



Aug 19, 2025

City of Napa City
955 School Street
Napa, CA 94559

Re: Proposed Amendments to the City's ADU Regulations

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Dear Napa City Council,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment regarding item 7A for the City Council meeting of August 19, 2025, a proposed amendment to the City's regulations for Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs").

CalHDF would like to thank the City for amending the ordinance in response to our previous letters and addressing most of the issues that we raised.

However, two aspects of the City's proposed ADU ordinance do not comply with state law, and the City should address these issues before passing the ordinance.

Background

The law gives local governments authority to enact zoning ordinances that implement a variety of development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (See *id.*) Separately from local ADU ordinances, Government Code section 66323 establishes a narrower set of ADU types that local governments have a ministerial duty to approve. "Notwithstanding Sections 66314 to 66322 ... a local agency shall ministerially approve" these types of ADUs. (*Id.* at subd. (a).) This means that ADUs that satisfy the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU

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ordinance. (*Ibid.*) Local governments may not impose their own standards on such ADUs. (Gov. Code, § 66323, subd. (b) [“A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).”].)

In addition, ADUs that qualify for the protections of Government Code section 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).)

State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, “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.”

Impermissible Historic Regulations

City code sections 17.52.015(B)(3) imposes historic preservation requirements on ADUs located on the City’s historic resources inventory. Government Code section 66314, subdivision (b)(1) allows the City to impose standards on ADUs in order to prevent adverse impacts on properties listed on the California Register of Historical Resources.

However, the City may not impose any design requirements, including historic preservation regulations, on Section 66323 ADUs. This is because of the specific provisions of section 66323.

First, section 66323 establishes a duty on the City’s part to approve four types of ADUs and it overrules the contents of Government Code section 66314. Government Code section 66323, subdivision (a): “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 ...”

Then, section 66323 forbids the City from imposing any local standards whatsoever on section 66323 ADUs. Government Code section 66323, subdivision (b): “A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).”

Because historic regulations are not authorized by section 66323, the City may not impose them on ADUs that are described by section 66323, subdivision (a).

HCD's ADU handbook reflects the requirements of section 66323. Page 20 of the January 2025 HCD ADU [Handbook](#) specifically forbids the imposition of any development or design standards on section 66323 ADUs that are not listed in section 66323 itself (emphasis added):

A local agency may not impose development or **design standards**, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) This includes, but is not limited to, parking, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

The City should therefore amend its ordinance to state clearly that the City's historic preservation regulations do not apply to section 66323 ADUs.

Impermissible Design Regulations

City code section 17.52.015(C)(8) imposes various design requirements on ADUs. The proposed city code:

8. Design. The Director is authorized to adopt written, objective design standards applicable to accessory dwelling units and junior accessory dwelling units not in conflict with applicable provisions of the Government Code. Accessory dwelling units and junior accessory dwelling units shall comply with the following design standards:
 - a. For second story units:
 - i. The entrance to the accessory dwelling unit or junior accessory dwelling unit, porches/balconies, and stairs shall be oriented to face away from the nearest residential lot line.
 - ii. Windows that face an adjoining residential property shall be of clerestory design and/or utilize privacy glass, fencing or landscaping to prevent a direct line of sight to the adjoining residential property.
 - b. Written objective design guidelines adopted by the Director prior to the submittal of an application.

However, the City may not impose any design requirements on Section 66323 ADUs. As discussed above, state law specifically forbids any local design or development standards on section 66323 units. Government Code section 66323, subdivision (b): "A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."

Page 20 of the January 2025 HCD ADU [Handbook](#) reflects this prohibition on local design and development standards on section 66323 ADUs (emphasis added):

A local agency may not impose development or **design standards**, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) This includes, but is not limited to, parking, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

While the entrance location regulations, fenestration standards, fencing requirements, and landscaping only apply to second story ADUs, it is entirely possible to create a 66323 ADU on the second floor by conversion of existing space.

The City should amend its ordinance to state clearly that none of these design regulations apply to section 66323 ADUs, and that any objective design standard adopted by the Planning Director shall not apply to section 66323 ADUs.



CalHDF appreciates that the City is amending its ADU regulations to keep pace with changes in state law. However, the City should make sure that its ADU regulations comply with state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

A blue ink signature of Dylan Casey, consisting of a large loop followed by a horizontal line and a long, sweeping tail.

Dylan Casey
CalHDF Executive Director

A black ink signature of James M. Lloyd, written in a cursive style with the first letters of the first and last names being capitalized and prominent.

James M. Lloyd
CalHDF Director of Planning and Investigations