



COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: November 26, 2025

TO: File

FROM: Steven A. Mendoza, Interim Director of Community Development

SUBJECT: **Code Interpretation for 14201-14205 Willow Lane (Case 2025-0081).**

This summary includes State law, the HCD Handbook, the Westminster Municipal Code (WMC), and the Building Division's interpretation to ensure consistent determination.

Project: Willow Lane Homes
Property Address: 14201–14205 Willow Lane (CASE-2025-0081)

California Government Code 66314(d)(3)

After reviewing the project plans and relevant regulations, the accessory dwelling units (ADUs) on Lots 20–27 may be classified as attached ADUs based on their structural connection to the main dwellings. Although the elevations display a breezeway element between the buildings, this connector does not function as an “accessory structure” under Government Code Section 66314(d)(3). Instead, it is integrated into the main building's structural system and built as part of the primary residence.

Government Code Section 66314(d)(3) specifies that a connection through an accessory structure—such as a breezeway, carport, or garage—does not create an attached ADU. This limitation applies only when the link between the ADU and primary dwelling is exclusively through an accessory structure. Here, the connecting element is not classified as an accessory structure under the Municipal Code or the Building Code, but rather as part of the primary dwelling.

Because the connector is treated as a component of the main structure, the limitation in Section 66314(d)(3) does not apply. As a result, the ADUs are connected to the primary dwellings through a structural element of the main building, meeting the criteria for classification as attached ADUs under State law.

HCD Handbook (January 2025 Edition, Page 41)

HCD guidance defines an attached ADU as a unit that “structurally abuts and connects to an existing or proposed primary dwelling or accessory structure.” HCD does not require the

connection to occur through habitable or conditioned space, nor does it require a particular type of shared wall. HCD's emphasis is on structural attachment, not functional or habitable integration. Because the connector in this project is part of the primary dwelling's structure—not a detached accessory feature—the ADUs are considered structurally connected. This meets HCD's definition of an attached ADU.

Westminster Municipal Code (WMC)

WMC Section 17.400.135(A2) defines an attached ADU as “an accessory dwelling unit that is physically attached to a primary dwelling.” There is no requirement for a shared interior wall or habitable space. The term “physically attached” is interpreted based on the structural integration. WMC Section 17.700.010 defines accessory structure as a structure that is physically detached and incidental to a primary structure (e.g., breezeways, carports, detached garages). The classification depends on the structure's function and purpose—not simply its appearance on the plans. In this case, the connector is not a free-standing or incidental structure. It is part of the primary building assembly and is not functioning independently. Therefore, under the WMC, the ADU is not considered an accessory structure and is properly classified as an attached structure.

Building Division Interpretation

In my discussion with Justin Nguyen, he confirmed that the ADUs would be considered attached structures, as the connecting portion is designed and constructed as part of the main structure, with no air gaps between the buildings.

Goals of the Westminster Housing Element

In reviewing this case, I also consulted the City's Housing Element to provide policy-level guidance when the Municipal Code is unclear. The property has been included within the Housing Element Sites Inventory. The Goals are as follows:

GOAL H-1: ADEQUATE SITES

Allow for a diversity of housing opportunities to meet Westminster's current and projected housing needs.

H-1.1 Promote a variety of dwelling unit types and affordability levels to provide housing for all household types, lifestyles and income levels.

H-1.2 Promote mixed-use and infill housing development opportunities in the City's mixed-use areas, consistent with the City's adopted General Plan Land Use Map.

H-1.3 Recognize existing underdeveloped residential areas that can accommodate additional development within existing land use and zoning standards.

H-1.4 Facilitate the creation of accessory dwelling units and junior accessory dwelling units in all residential districts as a means of dispersing small, affordable units throughout the community.

H-1.5 Maintain adequate capacity to accommodate the City's unmet Regional Housing Needs Allocation (RHNA) for all income categories throughout the planning period.

H-1.6 Allow by-right approval for housing developments proposed for non-vacant sites included in one previous housing element inventory and vacant sites included in two previous housing elements, provided that the proposed housing development consists of at least 20 percent lower-income and affordable housing units (income and affordability levels set forth in Sections 50079.5, 50093, and 50105 of the Health and Safety Code shall apply).

GOAL H-2: HOUSING DEVELOPMENT

Assist in the development of new housing, including affordable, special needs, and market-rate housing.

H-2.1 Increase housing opportunities and choices for lower and moderate-income Westminster households, as funding is available.

H-2.2 Support innovative public, private, and nonprofit efforts in the development and financing of affordable and/or special needs housing.

H-2.3 To the extent feasible, make use of the tools available to the city to assemble land or sell land at a write-down for affordable housing.

H-2.4 Support the development and preservation of affordable senior rental and ownership housing and supportive services to facilitate maximum independence and the ability of seniors to remain in their homes and/or in the community.

H-2.5 Address the special housing needs of persons with disabilities through provision of supportive housing, zoning for group housing, reasonable accommodation procedures and encouraging universal design.

H-2.6 Encourage transit-oriented development consisting of higher residential densities, public gathering places, streetscape amenities, and commercial and entertainment uses within walking distance of planned high-frequency bus stops.

H-2.7 Support joint powers authorities and similar entities to further the preservation, protection, and production of workforce housing.

H-2.8 Continue implementing a continuum of care for Westminster's homeless population, including provisions for emergency shelter, transition housing, and permanent supportive housing.

H-2.9 Promote cost-effective energy conservation measures in new construction and rehabilitated housing projects.

GOAL H-3:

Remove or reduce constraints to the maintenance, improvement, and development of housing.

H-3.1 Identify and remove regulatory constraints as feasible to provide quality housing that meets the needs of Westminster's current and future residents.

H-3.2 Incentivize the development of affordable housing, as funding is available, to facilitate the development of housing for the City's lower and moderate-income households.

H-3.3 Support the use of regulatory incentives, such as density bonuses, fee waivers, and parking reductions, to offset the costs of affordable housing.

H-3.4 Establish objective development standards to create greater certainty for developers and streamline the development review and permitting process.

H-3.5 Monitor State and federal housing-related legislation, and update City plans, ordinances, and processes as appropriate to remove or reduce governmental constraints.

Discussion

For Lots 20–27, the plans demonstrate that:

1. The ADUs directly abut the primary dwellings at a structural wall plane;
2. The breezeways are incidental and not the sole connection;
3. The ADUs form part of the same building assembly, consistent with HCD and Building Code interpretation; and
4. Neither State law nor the WMC requires shared interior space for classification as attached.
5. Because the connection between each ADU and the primary dwelling is not limited to an accessory structure, the limitation in Government Code 66314(d)(3) does not apply. This configuration satisfies the definition of an attached ADU under State law, HCD guidance, the WMC, and local Building Code interpretation.

Recommendation

Based on Government Code Section 66314(d)(3), the HCD Handbook (January 2025 Edition, Page 41), WMC Sections 17.400.135(A) and 17.700.010, Building Division guidance and the City's Housing Element, the proposed ADUs on Lots 20–27 qualify as attached accessory dwelling units. The connecting breezeway does not act as an accessory structure but instead functions as part of the primary dwelling's construction. Because the ADUs are connected through a structural building element that is not an accessory structure, the limitation under Section 66314(d)(3) does not apply, and the proposed units meet the criteria for classification as attached ADUs and forwards the goals within the City's Housing Element.