

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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March 6, 2025

David Sanchez, Community Development Director
Planning Department
City of Camarillo
601 Carmen Dr
Camarillo, CA 93010

Dear David Sanchez:

RE: Review of Camarillo's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 - 66342)

Thank you for submitting the City of Camarillo (City) (ADU) Ordinance No. 2018 (Ordinance), adopted February 14, 2024, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance does not comply with State ADU and junior accessory dwelling unit (JADU) Laws in the manner noted below. Under section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than April 5, 2025.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law in the following respects:

1. *Senate Bill (SB) 1211 (Chapter 296, § 3, Statutes of 2024)* – As of January 1, 2025, the Legislature changed Government Code section 66323. Subdivision (a)(4)(A)(ii) and (iii), now allows for the following:
 - (ii) On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.
 - (iii) On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units.

Additionally, subdivision (b) now states “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).” Therefore, the City must amend the Ordinance to account for these changes.

2. *Assembly Bill (AB) 2533 (Chapter 834, Statutes of 2024)* - As of January 1, 2025, there are changes to Government Code section 66332. Subdivisions (a) and (b) were changed and subdivisions (d) – (f) were added. Changes include permitting previously unpermitted ADUs, adding the same protections for JADUs, and setting additional requirements for local agencies. The City should review these new requirements and adjust the Ordinance to comply with State ADU Law.
3. *Statutory Numbering* - The Ordinance contains several references to code sections that were deleted by SB 477, effective March 25, 2024. These include Government Code sections 65852.2, 65852.22, and 65852.26. The contents of these sections were relocated to Government Code, Title 7, Division 1, Chapter 13 (sections 66310-66342, see Enclosure). The City must amend the Ordinance to refer to the correct code sections.
4. Section 19.56.030 A.2 – *Denial* – The Ordinance states, “If a single-family or multifamily dwelling exists on the parcel upon which an ADU is proposed, the city will approve or deny an application to create an ADU within 60 days from the date the city receives a completed application.” However, Government Code section 66317, subdivision (b) states, “If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.” Therefore, the City must add language to require a full set of comments upon denial.
5. Section 19.56.050 A – *Unit Allowance* – The Ordinance allows “One internal or attached ADU, or one JADU, is permitted per parcel with a proposed or existing single-family dwelling. [or] One detached, new construction or conversion of an existing structure, [which] may be combined only with a JADU as provided in subsection (A)(1) above.” The result is a mutually exclusive allowance of either one ADU, a JADU, or the combination of one detached ADU with one JADU.

However, Government Code section 66323, subdivision (a), states, “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: (1) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling... (A) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single family dwelling or existing space of a single-family dwelling or accessory structure.” Paragraph (2) permits “[o]ne detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks.” The use of the term “any” followed by a list of permitted ADU types indicates that any of these ADU types can be combined on a lot zoned for single family dwellings.

This permits a homeowner, who meets specified requirements, to create one converted ADU; one detached, new construction ADU; and one JADU. Thus, if the local agency approves an ADU that is created from existing (or proposed) space, and the owner subsequently applies for a detached ADU (or vice versa) that meets the size and setbacks pursuant to the subdivision, the local agency cannot deny the application, nor deny a permit for a JADU under this section. Therefore, the City must amend the Ordinance to provide for all ADU combinations described in Government Code section 66323.

6. Section 19.56.060 A – *Maximum Sizes* – The Ordinance provides maximum sizes based on the size of the primary unit. However, local development standards may not preclude units created subject to Government Code section 66323; therefore, the City must amend the Ordinance to note that units subject to that section are not subject to size maximums.
7. Section 19.56.060 G – *Entrances* – The Ordinance requires a separate entrance, “Which must be located on the side or at the rear of the primary dwelling unit and may also be served by a common entrance with the primary dwelling unit.” However, local development standards may not preclude units created subject to Government Code section 66323 and the City must note the exception.
8. Section 19.56.090 A – *Owner Occupancy* – The Ordinance states, “Beginning January 1, 2025, the applicant for an ADU must be an owner-occupant.” However, the owner occupancy allowance that would have become permissible on January 1, 2025, was removed from State ADU Law with the adoption of AB 976 (Chapter 751, Statutes of 2023). Current Government Code section 66315 states “Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. 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.” Therefore, the City must amend the Ordinance to remove references to owner occupancy.
9. Section 19.56.100 B – *JADUs in Attached Garages* – The Ordinance states, “A JADU may have a maximum size of 500 square feet and must be contained entirely within an existing or proposed single-family dwelling.” However, Government Code section 66333, subdivision (d) states “For purposes of this subdivision, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.” Therefore, the City must amend the Ordinance to provide for JADUs in attached garages.

10. Section 19.56.100 C – *JADU Entrances* – The Ordinance states that a JADU entrance “must be on the side or rear of the primary residence whenever possible.” However, local development standards such as door placement requirements cannot preclude a JADU per Government Code section 66323, subdivision (a)(1). The City should must remove the quoted text from the Ordinance.

11. Section 19.56.110 A – *Deed Restrictions* – The Ordinance requires a “Declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner.” However, a deed restriction for an ADU would be an additional standard and therefore inconsistent with Government Code section 66315. The City must remove this section.

Please note that the City has two options in response to this letter.¹ The City can either amend the Ordinance to comply with State ADU Law², or adopt the Ordinance without changes and include findings in its resolution adopting the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD’s findings.³ If the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.⁴

HCD appreciates the City’s efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please contact Mike Van Gorder, of our staff, at mike.vangorder@hcd.ca.gov if you have any questions or would like HCD’s technical assistance in these matters.

Sincerely,



Jamie Candelaria
Senior Housing Accountability Manager
Housing Policy Development Division

¹ Gov. Code, § 66326, subd. (c)(1).

² Gov. Code, § 66326, subd. (b)(2)(A).

³ Gov. Code, § 66326, subd. (b)(2)(B).

⁴ Gov. Code, § 66326, subd. (c)(1).

State ADU/JADU Law Statutory Conversion Table

| New Government Code Sections | Previous Government Code Sections |
|---|---|
| Article 1. General Provisions | |
| 66310 | 65852.150 (a) |
| 66311 | 65852.150 (b) |
| 66312 | 65852.150 (c) |
| 66313 | General Definition Section 65852.2 (j) 65852.22 (j) |
| Article 2. Accessory Dwelling Unit Approvals | |
| 66314 | 65852.2(a)(1)(A), (D)(i)-(xii), (a)(4)-(5) |
| 66315 | 65852.2 (a)(8) |
| 66316 | 65852.2 (a)(6) |
| 66317 | 65852.2 (a)(3), (a)(7) |
| 66318 | 65852.2 (a)(9), 65852.2 (a)(2) |
| 66319 | 65852.2 (a)(10) |
| 66320 | 65852.2 (b) |
| 66321 | 65852.2 (c) |
| 66322 | 65852.2 (d) |
| 66323 | 65852.2 (e) |
| 66324 | 65852.2 (f) |
| 66325 | 65852.2 (g) |
| 66326 | 65852.2 (h) |
| 66327 | 65852.2 (i) |
| 66328 | 65852.2 (k) |
| 66329 | 65852.2 (l) |
| 66330 | 65852.2 (m) |
| 66331 | 65852.2 (n) |
| 66332 | 65852.23. |
| Article 3. Junior Accessory Dwelling Units | |
| 66333 | 65852.22 (a) |
| 66334 | 65852.22 (b) |
| 66335 | 65852.22 (c) |
| 66336 | 65852.22 (d) |
| 66337 | 65852.22 (e) |
| 66338 | 65852.22 (f)-(g) |
| 66339 | 65852.22 (h) |
| Article 4. Accessory Dwelling Unit Sales | |
| 66340 | 65852.26 (b) |
| 66341 | 65852.26 (a) |
| 66342 | 65852.2 (a)(10) |