



Dec 17, 2025

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Re: Proposed Amendments to the City's ADU Regulations

Dear Soledad City Council,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment regarding item VIII.2 for the Council meeting of December 17 2025, an update to the City's zoning text. Specifically, CalHDF writes to comment on the City's proposed regulations for the construction of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs").

There are specific portions of the City's ADU code that violate state law, and the City should correct 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 Owner Occupancy Restriction on JADUs

City code section 17.38.260(C)(1) requires owner occupancy for properties that contain a JADU.

However, the City should also be aware that [AB 1154](#) will be effective on January 1, 2026. In addition to other provisions, AB 1154 forbids the application of owner occupancy requirements to properties with a JADU when the JADU has its own bathroom.

Given how close we are to the effective date of AB 1154, the City should update its code accordingly.

Impermissible Application of Underlying Standards

City code section 17.38.260(D)(1)(e) applies all underlying zoning standards to all attached ADUs, with an exception if application of such standards would preclude construction of an 800 square foot ADU.

City code section 17.38.260(D)(2)(e) applies all underlying zoning standards to all detached ADUs, with an exception if application of such standards would preclude construction of an 800 square foot ADU.

However, as discussed *supra*, the City may not apply any underlying standards to ADUs developed pursuant to Government Code section 66323, subdivision (a). The savings clause regarding 800 square foot ADUs is insufficient because ADUs developed pursuant to section 66323, subdivision (a) are not subject to any underlying zoning standards, as Government Code section 66323, subdivision (b) forbids the application of any local standards.

Of particular note, City code section 17.38.260(D)(2)(e) applies underlying front setback requirements to all detached ADUs. However, Government Code section 66323, subdivision

(a) does not permit any imposition of front setback requirements if the ADUs qualify for the protections of that section of law. This is because Government Code section 66323, subdivision (b) forbids application of any local standards not specifically listed in section 66323. New construction, detached ADUs developed pursuant to section 66323 are only required to adhere to four foot side and rear setbacks. This means that the City may not impose any front setbacks on such ADUs.

Additionally, the savings clause relating to 800 square foot ADUs is insufficient. First, even if an ADU is developable elsewhere on the parcel, Government Code section 66323, subdivision (b) forbids the City from imposing a front setback requirement in order to regulate the ADU's location. Second, detached ADUs developed on parcels with multifamily buildings pursuant to Government Code section 66323, subdivision (a)(4) are not subject to any size limits. This is because Government Code section 66323 does not include any size limits on ADUs on multifamily parcels, and Government Code section 66323, subdivision (b) forbids the application of any development standards to section 66323 ADUs if such standards are not included in section 66323. This means that an exception for 800 square foot ADUs is inadequate for detached ADUs developed on parcels with multifamily buildings.

HCD has issued guidance under its authority in Government Code section 66327 (that guidance is located in the January 2025 HCD ADU [Handbook](#), page 18) affirming the duty of local agencies to allow ADUs protected by Government Code section 66323 in the front setback under all circumstances: "66323 Units do not have to comply with lot coverage, **front setbacks**, and design standards." This applies whether the property is a single family home or a multifamily building.

The City must amend its code to exempt section 66323 ADUs from all underlying zoning standards, including front setback requirements.

Impermissible Parking Requirements

City code section 17.38.260(D)(2)(d) imposes parking requirements on all ADUs, less certain specified exceptions.

However, as discussed *supra*, the City cannot impose local development standards on ADUs that conform to the requirements of Government Code section 66323, subdivision (a), as section 66323, subdivision (b) specifically exempts such ADUs from all local requirements. This means that the City cannot impose parking 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, subs. (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 must amend its ADU ordinance to exempt section 66323 ADUs from parking requirements, as is required by state law.



It is laudable that the City is updating its ADU regulations as state law changes. However, the City should make sure that its zoning 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