



Jul 11, 2025

City of Napa City
955 School Street
Napa, CA 94559

Re: Proposed Amendments to the City's ADU Regulations

By email: clerk@cityofnapa.org; planningdepartment@cityofnapa.org

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

Dear Napa Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment regarding item 6C for the Planning Commission meeting of July 17, 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 letter 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) and 17.52.015(C)(8)(b) impose historic preservation requirements on ADUs located on the City’s historic resources inventory. However, the City may not impose any design requirements, including historic preservation regulations, on Section 66323 ADUs.

From page 20 of the January 2025 HCD ADU [Handbook](#) (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 amend its ordinance to state clearly that none of these historic preservation regulations apply to section 66323 ADUs.

Impermissible Design Regulations

City code section 17.52.015(C)(8) imposes various design requirements on ADUs, including entrance location regulations, fenestration standards, fencing requirements, landscaping, and historic regulations. However, the City may not impose any design requirements on Section 66323 ADUs.

From page 20 of the January 2025 HCD ADU [Handbook](#) (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.



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", with a long horizontal flourish extending to the right.

Dylan Casey
CalHDF Executive Director

A handwritten signature in black ink, appearing to read "James M. Lloyd", with a stylized, cursive script.

James M. Lloyd
CalHDF Director of Planning and Investigations