



M E M O

TO: HONORABLE MAYOR, MEMBERS OF CITY COUNCIL
FROM: MOLLY RATTIGAN, INTERIM COMMUNITY DEVELOPMENT DIRECTOR
PREPARED BY: MICHAEL WALKER, SENIOR PLANNER
DATE: AUGUST 19, 2025
SUBJECT: ITEM 7.A ADU ORDINANCE AMENDMENT

The City received a letter received from the California Housing Defense Fund (CalHDF) dated August 19, 2025 regarding the latest draft of the ADU Ordinance amendment on this afternoon's City Council agenda for consideration.

Upon receipt of the letter, Staff facilitated a call between CalHDF Executive Director Dylan Casey and CalHDF Director of Planning and Investigation James Lloyd to address their concerns. Specifically, CalHDF's position was to further clarify ADU exemptions pursuant to Government Code Section 66323.

The attached redline Ordinance contains amendments to the following two sections:

- Section 17.52.015.B.3 (page 4 of 10); and
- Section 17.52.015.C.8 (page 7 of 10)

Staff does not believe any further changes to the proposed Ordinance are necessary.

ATTACHMENTS

1. CalHDF Letter, dated August 19, 2025
2. Redline Ordinance



Aug 19, 2025

City of Napa City
955 School Street
Napa, CA 94559

Re: Proposed Amendments to the City's ADU Regulations

By email: ssedgley@cityofnapa.org; cdenatale@cityofnapa.org;
bpainter@cityofnapa.org; mluros@cityofnapa.org; bnarvaez@cityofnapa.org

Cc: cdiaz@cityofnapa.org; spotter@cityofnapa.org; mrattigan@cityofnapa.org;
mespinoza@cityofnapa.org; clerk@cityofnapa.org;
planningdepartment@cityofnapa.org

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

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 handwritten signature in blue ink, appearing to read "Dylan Casey".

Dylan Casey
CalHDF Executive Director

A handwritten signature in black ink, appearing to read "James M. Lloyd".

James M. Lloyd
CalHDF Director of Planning and Investigations

ORDINANCE O2025-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING THE NAPA MUNICIPAL CODE TO (1) AMEND SECTION 15.52.070 "REVIEW REQUIREMENTS FOR APPLICATIONS TO PERFORM WORK ON HISTORIC RESOURCES"; (2) AMEND SECTION 17.06.030 "DEFINITIONS"; AND (3) REPEAL EXISTING SECTION 17.52.015 "ACCESSORY DWELLING UNITS (ADU)" IN ITS ENTIRETY AND REPLACE IT WITH A NEW SECTION 17.52.015, "ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS"

WHEREAS, the City of Napa adopted Ordinance No. O2020-004 ("Ordinance") on April 21, 2020, establishing regulations in Napa Municipal Code ("NMC") Section 17.52.015 for Accessory Dwelling Units ("ADU"); and

WHEREAS, State ADU Law has changed significantly in the years since the Ordinance's adoption; and

WHEREAS, the City of Napa received notice from the Department of Housing and Community Development (HCD) directing the City to amend the Ordinance in compliance with State ADU Law; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

SECTION 1: The City Council hereby makes the following findings:

1. The City Council hereby determines that the actions authorized by this Ordinance are exempt from CEQA pursuant to Public Resources Code Section 21080.17, which exempts the adoption of ordinances regarding accessory dwelling units.
2. The proposed amendment is consistent in principle with the General Plan.

The proposed amendments are consistent with the General Plan in that the amendments simplify the permitting process for ADUs in an effort to encourage homeowners to construct ADUs. Specifically, the proposed amendments are consistent with Land Use Goal LUCD-6-3, which seeks to foster production of a range of housing types to meet the needs

of the City's increasingly diverse and changing population, and enable a greater share of the workforce to live in the community; Housing Goal H2-1, which seeks to assure that affordable housing is provided through density bonuses, ADUs, and other programs or incentives; and Housing Policy H3-2 which seeks to facilitate infill housing and provide increased housing options.

3. The public health, safety and general welfare are served by the adoption of the proposed amendment.

The proposed amendments are beneficial to the public health, safety and general welfare as they establish development standards for ADUs that are consistent with State Law.

4. If a rezoning to a district with a larger minimum lot size is proposed, effectively reducing the planned residential density, the City shall also find that the remaining sites in the Housing Element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to California Government Code section 65584; or if not, that it has identified sufficient additional, adequate and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

The proposed amendment to the ADU regulations does not rezone land, including residential land identified as contributing to the City's ability to accommodate its share of the regional housing needs.

SECTION 2: Amendment. Napa Municipal Code Subsection 15.52.070 "Review requirements for applications to perform work on historic resources", Section 15.52.070(B)(1) is hereby amended to add a new subsection (j) to read as follows:

- j. Accessory dwelling units and junior accessory dwelling units established in compliance with Section 17.52.015.

SECTION 3: Amendment. Napa Municipal Code Subsection 17.06.030 "Definitions" is hereby amended by the following definitions hereby added or amended in their entirety to read as follows:

"Accessory dwelling unit" means an attached or detached residential dwelling that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes the following: an efficiency unit, as defined in Health and Safety Code Section 17958.1, and a manufactured home, as defined in Health and Safety Code Section 18007.

“Attached accessory dwelling unit” means an accessory dwelling unit that is or will be added to an existing or proposed primary dwelling unit that shares at least one wall with the primary dwelling unit or that is created through the conversion of space within the existing or proposed primary dwelling unit, including attached garages, storage areas or similar uses.

“Conversion” means the creation of an accessory dwelling unit or junior accessory dwelling unit by one of the following means: (1) converting space within the existing or proposed primary dwelling unit; (2) converting an existing accessory structure or (3) constructing an accessory dwelling unit in the same location and to the same physical dimensions as an existing accessory structure.

“Detached accessory dwelling unit” means an accessory dwelling unit that is or will be detached from the proposed or existing primary dwelling unit but is not a conversion of an existing detached accessory structure.

“Director” means the Community Development Director or designee of the Community Development Director or City Manager.

“Junior accessory dwelling unit” means an accessory dwelling unit that is no more than 500 square feet in size and contained entirely within a single family residence. Enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence. A junior accessory dwelling unit may contain separate sanitation facilities or may share them with the primary dwelling unit.

“Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

“Primary dwelling unit” means the existing or proposed single family dwelling located on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted pursuant to Section 17.52.015.

“Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

The following definitions within Section 17.06.030 are hereby deleted in their entirety:

“Accessory dwelling unit attached” means an accessory dwelling unit attached to, or located within the living area of, the principal dwelling unit.

“Accessory dwelling unit detached” means an accessory dwelling unit detached from, but located on the same lot as, the principal dwelling unit.

“Living quarter” means an accessory building or portion thereof (or a portion of the main dwelling with a separate entrance and no interior connection to the main dwelling), without cooking facilities, on the same lot as a single-family dwelling, used for sleeping purposes by guests, family members or others. For purposes of this chapter, a living quarter is considered the same/must meet the same standards as an accessory dwelling unit. There shall be no more than one accessory unit or living quarter per lot.

SECTION 4: Amendment. Napa Municipal Code Subsection 17.52.015 “Accessory Dwelling Units (ADU)” is hereby amended by deleting the current text in its entirety and

replacing it with the following:

17.52.015 Accessory dwelling units and junior accessory dwelling units.

- A. Intent. The intent of this section is to regulate accessory dwelling units and junior accessory dwelling units in residential zoning districts consistent with state law.
- B. Applicability.
 - 1. Each accessory dwelling unit or junior accessory dwelling unit shall require an accessory dwelling unit building permit or junior accessory dwelling unit building permit from the city.
 - 2. Except as otherwise provided herein, an accessory dwelling unit and/or junior accessory dwelling unit building permit application shall be approved ministerially by the Director if it meets the requirements set forth in this section and all other applicable zoning, building and health and safety codes.
 - 3. ~~An~~ Subject to the limitations of Government Code section 66323, an accessory dwelling unit and/or junior accessory dwelling unit on a property included in the City's Historic Resources Inventory shall require historic clearance pursuant to Section 15.52.070(A) ~~and shall comply with Chapter 15.52 as well as the requirements of this Section.~~
 - 4. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.
 - 5. The city shall not issue a certificate of occupancy for an accessory dwelling unit or junior accessory dwelling unit before a certificate of occupancy is issued for the primary dwelling unit.
- C. Development standards. Each accessory dwelling unit and junior accessory dwelling unit shall comply with the following requirements:
 - 1. Location, density.
 - a. The lot containing the proposed accessory dwelling unit or junior accessory dwelling unit shall be located within a zone that allows for residential uses and shall include a proposed or existing single-family or multi-family primary dwelling. Accessory dwelling units and junior accessory dwelling units are residential uses and deemed consistent with general plan and zoning designations that allow for residential uses and shall not be considered to exceed the density limitations applicable to the property.
 - b. Except as otherwise provided in subsection (g) below, the total number of accessory dwelling units and/or junior accessory dwelling units per lot shall not exceed the number of accessory dwelling units and junior accessory dwelling units per lot allowed pursuant to Government Code section 66323(a)(1-4) or any successor provisions.

- c. No minimum lot size shall be required for approval of a permit for an accessory dwelling unit or junior accessory dwelling unit.
- d. For the purposes of calculating allowable density, an accessory dwelling unit or junior accessory dwelling unit is not counted as an additional unit.
- e. Notwithstanding any other provision of this Section, a detached accessory dwelling unit with a total floor area of 800 square feet shall be permitted on a lot with an existing or proposed primary dwelling unit consistent with the requirements of Government Code section 66323(a)(2), or any successor provisions.
- f. Notwithstanding any other provision in this Section, an accessory dwelling unit or junior accessory dwelling unit shall not be permitted to be constructed on any property that has utilized the provisions of both Government Code sections 65852.21 and 66411.7 or any successor provisions.
- g. Bonus for Affordable Accessory Dwelling Units. One additional accessory dwelling unit per lot shall be permitted for every accessory dwelling unit on that same lot that is set aside as affordable to very low income or low income households (as defined in Section 15.94.020 of this code) for a period of not less than 10 years, or as affordable to moderate income households (as defined in Section 15.94.020 of this code) for a period of not less than 15 years, provided that the property owner executes an affordable housing agreement acceptable to the Director and approved as to form by the City Attorney. Each affordable housing agreement must be signed by the owner of the real property upon which the affordable accessory dwelling unit will be located, and recorded against such property prior to issuance of a building permit. For accessory dwelling units to be counted as affordable, the following qualifying criteria shall be met:

	Rental Accessory Dwelling Units shall be affordable, including an allowance for utilities, at a rent that does not exceed:	For-Sale Accessory Dwelling Units shall be affordable at an affordable housing cost that does not exceed:
Very Low Income Households	"Affordable rent" as defined in Section 15.94.020 of the code, for very low income households.	"Affordable sales price" as defined in Section 15.94.020 of the code, for very low income households.
Low Income Households	"Affordable rent" as defined in Section 15.94.020 of the code,	"Affordable sales price" as defined in Section 15.94.020 of

	for low income households.	the code, for low income households.
Moderate Income Households	30 percent of 110 percent of the area median income, as adjusted for family size appropriate for the unit.	35 percent of 110 percent of the area median income, as adjusted for family size appropriate for the unit.

The “bonus” accessory dwelling unit shall otherwise comply with the provisions of this Section.

2. Floor Area.
 - a. Except for conversions, the total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
 - b. The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of the proposed or existing primary dwelling unless such restriction would result in a maximum size of less than 800 square feet, in which case 800 square feet shall be the permitted size.
 - c. For conversions, the total floor area of the accessory dwelling unit shall not exceed the physical dimensions of the existing primary dwelling unit or accessory structure except that it may include an expansion of up to 150 square feet solely for the purpose of accommodating ingress and egress. This subsection (C)(2)(c) does not apply to proposed accessory dwelling units described in and meeting the requirements of Government Code section 66323(a)(4).
3. Coverage Limits and Exceptions. The accessory dwelling unit shall comply with the structural and impervious coverage limits of the applicable zoning district unless such coverage limits would prohibit the construction of an 800 square foot accessory dwelling unit. This subsection (C)(3) does not apply to proposed accessory dwelling units described in and meeting the requirements of Government Code section 66323(a).
4. Setbacks.
 - a. No setback is required for a conversion of an existing primary dwelling unit or accessory structure to an accessory dwelling unit or junior accessory dwelling unit or for an accessory dwelling unit that is constructed in the same location and to the same dimensions as an existing accessory structure, unless necessary for fire protection and safety.
 - b. Except for conversions, a setback of four feet from the side and rear lot lines shall be required for each accessory dwelling unit or junior accessory dwelling unit.
 - c. Except for conversions, accessory dwelling units shall comply with the front setback requirement of the underlying zoning district unless such setback would prevent the construction of an 800 square foot accessory dwelling unit in compliance with Government Code

section 66323(a)(4) or any successor provisions. This subsection (C)(4)(c) does not apply to proposed accessory dwelling units described in and meeting the requirements of Government Code section 66323(a).

5. Height.
 - a. Attached and detached accessory dwelling units shall not exceed the heights listed in Government Code section 66321(b)(4) or any successor provisions, and shall comply with the design standards listed in subsection C(8) herein.
 - b. No accessory dwelling unit shall exceed two stories in height.
 - c. No height restriction shall apply to a junior accessory dwelling unit; however, the primary dwelling unit shall comply with any height restrictions for the zoning district.
6. Access.
 - a. Attached accessory dwelling units and conversions shall have independent exterior access from the primary dwelling unit.
 - b. No passageway shall be required in conjunction with the construction of a detached accessory dwelling unit.
 - c. If a junior accessory dwelling unit does not include a separate bathroom, it shall also include an interior entry to the main living area of the primary dwelling unit.
7. Fire Sprinklers. Accessory dwelling units and junior accessory dwelling units shall not be required to have fire sprinklers if they are not required for the primary dwelling unit. Fire sprinklers shall be considered "required for the primary dwelling unit" in any of the following circumstances:
 - a. When fire sprinklers are currently installed in the primary dwelling unit;
 - b. When fire sprinklers will be installed in a new primary dwelling unit constructed concurrently with an accessory dwelling unit or junior accessory dwelling unit; or
 - c. When fire sprinklers will be installed in an existing primary dwelling unit as the result of an addition to the primary dwelling unit, except for an addition solely for the purpose of constructing an accessory dwelling unit or junior accessory dwelling unit, which addition triggers any requirement for retroactive installation of fire sprinklers in the primary dwelling unit.

The construction of an accessory dwelling unit or junior accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in any existing dwelling.
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, including but not limited to Section 66323. 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.
- 9. Additional Development Standards for Junior Accessory Dwelling Units.
 - a. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of applying building or fire codes.
 - b. The maximum floor area for a junior accessory dwelling unit shall not exceed five hundred (500) square feet. If the sanitation facility (i.e., bathroom) for the junior accessory dwelling unit is shared with the remainder of the single-family dwelling, it shall not be included in the square footage calculation for the junior accessory dwelling unit.
 - c. A junior accessory dwelling unit shall include an efficiency kitchen, including a cooking facility with appliances and a food preparation counter and storage cabinets.
- D. Parking.
 - 1. Except as provided in Government Code sections 66322 and 66323 or any successor provisions, one off-street parking space shall be required for each accessory dwelling unit in addition to any off-street parking requirements for the existing primary dwelling unit. The required off-street parking for an accessory dwelling unit may be located in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
 - 2. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or wholly or partially converted to an accessory dwelling unit, replacement off-street parking is not required to be provided.
 - 3. No parking shall be required for a junior accessory dwelling unit.
- E. Utilities, fees.
 - 1. Attached accessory dwelling units shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or be subject to related connection fees or capacity charges for utilities, unless the accessory dwelling unit is constructed with a new single-family dwelling.
 - 2. Junior accessory dwelling units shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or be subject to related connection fees or capacity charges for utilities.
 - 3. No impact fees shall be imposed on junior accessory dwelling units, or accessory dwelling units that are less than 750 square feet in floor area. For

accessory dwelling units 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.

F. Occupancy, sale/rent.

1. The accessory dwelling unit and/or primary dwelling unit may be occupied by any person without rent or may be rented, except that if the lot contains a junior accessory dwelling unit then one of the units on the lot must be owner-occupied unless the owner is another governmental agency, land trust, or housing organization.
2. The rental of an accessory dwelling unit or junior accessory dwelling unit shall be for a term longer than 30 days.
3. Except as otherwise provided in Government Code Section 66341, no accessory dwelling unit may be sold or otherwise conveyed separately from the primary dwelling unit.
4. No junior accessory dwelling unit shall be sold or otherwise conveyed separate from the primary dwelling unit. Prior to occupancy, the applicant shall record a deed restriction, which shall run with the land and be filed with the city, and shall include both of the following:
 - a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - b. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this Section.

G. Correction of nonconformity. The city can condition approval of an accessory dwelling unit permit or junior accessory dwelling unit on the correction of any existing physical improvements on the lot that do not conform with current zoning standards, building codes, or permitting requirements, provided the improvements present a threat to public health and safety and are affected by the construction of the accessory dwelling unit or junior accessory dwelling unit.

SECTION 4: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 5: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.
City of Napa, a municipal corporation

MAYOR: _____

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 19th day of August, 2025, and had its second reading and was adopted and passed during the public meeting of the City Council on the 2nd day of September, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to Form:

Christopher Diaz
Interim City Attorney