempt any existing living area or accessory structure converted to an ADU from setback requirements; (2) Clarify that structures rebuilt in the same spot and size as an existing building are also exempt; and (3) Allow conversion of unpermitted structures into ADUs, so long as the resulting units meet the California Building Standards Code, State ADU Law, and the Local ADU Ordinance.
10. Chapter 17.30.040.F. – *Subjective Standards* – The Ordinance states, “The exterior design and materials of the accessory dwelling unit shall be visually compatible with the primary dwelling regarding the roof, building walls, doors, windows, horizontal/vertical expression, and architectural detail.” The term “visually compatible” establishes design standards that are subjective when describing the relationship between elements of the ADU and the primary dwelling. However, Government Code section 66314, subdivision (b)(1), allows local jurisdictions to “Impose objective standards on accessory dwelling units” (emphasis added) and State ADU Law defines ‘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.”⁵ Therefore, the City must amend the Ordinance to include only objective standards.
11. Chapter 17.30.040.H. – *Parking Requirements* – The Ordinance states, “In addition to the required parking for the primary dwelling, an accessory dwelling unit shall be provided pursuant to Chapter 17.27, Parking and Loading.” This chapter requires ADUs with two bedrooms to provide 1.25 parking spaces and ADUs with 3 or more bedrooms to provide 1.5 bedrooms. This exceeds what is allowed in State ADU Law. Government Code section 66314, subdivision (d)(10)(A) provides that parking requirements for ADUs shall not exceed one parking space per ADU. Therefore, the City must amend the Ordinance to align its ADU parking requirements with State ADU Law.

⁴ Gov. Code, § 66323, subd. (b).

⁵ Gov. Code, § 66313, subd. (h).

12. Chapter 17.30.040.H.2.a. – *Parking Requirements Exception* – The Ordinance establishes that automobile parking is not required for an ADU that “is located within one-half mile of public transit.” However, Government Code section 66322, subdivision (a)(1) specifies that the ADU must be within one-half mile “walking distance” of public transit. Therefore, the City must amend the Ordinance to clarify that the one-half mile from a public transit requirement shall be based on walking distance.
13. Chapter 17.30.040.I – *Special Provisions for Accessory Dwelling Units Constructed Entirely Within Existing Structures* – The Ordinance establishes a list of requirements that an ADU must satisfy to be exempt from being required “to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.” The requirements included in the Ordinance exceed what is required by State ADU Law. Government Code section 66311.5, subdivision (d) states, “For an accessory dwelling unit or a junior accessory dwelling unit described in paragraph (1) of subdivision (a) of Section 66323, a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the unit and the utility or impose a related connection fee or capacity charge, unless the unit was constructed with a new single-family dwelling, or upon separate conveyance of the accessory dwelling unit pursuant to Section 66342.”

Government Code section 66323, subdivision (a)(1) includes: one JADU created within the proposed or existing space of a single-family dwelling or accessory structure and one ADU created within the converted space of a proposed or existing single-family dwelling or accessory structure. Therefore, the City must amend the Ordinance to establish that all ADUs that satisfy the requirements of Government Code section 66323, subdivision (a)(1) shall not be required to install a new or separate utility connection directly between the unit and the utility or impose a related connection fee or capacity charge, unless the unit was constructed with a new single-family dwelling, or upon separate conveyance of the accessory dwelling unit pursuant to Section 66342.

14. Chapter 17.30.040.I – *Accessory Structure Conversion* – The Ordinance states the City shall not require the applicant to install a new or separate utility connection directly between the ADU and the utility or impose a related connection fee or capacity charge when specified requirements are satisfied. One requirement is that the ADU be created entirely within the floor area of the existing primary residence or an existing accessory structure on the same lot as the primary residence. The Ordinance requires the existing primary residence or an existing accessory structure to be a legally permitted structure that conforms to current zoning or is legal nonconforming as to current zoning. As detailed in Finding number 9, State ADU Law allows unpermitted structures to be legally converted into ADUs because permitting the resulting ADU would correct the unpermitted status of the structure.

Therefore, the City must amend the Ordinance so that it no longer prohibits the conversion of an unpermitted structure to an ADU when the resulting ADU complies with the California Building Standards Code, State ADU Law and the Local ADU Ordinance.

15. Chapter 17.30.040.I – *Fire Sprinklers* – The Ordinance states, “Accessory dwelling units constructed pursuant to this subsection shall not be required to provide fire sprinklers if they are not required for the primary residence.” This subsection of the Ordinance refers to ADUs created from converting existing space. However, State ADU Law requires local ADU Ordinances to provide that “ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.”⁶ This provision is not limited to certain ADU types as is done in the Ordinance. Therefore, the City must amend the Ordinance to establish that fire sprinklers shall not be required for any ADU unless required for the primary residence and building any ADU shall not trigger a requirement for sprinklers to be added to the existing primary dwelling.

16. *Missing Items* – The Ordinance is silent on multiple provisions required by State ADU Law. Government Code section 66314, subdivision (a) requires a local ADU Ordinance to “Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted as specified.” Government Code section 66314, subdivision (c) requires a local ADU ordinance to provide that ADUs do not exceed a lot’s allowable density and are a residential use consistent with the site’s general plan and zoning designation. Government Code section 66314, subdivision (d) provides a list of local ADU Ordinance items that must be required of ADUs. The Ordinance is silent on the following items:

- ADUs shall not be sold except as provided in Article 4⁷
- ADUs are 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 detached⁸
- ADUs do not constitute a Group R occupancy change under the local building code, unless the local agency makes a written finding, as specified⁹
- Approval by the local health officer where a private sewage disposal¹⁰

Therefore, the City must amend the Ordinance to include these statutory requirements.

⁶ Gov. Code, §§ 66314, subd. (d)(12); 66323, subd. (d)

⁷ Gov. Code, § 66314, subd. (d)(1).

⁸ Gov. Code, § 66314, subd. (d)(3).

⁹ Gov. Code, § 66314, subd. (d)(8).

¹⁰ Gov. Code, § 66314, subd. (d)(9).

17.17.08.040 - *Tiny Homes on Wheels* - The City allows for Tiny Homes and Tiny Homes on Wheels to be considered ADUs. "Tiny home" and "Tiny homes on wheels" are industry terms that are not defined in California State Law and can meet the definitions various structures or vehicles. To be legally recognized as an ADU, the structure must comply with construction standards established in the California Building Standards Code (CBSC) or comply with Health and Safety Code (HSC) section 18007 (manufactured homes). No other construction standards qualify as an ADU. Therefore, the City must clarify that only structures that comply with the CBSC or HSC 18007 qualify as ADUs. When Tiny Homes and Tiny Homes on Wheels are deployed as ADUs in compliance with CBSC, or comply with HSC section 18007, the allowances and restrictions provided for in State ADU shall apply. Therefore, the City must also amend the Tiny Home Ordinance to ensure it is not applying additional standards upon ADUs created pursuant to Government Code section 66323 or applying subjective standards upon ADUs created pursuant to Government Code section 66314.

The City has two options in response to this letter.¹¹ The City can either 1) amend the Ordinance to comply with State ADU Law¹² 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.¹³ 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.¹⁴

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 Auzzie Sheard at Auzzie.Sheard@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

¹¹ Gov. Code, § 66326, subd. (c)(1).

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

¹³ Gov. Code, § 66326, subd. (b)(2)(B).

¹⁴ Gov. Code, § 66326, subd. (c)(1).